



CALAVERAS COUNTY PLANNING DEPARTMENT  
891 Mountain Ranch Road,  
San Andreas, California 95249  
(209) 754-6394

**Planning Commission Staff Report**

<b>Hearing Date</b>	April 11, 2024
<b>Project Number/Name</b>	2023-050 EOT of TSTM 2019-006 for Madison MRH-8 Marina, LLC
<b>Supervisory District Number</b>	District 4, Amanda Folendorf
<b>Assessor's Parcel Number(s)</b>	055-026-007, 055-051-024, -025, -026, -027, -028, -035, -057, -059, -060, -061, -062, -068
<b>Planner</b>	Madeleine Flandreau, Planner III

**PROJECT DESCRIPTION:** Madison MRH-8 Marina, LLC is requesting a 5-year Extension of Time (EOT) for Tentative Subdivision Tract Map (TSTM) 2019-006.

**APPLICANT/LANDOWNER:** Madison MRH-8 Marina, LLC  
100 Town Square Road  
Copperopolis, CA 95228

**PROJECT LOCATION:** The project is located west of the Saddle Creek Drive and Little John Road intersection in Copperopolis, including the following APNs: 055-026-007, 055-051-024, -025, -026, -027, -028, -035, -057, -059, -060, -061, -062, -068. The project area is located in portions of Sections 22, 23, 26, and 27 in T01N, R12E, MDM.

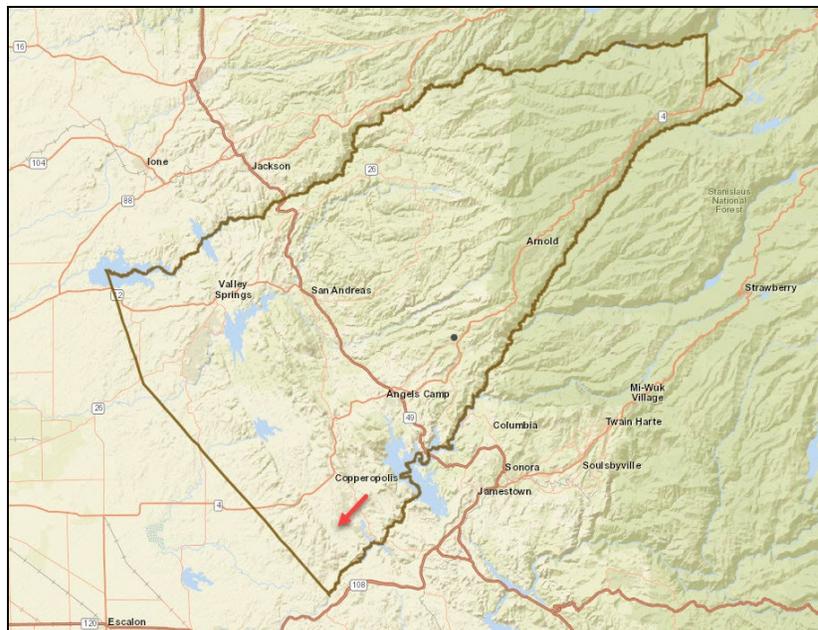


Figure 1- Location

**BACKGROUND:**

In October 1992, an Administrative Draft EIR was submitted to the Calaveras County for the Saddle Creek Specific Plan. The Specific Plan establishes goals, policies, implementation measures, development standards, land uses, and zoning for the approximately 890-acre Saddle Creek (now called the Golf Club at Copper Valley) master-planned development consisting of residential uses, recreation facilities, a championship-style golf course, and supporting commercial facilities in Copperopolis. A revised Administrative Draft EIR was subsequently prepared in 1993. The Board of Supervisors approved the Specific Plan and certified the Final EIR on December 6, 1993.

On May 5, 1994, the County Planning Commission signed a Resolution approving a Tentative Subdivision Tract Map (TSTM) to create 1,650 single-family parcels and recommended that the Board of Supervisors adopt an ordinance approving the Saddle Creek Development Agreement (Development Agreement). On June 13, 1994, the Board of Supervisors approved an ordinance adopting the Development Agreement, which specifies the standards and requirement for development of the project as a whole as well as the individual homesites within the Specific Plan. The Development Agreement was approved for a term of 15 years. A 5-year extension of time for the Development Agreement was approved in 2008. A second 5- year extension of time for the Development Agreement was approved in 2014. The Development Agreement expired on June 13, 2019, and the remaining unrecorded portions of the approved tentative subdivision map expired on the same date. All obligations required by the Development Agreement were completed prior to expiration, including: construction of the 18-hole golf course, clubhouse and lodging units; construction of the Little John Road extension to State Route 4; construction of the left turn lane from Copper Cove Drive onto Little John Road; funding for the Copperopolis Fire Department; completion of the Public Works Route Corridor Study; off-site improvements for water and sewer; wetlands mitigation for the entire site; establishment of a Community Services District; and recordation of seven units of the TSTM comprising 549 lots.

Currently, the Golf Club at Copper Valley is accessed via a single entrance point from Little John Road by way of Saddle Creek Drive. The 1994 entitlements issued for the Golf Club at Copper Valley require the construction of a second access road prior to the recordation of any additional final maps for the development. Two approved second entrances, at Bow Drive and Flint Trail, were depicted on the 1994 approved TSTM. The Tentative Map expired prior to issuance of the building permit, thus the threshold for the required construction of the second access was never accomplished.

In 2019, TSTM 2019-006 was submitted to continue development within the Golf Club at Copper Valley. The TSTM proposed 752 residential parcels and 48 condominiums. The project will bring the lot total to 1349. As this development was located fully within the Specific Plan, a notice of exemption was filed and no environmental analysis was completed. The TSTM was conditionally approved allowing the applicant 36 months to record the final subdivision map.

A condition of approval required that a secondary access be connected at Flint Trail with any development in the southern portion of the project. The proposed South Flint Trail secondary access was added and found to be exempt from CEQA; a Notice of Exemption (NOE) was filed with the County on September 11, 2020.

The approved secondary access road, which was contained entirely within the existing Specific Plan area, proved problematic. The road funneled all subdivision traffic through an area proposed for high-density residential development and adversely impacted protected wetland areas. The protected wetland area is described in the US Army Corps of Engineers Nationwide Permit 26, No. 199100807, June 13, 1998, and are shown on recorded maps of the development. The protected wetland areas are also described and protected in perpetuity by the "Declaration of Restrictions" recorded June 12, 1998, as instrument #1998 7539. Wetland areas are monitored and maintained by the Copper Valley Community Services District (CSD). These wetland areas shall remain protected.

Accordingly, the project applicant has been working on acquiring lands, and preparing legal and environmental documentation for the construction of a revised and improved South Flint Trail Secondary Access Road to the Golf Club at Copper Valley for the last 3 years. The applicant is therefore requesting a discretionary extension of TSTM 2019-006 for an additional five years.

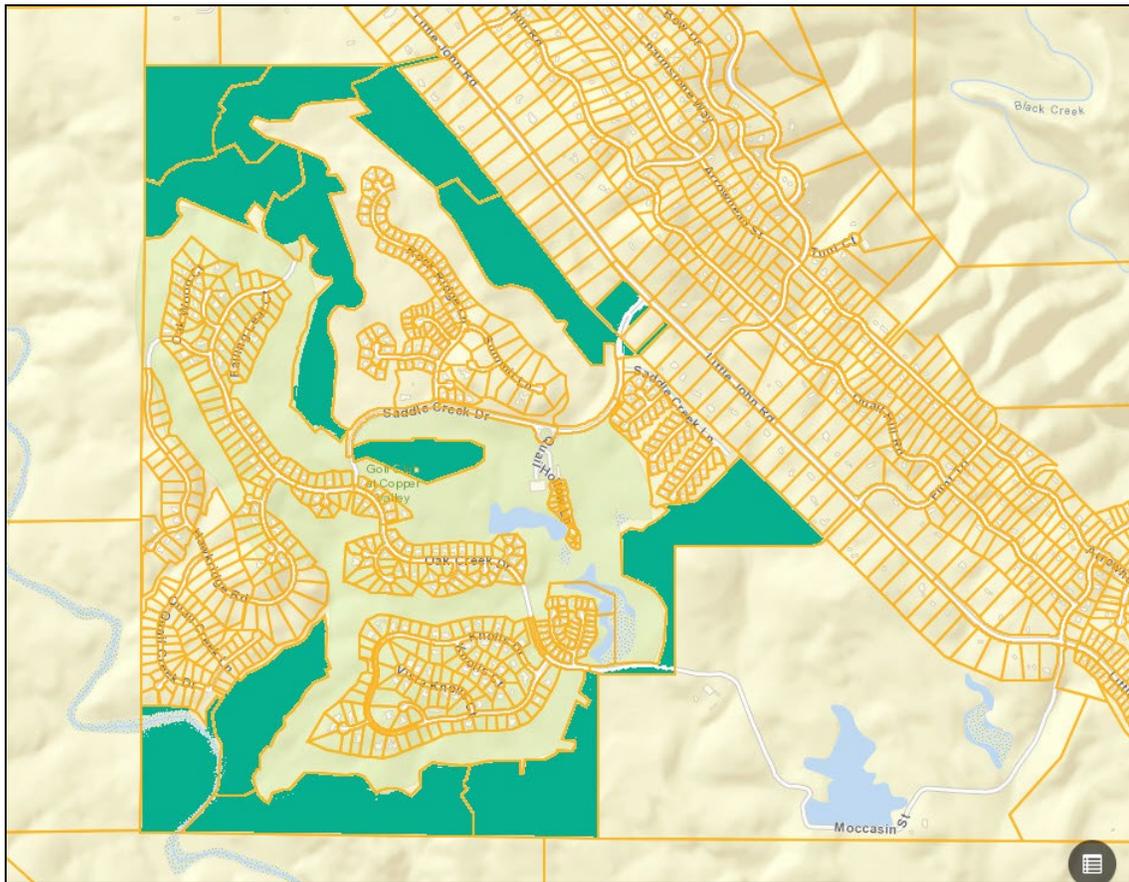


Figure 2- Location of TSTM parcels



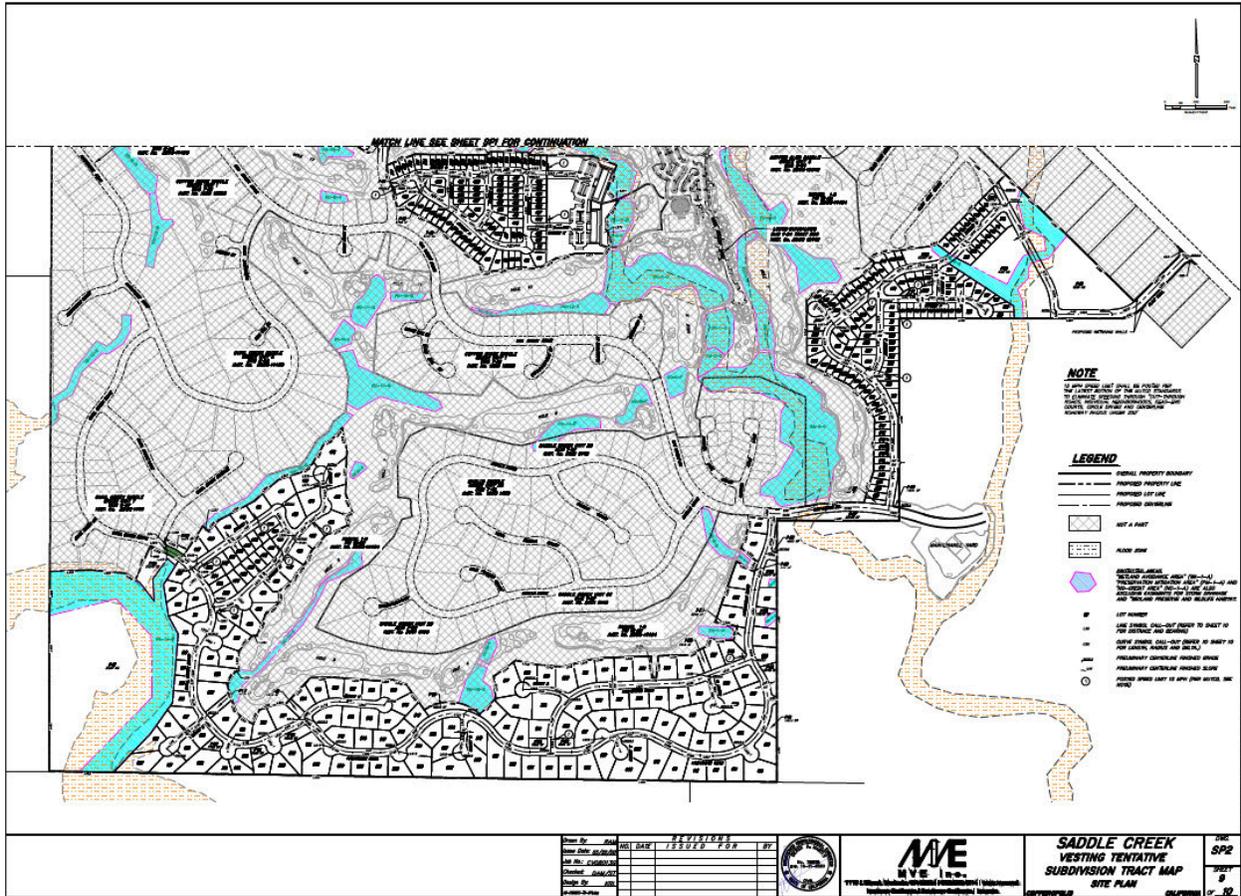


Figure 4- Southern half of TSTM 2019-006

**ANALYSIS:**

Pursuant to Gov. Code §66452.6(e), the Subdivision Map Act allows a discretionary extension of time for a period not to exceed a total of six (6) years on top of the initial thirty-six (36) months that may be granted by the Planning Commission upon holding a properly noticed public hearing. (Staff is aware that existing 16.08.040 states that only five years of discretionary extensions may be granted, but this provision of our ordinance is pre-empted by the state law requirements of the Subdivision Map Act, which requires the County to offer up to six years.) The current application, however, is for five years.

**County Code Section 16.08.040 – Extensions of time for tentative parcel maps and tentative subdivision tract maps:**

- B. Upon application of the subdivider filed prior to the expiration date of the approved or conditionally approved tentative subdivision tract map, the time at which the map expires may be extended by the planning commission for a period or periods not exceeding a total of five years. The period of extension specified in this subdivision is in addition to the period of time provided by Section 16.08.010(A).

1. The applicant shall provide evidence to demonstrate that a good faith effort has been made in pursuit of meeting conditions of the map. These actions may include, but are not limited to:
  - a. Pursuing approval from other agencies;
  - b. Engineered design plans; and
  - c. Actual construction.
2. If the planning commission determines to grant the extension, it shall make a finding based upon evidence in the public record that a good faith effort has been demonstrated towards meeting conditions of the map.

The TSTM includes conditions from the Planning Department, Public Works, Environmental Management Agency, Copperopolis Fire Protection District, and the Copper Valley Community Services District, to protect the public health, safety, and welfare. For reasons expressed by the applicant's extension request received September 8, 2023 (see Attachment 3), the TSTM final map was not recorded by its expiration date of September 10, 2023. Therefore, to allow additional time to complete the requirements of the TSTM, the applicant filed a timely request to extend the expiration date by 60 months. Pursuant to Calaveras County Code Section 16.08.040, the applicant must provide evidence to demonstrate that a good faith effort has been made in pursuit of meeting conditions of the map.

The permit process for this project is extensive requiring several agreements and permits from multiple agencies including the Calaveras County Water District (CCWD) and the Public Works Department. Currently, the Golf Club at Copper Valley is accessed via a single entrance point from Little John Road by way of Saddle Creek Drive. Public Works Condition II-4 of Planning Commission Resolution 2020-018 required a second point of access as a condition of approval due to excessive length of dead-end roads and the number of parcels served by a single access point in the existing Saddle Creek development. The original proposed secondary access proved to be problematic due to protected wetlands, and a revised and improved secondary access became necessary which was not originally analyzed in the EIR. Between 2021 and 2023, legal documents were prepared to transfer lands from CCWD, designs were made, and studies were completed for the South Flint Trail Secondary Access Road Project. In 2023, an Addendum to the EIR was prepared by the De Novo Planning Group to accommodate this change.

Due to the need for the redesigned secondary access road, the work necessary to complete the conditions of approval was too extensive to be accomplished in 36 months. The applicant is currently preparing the grading plans for the access road and needs additional time to prepare. The applicant has worked diligently toward the completion of the conditions and has invested significantly in project tasks.

In summary, this project remains viable as approved and the applicants have demonstrated that they are committed to completing this project. They simply need

additional time to meet all necessary permit conditions before they will be able to record the final subdivision map. The applicants are requesting a five-year extension and are not proposing any changes to the project. Allowing the applicants five more years will not be detrimental to the County.

**ENVIRONMENTAL REVIEW:**

The request for a 60-month extension of time is exempt the provisions of the California Environmental Quality Act (CEQA) pursuant to Guideline 15061(b)(3), as it can be seen with certainty that there is no possibility that the extension in question may have a significant effect on the environment. Also, on the basis of the whole record, there is no substantial evidence that granting a 60-month extension to record the final TSTM as designed and conditioned will have a significant effect on the environment. The scope of review is limited to whether or not to grant the time extension under County Code 16.08.040, the findings for which are based on factual information that is unrelated to the project's impact on the environment. No changes are proposed to the project, and there are no changes in circumstance or new information suggesting that any potentially significant impacts on the environment could result from granting the requested extension of time.

Furthermore, the proposed EOT is statutorily exempt from the provision of the California Environmental Quality Act (CEQA) pursuant to Government Code §65457 which states that any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980, is exempt from the requirements of Division 13 (commencing with §21000) of the Public Resources Code (CEQA). An EIR was certified in 1993. As discussed above, a specific plan was prepared for this project.

**RECOMMENDATION:** Staff recommends the Planning Commission take the following action:

1. Approve Planning Commission Resolution 2024-010, thus approving the determination that the project is exempt from CEQA pursuant to Government Code §65457; and
2. Approve Planning Commission Resolution 2024-010, thus approving the Extension of Time request to allow the applicant 60 additional months to record approved Tentative Subdivision Tract Map 2019-006 for the recordation of a final map to create 752 residential parcels and 48 condominiums at the Golf Club at Copper Valley (formerly the Saddle Creek subdivision).

**ATTACHMENTS:**

1. Draft Planning Commission Resolution 2024-010
2. EOT Application
3. Request from Applicant and Timeline of Work
4. PC Resolution Approving TSTM 2019-006

Attachment #1

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Draft Planning Commission Resolution 2024-010

COUNTY OF CALAVERAS, STATE OF CALIFORNIA  
PLANNING COMMISSION

**RESOLUTION NO. 2024-010**

>>A RESOLUTION APPROVING A SIXTY (60) MONTH EXTENSION OF TIME PURSUANT TO COUNTY CODE § 16.08.040 FOR APPROVED TENTATIVE SUBDIVISION TRACT MAP 2019-006 FOR MADISON MRH-8 MARINA, LLC.

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WHEREAS, the Planning Commission of the County of Calaveras approved Tentative Subdivision Tract Map (TSTM) 2019-006 on September 10, 2020, for 752 residential parcels and 48 condominiums at the existing Golf Club at Copper Valley Subdivision (formerly Saddle Creek) pursuant to the Calaveras Country Club Specific Plan and the Saddle Creek Zoning Code; and

WHEREAS, the proposed project is located on real property in the unincorporated portions of the County of Calaveras, and more particularly described as the following APNs 055-026-007, 055-051-024, -025, -026, -027, -028, -035, -057, -059, -060, -061, -062, -068 in portions of Sections 22, 23, 26, and 27 in T01N, R12E, MDM; and

WHEREAS, TSTM 2019-006 was found to be exempt from the California Environmental Quality Act (CEQA) pursuant to California Government Code §65457, which states that any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980, is exempt from the requirements of Division 13 (commencing with §21000) of the Public Resources Code (CEQA); and

WHEREAS, an Environmental Impact Report was prepared for the Calaveras Country Club Specific Plan and certified on December 6, 1993; and

WHEREAS, the Mitigation Monitoring and Reporting Plan approved on December 6, 1993, was adopted by an Implementing Program in the Specific Plan; and

WHEREAS, the project will be governed by all relevant legislative and regulatory requirements enacted subsequent to the original project approvals; and

WHEREAS, under the California Subdivision Map Act, counties are required to provide a mechanism for developers to apply for discretionary extensions of subdivision maps for up to six years; and

WHEREAS, County Code 16.08.040(b) provides that developers with a tentative subdivision tract map may apply to the Planning Commission prior to its expiration for discretionary extensions of their maps and may receive such an extension upon demonstrating that they have made a good faith effort toward meeting the tentative map's conditions of approval; and

WHEREAS, the TSTM was conditionally approved for 36 months with an expiration date of September 10, 2020; and

WHEREAS, on September 8, 2023, the Planning Department of the County of Calaveras received an application from Madison MRH-8 Marina, LLC, requesting a sixty-month extension of time for approved TSTM 2019-006; and

WHEREAS, by timely filing the application, the permit is automatically extended until action is taken on it; and

WHEREAS, during a noticed public hearing on April 11, 2024, the Planning Commission considered all of the information presented to it, including but not limited to its staff report and attachments, information presented by the project proponent, and public comment, which are incorporated by reference herein; and

BE IT THEREFORE RESOLVED, that the Planning Commission approves the sixty month Extension of Time based upon the following findings:

1. The request for a 60-month extension of time is exempt the provisions of the California Environmental Quality Act (CEQA) pursuant to Guideline 15061(b)(3), as it can be seen with certainty that there is no possibility that the extension in question may have a significant effect on the environment, and pursuant to Government Code §65457, which states that any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980, is exempt from the requirements of Division 13 (commencing with §21000) of the Public Resources Code (CEQA). Even if the extension was not exempt from CEQA, on the basis of the whole record, there is no substantial evidence that granting a 60-month extension to record the final TSTM as designed and conditioned will alter the conclusions of the EIR in a way that would trigger the requirement for an addendum or other subsequent CEQA document.

**Evidence:** The scope of CEQA review is limited to whether or not to grant the time extension under County Code 16.08.040, the findings for which are based on factual information that is unrelated to the project's impact on the environment. No changes are proposed to the project, and there are no changes in circumstance or new information suggesting that any potentially significant impacts on the environment could result from granting the requested extension of time.

As the EIR was certified by the Board of Supervisors in 1993 for the Saddle Creek Specific Plan- which included the master-planned development- the exemption per Government Code §65457 also applies.

Finally, providing an additional five years to complete conditions of approval for the tentative map does not authorize any new development, change, or alter any previously approved mitigation measure, or change what was approved through the tentative map. Therefore, even if this application was not exempt from CEQA, no addendum or other subsequent CEQA document would be required under Guideline 15162 prior to the granting of the extension of time.

2. The applicant has made a good faith effort to complete the map conditions.

**Evidence:** The permit process for this project is extensive, requiring several agreements and permits from multiple agencies including the Calaveras County Water District (CCWD) and the Public Works Department. Currently, the Golf Club at Copper Valley is accessed via a single entrance point from Little John Road by way of Saddle Creek Drive. Public Works Condition II-4 of Planning Commission Resolution 2020-018 requires a second point of access as a condition of approval due to excessive length of dead-end roads and the number of parcels served by a single access point in the existing Saddle Creek development. The originally proposed secondary access proved to be problematic due to protected wetlands, and a revised and improved (off-site) secondary access became necessary which had not been analyzed in the EIR. Between 2021 and 2023, legal documents were prepared to transfer lands from CCWD for an alternative secondary access acceptable to Public Works, designs were developed, and environmental studies were completed for the South Flint Trail Secondary Access Road Project. In 2023, an Addendum to the EIR was prepared by the De Novo Planning Group in preparation for the grading project.

Due to the need for the redesigned secondary access road, the work necessary to complete the conditions of approval was too extensive to be accomplished in 36 months. The applicant is currently preparing the grading plans for the access road and needs additional time to prepare. The applicant has worked diligently toward the completion of the conditions and has invested significantly in project tasks.

BE IT FURTHER RESOLVED, that the Planning Commission approves the extension of time based on the following conditions:

## **I GENERAL CONDITIONS**

- I-1 The Applicant(s) and Owner(s); and their Heirs, Successors, and Assigns shall abide by all terms of the Indemnification Agreement, dated March 28, 2019, and on file in the Planning Department's records for 2019-006.

I-2 All conditions set forth in Planning Commission Resolution 2020-018 approved on September 10, 2020, still apply to this project, and must be completed as such.

PASSED AND ADOPTED by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on April 11, 2024, on a motion by Commissioner \_\_\_\_ and seconded by Commissioner \_\_\_\_.

AYES:  
NOES  
ABSTAIN:  
ABSENT:

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Chair, Planning Commission

ATTEST:

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Madeleine Flandreau, Planner III

The project files are available for public review in the Planning Department, County of Calaveras, Government Center, 891 Mountain Ranch Road, San Andreas, CA. 95249, between the hours of 8:00 a.m. and 4:00 p.m.

Attachment #2

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Extension of Time Application

Project No. Previous 2019-006

Project No. Current 2023-050



## Calaveras County Planning Department

Phone (209) 754-6394

Fax (209) 754-6540

[www.planning.calaverasgov.us](http://www.planning.calaverasgov.us)

### APPLICATION FOR MODIFICATION TO PLANNING PERMIT

- Extension of Time (EOT)       Modification of Conditions (MOC)  
 Modification to Existing Permit (MEP)

**NOTE: FAILURE TO FULLY COMPLETE APPLICABLE FIELDS AND PROVIDE REQUIRED ATTACHMENTS COULD DELAY THE PROCESSING OF YOUR APPLICATION.**

#### **Applicant (s):**

Name Madison MRH-8 Marina, LLC

Project Address CV Golf Club (formerly Saddle Creek Golf course) City Copperopolis

Mailing Address 100 Town Square Road City/ZIP Copperopolis 95228

Phone (Business) 916-539-4157

(Home) \_\_\_\_\_

Email cvdevelopmentpartners@gmail.com, Kaylynn@coppervalley.com

#### **Landowner (s):**

Name SAME

Mailing Address \_\_\_\_\_ City/ZIP \_\_\_\_\_

Phone (Business) \_\_\_\_\_ (Home) \_\_\_\_\_

Email \_\_\_\_\_

Name and address of property owner's duly authorized Agent who is to be furnished with notice of hearing. (Section 65091 – Calif. Govt. Code):

#### **Authorized Agent:**

Name Tom Hix

Mailing Address 100 Town Square Road City/ZIP Copperopolis 95228

Phone (Business) 650-269-8930

(Home) \_\_\_\_\_

Email tom@coppervalley.com

Project No. Previous 2019-006 Project No. Current 2023-050

Detailed Description of Reason for Requesting Extension of Time or Modification to Use Permit  
See attached correspondence dated September 5, 2023

APN Numbers(13): 055-26-007-000, 055-051-024-000, 055-051-025-000, 055-051-026-000,  
055-051-027-000, 055-051-028-000, 055-051-035-000, 055-051-057-000, 055-051-059-000,  
055-051-060-000, 055-051-061-000, 055-051-062-000, 055-051-068-000

Any additional information or explanations supporting the proposal is encouraged and may be submitted on a separate sheet of paper.

Project No. Previous 2019-006

Project No. Current 2023-050

**ACKNOWLEDGMENT / AUTHORIZATION / VERIFICATION PAGE<sup>1</sup>**

**Calaveras County Agriculture Disclosure Statement**

Real property within or adjacent to areas zoned for agricultural operations or areas in zones which permit agricultural operations may be subject to inconveniences or discomfort arising from such operations. Calaveras County has determined that the use of real property for agricultural operations, as defined by County Code, is a high priority and a proper and necessary use, and will not consider the inconveniences or discomforts arising from agricultural operations to be a nuisance if such operations are consistent with accepted agricultural practices and standards.

By our signatures below, I (We), as applicant(s) and property owner(s), hereby acknowledge having read and understood this disclosure.

**Right of Entry**

By our signatures below, I (We), as applicant(s) and property owner(s), hereby acknowledge that by making this application, and under the authority of Government Code Section 65105, County agency personnel, in the performance of their functions, may enter upon the subject property and make examinations and surveys, provided that the entries, examinations and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof.

**Verification of Application / Declaration Under Penalty of Perjury**

*NOTE: If someone other than an individual applicant or landowner signs below (e.g. business entity representatives, agents) satisfactory documentation of signature authority must be provided [see application instructions]. Each record title property owner must sign the application.*

**APPLICANT(S):**

By my signature(s) below, I (we) provide the acknowledgment and consent described above and furthermore declare under penalty of perjury that I am (we are) the applicant(s) for the project described in this application, and I (we) have completed and verified the truthfulness and accuracy of this application and all other documents required for its submittal.

Printed Name(s) of Applicant(s): Tom Hix  
Authorized Signature: [Signature] Date: 9/8/23  
Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**LANDOWNER(S):**

By my signature(s) below, I (we) provide the acknowledgment and consent described above and furthermore declare under penalty of perjury that I am (we are) the record title owner(s) of the property on which the project described in this application will be located and I (we) consent to the applicant's(applicants') preparation and submission of this application.

Printed Name(s) of Property Owner(s): Madison MRH-8, LLC  
Authorized Signature: [Signature] Date: 9/8/23  
Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**FOR OFFICIAL USE ONLY**

Receipt Number PLNG 422 & PLNG 423  
Application Number 2023-00050  
Method of Payment  Cash  Check # 5729 & 5760  
Amount \$1,104 & \$1,421  
(\$2525 total)

Date Stamp  
**RECEIVED**

**SEP 08 2023**

(Created December 8, 2022)

**Calaveras County  
Planning Department**

<sup>1</sup> May be signed in counterparts.  
**Modification To Use Permit**

RECEIVED

SEP 08 2023

CALIFORNIA ACKNOWLEDGMENT

Calaveras County  
Planning Department

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Calaveras }

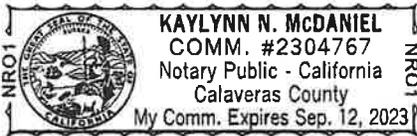
On 09/08/2023 before me, Kaylynn N. McDaniel, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared TOM Hix  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal and/or Stamp Above

Signature Kaylynn N. McDaniel  
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_

Corporate Officer – Title(s): \_\_\_\_\_

Partner –  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

Corporate Officer – Title(s): \_\_\_\_\_

Partner –  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other: \_\_\_\_\_

Signer is Representing: \_\_\_\_\_

Attachment #3

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Request from Applicant and Timeline of Work



## CV Development Partners

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September 5, 2023

Gabriel Elliott, Planning Director  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249

RE: APPLICATION FOR EXTENSION OF TIME  
PROJECT 2019-006, TSTM FOR THE GOLF CLUB AT COPPER VALLEY  
(FORMERLY THE SADDLE CREEK SUBDIVISION)

Dear Mr. Elliott;

Pursuant to Calaveras County Code Section 16.08.040.B., CV Development Partners formally requests a five-year extension of time for Project 2019-006 Tentative Subdivision Tract Map for the Golf Club at Copper Valley (formerly the Saddle Creek Subdivision). Included in this request is the EOT Application Fee of \$1,104.00 for a Time Extension Administrative.

CV Development Partners notes that there are two options for the required CEQA analysis:

- Use of the CEQA Exemption described in Government Code Section 65457 (Consistency with the adopted Specific Plan, as was done for Project 2019-006); or
- Preparation of a CEQA Addendum tiered off the 1993 Final EIR which would then be approved administratively by the Planning Director.

Please advise immediately if you are not in agreement with our conclusion that this application can be processed administratively.

Tentative Subdivision Tract Map 2019-006 was approved by the Planning Commission on September 10, 2020. The expiration date of the TSTM is thus September 10, 2023. Conditions of project approval imposed by Public Works and the Copperopolis Fire Protection District require the construction of a secondary access road prior to the recordation of any additional phases of the subdivision. CV Development Partners has been working diligently to complete the requirements to construct the new secondary access road. The prior approved secondary access road, which was contained entirely within the existing Specific Plan area, proved problematic, as it funneled all subdivision traffic through an area zoned for high density residential development and adversely impacted wetland areas protected in perpetuity by a Declaration of Restrictions recorded June 12, 1998.

As required by Code Section, 16.08.040.B.1. CV Development Partners includes the following timeline of events to demonstrate that a good faith effort has been made in pursuit of meeting the conditions of the map. These actions include pursuit of approval from other agencies, development and submission of engineered design plans, negotiation for acquisition of lands, preparation of focused baseline studies, and completion of required CEQA analyses.

## TIMELINE OF WORK:

- Between April and September of 2021; negotiations with Calaveras County Water District, as adjacent landowners, to identify and acquire the lands to support an alternate roadway segment that avoided the restricted wetland areas.
- On November 23, 2021, preparation of 'Cultural Resources Inventory and Evaluation Report, Copper Valley Parcel Acquisition Project' by Solano Archaeological services, LLC in support of land acquisition and road construction.
- In February of 2022; preparation of legal documentation for CCWD to allow the transfer of lands.
- On February 14, 2022; transmittal of conceptual design layout plans to the Public Works Department for inclusion into the CEQA analysis for the offsite portion of the new roadway segment.
- Between February and April of 2022; preparation of the Flint Trail Access Road Plan Set for the new roadway segment.
- April 6, 2022; submittal to the County of 'Biological Resources Evaluation' and two 'Aquatic Resource Delineation Reports' for the Flint Trail Access Road Project, prepared by Colibri Ecological Consulting in support of the required CEQA analysis.
- July 17, 2022; submittal to the County of 'Rare Plant Survey' for the Flint trail Access Road Project, prepared by Colibri Ecological Consulting in support of the required CEQA analysis.
- On July 21 of 2022, the Public Works Department issued a Request for Proposals for CEQA Review of Grading Plan for Road Development Project for the Flint Trail Secondary Access Road. The Bid RFP was released on the "Public Purchase" website and the submittal deadline was August 12, 2022.
- On July 27, 2022, the Public Works Department issued addendums to the Request for Proposal for completion of the CEQA document for the Flint Trail Secondary Access. There were no responses to the RFP that were responsive to the RFP and acceptable to the Public Works Department.
- On October 18, 2022, the Planning Department accepted a 'Scope of Work to Prepare the Copper Valley Secondary Access Road Project Initial Study and Mitigated Negative Declaration' from the De Novo Planning Group.
- On November 11, 2022; the 'Geotechnical engineering Study, south Flint Trail Extension Project' prepared by Condor Earth Technologies was submitted to the Public Works Department.
- In January of 2023, a Draft Initial Study and Mitigated Negative Declaration for the Flint Trail Access Road was submitted to the Calaveras County Planning Department.
- On February 21, 2023; the Calaveras County Planning Department issued a Notice of Intent to Adopt a Mitigated Negative Declaration for the Flint Trail Access Project. The Public Comment Period for the NOI began on February 21, 2023, and ended on March 23, 2023.
- On March 29, 2023, Gabriel Elliott provided to CV Development Partners the County's Responses to Comments on the Final IS-MND.
- In April of 2023, a Revised IS-MND was submitted to the Calaveras County Planning Department which included additional baseline information.

- On April 27, 2023, Gabriel Elliott, Planning Director, issued an email stating that the CEQA analysis portion of the project would be transferred to the Public Works Department, which would present the IS-MND for the Flint Trail project directly to the Board of Supervisors.
- On or about May 12, 2023; the determination was made by Calaveras County that an EIR Addendum, to be approved administratively by the Public Works Director, would be a more appropriate document for the proposed project.
- On August 3, 2023, the EIR Addendum to the Calaveras Country Club Specific Plan Final Environmental Impact Report was submitted to the Calaveras County Department of Public Works.
- On August 4, 2023, Robert Pachinger, Public Works Director, issued an email granting permission for CV Development Partners to submit the Grading Permit Application together with the Plan Set. Robert Pachinger further stated that the Public Works Department would issue a Notice of Determination concurrently with issuance of the Grading Permit for the project.

Thank you for your timely consideration of this request for an extension of time. CV Development Partners believes that the information in the above Timeline adequately demonstrates that a good faith effort has been made in pursuit of meeting the conditions of the map (per County Code Section, 16.08.040.B.1.)

Sincerely,



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Tom Hix, Managing  
CV Development Partners LLC

Attachment #4

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Planning Commission Resolution 2020-018 Approving  
TSTM 2019-006

COUNTY OF CALAVERAS, STATE OF CALIFORNIA  
PLANNING COMMISSION

**RESOLUTION NO. 2020-018**

**>>A RESOLUTION CERTIFYING AN EXEMPTION FROM CEQA PURSUANT TO GOVERNMENT CODE §65457, ADOPTING FINDINGS, AND APPROVING TENTATIVE SUBDIVISION TRACT MAP 2019-006 FOR CV SADDLE CREEK HOLDINGS LLC ET AL.**

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**WHEREAS**, the Planning Department of the County of Calaveras received an application from CV Saddle Creek Holdings LLC, CV Saddle Creek LLC, and CV Saddle Creek Golf Club LLC to approve a TSTM to create 752 residential parcels and 48 condominiums at the existing Saddle Creek subdivision; and

**WHEREAS**, the Planning Commission set consideration of the project request pursuant to the Calaveras Country Club Specific Plan adopted December 6, 1993, and the Saddle Creek Zoning Code as amended April 10, 2005, and Title 16 Subdivision Ordinance, and the procedures of the Calaveras County Planning Commission; and

**WHEREAS**, the proposed project is located on real property in the unincorporated portions of the County of Calaveras, more particularly described as the following 14 APNs: 055-051-024, -025, -026, -027, -028, -035, -050, -057, -059, -060, -061, -062, -067, and -068, in portions of Sections 22, 23, 26 and 27 in T1N, R12E, MDM, located west of the intersection of Saddle Creek Drive and Little John Road in Copperopolis; and

**WHEREAS**, the proposed project is exempt from CEQA pursuant to California Government Code §65457 which states that any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980, is exempt from the requirements of Division 13 (commencing with §21000) of the Public Resources Code (the California Environmental Quality Act or "CEQA"); and

**WHEREAS**, an Environmental Impact Report was prepared for the Calaveras Country Club Specific Plan and certified on December 6, 1993; and

**WHEREAS**, the Mitigation Monitoring and Reporting Plan approved on December 6, 1993 was adopted as an Implementing Program in the Specific Plan; and

**WHEREAS**, pursuant to Public Resources Code §21166, no subsequent or supplemental environmental impact report is required as the following determinations were made in the Supplemental Environmental Review Checklist for Project 2019-006 Tentative Subdivision Tract Map for Saddle Creek:

*(a) No substantial changes are proposed in the project which will require major revisions of the environmental impact report (CCR §15162(a)(1)); and*  
*(b) No substantial changes have occurred with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report. (CCR §15162(a)(2)); an*  
*(c) No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, has become available. (CCR §15162(a)(2); and*

**WHEREAS**, the project will be governed by all relevant legislative and regulatory requirements enacted subsequent to the original project approvals; and

**WHEREAS**, during a duly noticed public hearing on September 10, 2020, the Planning Commission considered all of the information presented to it, including its staff report, information presented by the project proponent, and public testimony presented in writing and at the meeting;

**BE IT THEREFORE RESOLVED**, that the Planning Commission certifies the exemption from CEQA pursuant to Government Code §65457 and approves the Tentative Subdivision Tract Map based upon the Findings made herein and subject to the Conditions of Project Approval contained herein for Project 2019-006 Tentative Subdivision Tract Map for CV Saddle Creek Holdings LLC et.al.;

**1. Subdivision Map Act Findings Pursuant to CA Government Code §66473.5 and 66464(a) – Findings of Consistency with County General Plan and Specific Plan.**

Government Code §66473.5 mandates that no County shall approve a tentative subdivision tract map unless the Planning Commission or Board of Supervisors finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the County General Plan or any adopted Specific Plan. A proposed subdivision shall be consistent with a general plan or a specific plan only if the local agency has officially adopted such a plan and the proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified in such a plan.

**Finding 1:**

The Planning Commission finds that Project 2019-006 Tentative Subdivision Tract Map for CV Saddle Creek Holdings, LLC is consistent with the Saddle Creek Specific Plan (formerly known as the Calaveras Country Club Specific Plan) adopted by the Calaveras County Board of Supervisors via Resolution No. 93-440A, dated December 6, 1993. The Planning Commission further finds that this Tentative Subdivision Tract Map is compatible with the objectives, policies, general land uses and programs specified in the Saddle Creek Specific Plan and that the Specific Plan is consistent with the Calaveras County General Plan, as is also required by California Government Code §66473.5).

**Evidence for Finding 1:**

The 1996 General Plan Land Use Element, pp.II-9 through II-10, Section 3.3 Specific Plan Areas, states that the contents of a Specific Plan are governed by both County policy and State law (Government Code §65450 *et seq.*). When a Specific Plan addresses an issue more specifically than the General Plan, the relevant policies of the Specific Plan supplement and refine the policies of the General Plan.

The 2019 Calaveras County General Plan Land Use Element on Page LU13 acknowledges the relationship between the County General Plan and the Saddle Creek Specific Plan and notes the Specific Plan’s unique land use designations, goals, policies, and implementation programs intended to implement the General Plan and provide detailed guidance on the long term development of the Saddle Creek Specific Plan area. The General Plan did not change or amend the Specific Plan, which was incorporated by reference into the General Plan. Policy 1a of the Saddle Creek Specific Plan states that the policies and implementing programs of the Specific Plan shall take precedence over the generalized policies and implementing program of the Calaveras County General Plan.

The Saddle Creek Specific Plan describes the distribution, location and extent of the uses of land, including open space, within the area covered by the Plan and the proposed project is consistent with the Specific Plan. Implementation measure 4a-(1) provides residential land use classifications and densities that shall apply to the lands within the Calaveras Country Club:

<b>LAND USE CLASSIFICATION</b>	<b>MAXIMUM DENSITY</b>
Country Club Estate Residences (CER)	2.00 Units per Acre
Traditional Single Family Residential (TSR)	3.25 Units per Acre
Cluster Residential Area (CRA)	4.20 Units per Acre
Single Family High Density (SHD)	12.00 Units per Acre

The proposed project is consistent with the Saddle Creek Specific Plan densities and land use classifications and is substantially consistent with a TSTM approved in 1994. The current application proposes 752 residential parcels and 48 condominium units on 295 acres in the existing 890 acre Saddle Creek subdivision. The Saddle Creek Specific Plan allows for the construction of 1640 dwelling units. The project as currently proposed will create 1301 single family residential parcels. With the condominium units, a total of 1349 single family dwellings will be created. The maximum density of twelve dwelling units per acre of gross land area is not exceeded. The proposed project includes:

- *Approximately 90 of 4,000 square foot lots consistent with the Single Family High Density (SHD) designation*
- *Approximately 116 of 4,500 square foot lots consistent with the SHD designation*
- *Approximately 233 of 5,000 square foot lots consistent with the Cluster Residential Area (CRA) designation*
- *Approximately 55 of 6,000 square foot lots consistent with the Traditional Single Family Residential (TSR) designation*

- *Approximately 258 of 12,000 square foot lots consistent with the TSR designation*
- *One 6 acre lot containing 48 condominiums consistent with the SHD designation*

The current map application emphasizes the creation of affordably-sized homes on smaller lots appropriate for retirees and smaller-sized families. This allocation of residences is consistent with Policy 3a and Implementation Measure 3a-(1) of the Specific Plan which state that residential densities within the Specific Plan area shall be permitted to be allocated in any residentially designated area provided that the maximum density is not to be exceeded. This allocation of residences is consistent with Policy 3b and Implementation Measure 3b-(1) of the Specific Plan, which states that residential housing types may be constructed in mixed density configurations as market demands may dictate, as long as the maximum density per acre is not exceeded and the maximum number of dwelling units are not exceeded. The project as proposed meets these Specific Plan criteria.

The Saddle Creek Specific Plan describes the proposed distribution, location, and extent of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities and the proposed project is consistent with these components. The proposed project is consistent with the Specific Plan Implementation Measures as follow: 2a-(1) for potable water supply, irrigation water supply and fire flows; 2a-(3) for public and private utilities; 2b-(1) for site development plans; 2b-(2) for signs, fences and lighting; 13a-(1) for Building Code compliance; 13b-(1) for Grading standards; 13c-(1) for drainage and construction improvement plans; 13d-(1) for erosion and runoff controls; 14a-(1) and 14a-(2) and 14b-(1) and 14b-(2) and 14b-(3) and 14c-(1) and 14d-(1) for roads; 20a-(1) for potable water service; 20a-(2) for provision of fire protection water and services; 21a-(1) and 21b-(1) for wastewater treatment services; 22a-(1) and 22a-(2) and 22a(3) for provision of law enforcement services; and 23a(1) for the use, storage, handling and disposal of hazardous materials. The Calaveras County Water District has prepared a Written Verification of Water Supply for Saddle Creek Vesting Tentative Subdivision Tract Map, Project 2019-006, approved by the CCWD Board by Resolution 2019-003 on May 29, 2019. CCWD has confirmed adequate wastewater treatment capacity to serve the proposed development. Public Works has review and approval authority for the design of drainage, erosion, and runoff controls. Fire protection services are provided by the Copperopolis Fire Protection District and Cal Fire.

The Saddle Creek Specific Plan provides standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources and the proposed project is consistent with these standards and criteria. The proposed project is consistent with the Specific Plan Implementation Measures 8a-(1) protecting cultural resources; 9a-(1, 2, 3, 4, and 5) protecting biological resources; 9b-(10) protecting wetlands; 10a-(1) protecting waterways and surface water bodies; and 10b-(1 and 2) and 10c-(1, 2 and 3) and 11a-(1) protecting mature oak trees and blue oak savanna habitat.

The Saddle Creek Specific Plan contains a program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the Specific Plan, and the proposed project is consistent with these implementing measures. The proposed project is consistent with the Specific Plan Implementation Measure 15a-(1) for proportionate costs of required regional road system improvements; 15a-(2) for fair share payment collection criteria for required regional road system improvements; 16a-(1) for mandatory collection of road maintenance costs; and 17a-(1) and 17a-(2) for the formation of the Calaveras Country Club Community Services District.

The Saddle Creek Specific Plan includes Mitigation Measures 4.4.1, 4.4.3, and 4.4.6 to protect and preserve mature oak trees, prevent the loss of blue oak savannah habitat, landscape with native grassland species, and to restore degraded habitats which will facilitate increased carbon sequestration and reduce the effects of GHG emissions. Measure 4.4.7 requires pedestrian pathways to facilitate walking within the development. Goal 18, Policy 18a, and Implementation Measure 18a-(1) also require a functional walkway system serving the needs of the community. Measure 4.2.8 requires installation of park and ride facilities. Measure 4.2.6 requires installation of EPA certified or listed wood stoves and fireplaces and 4.2.7 requires use of high efficiency propane heaters or electric heaters within all residential dwellings.

## **2. Subdivision Map Act Findings Pursuant to CA Government Code §66474 - Mandatory Findings to Deny Approval of a TSTM.**

Government Code §66474 mandates that the Planning Commission or Board of Supervisors shall deny approval of a tentative subdivision tract map if it makes any one of seven specific “negative” findings (*Required Negative Findings a-g below*). In order for the Planning Commission or Board of Supervisors to approve a tentative subdivision tract map, it must find the inverse of the seven “negative” findings listed in §66474.

### **Finding 2a:**

*Required Negative Finding a: That the proposed map is not consistent with applicable general and specific plans as specified in §65451.*

The Planning Commission finds that Project 2019-006 Tentative Subdivision Tract Map for CV Saddle Creek Holdings, LLC is consistent with the Saddle Creek Specific Plan (formerly known as the Calaveras Country Club Specific Plan) as described in Finding 1, above.

### **Evidence for Finding 2a:**

Please refer to the Evidence for Finding 1 above for §66473.5.

### **Finding 2b:**

*Required Negative Finding b: That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

The Planning Commission finds that the design and improvements of Project 2019-006 Tentative Subdivision Tract Map for CV Saddle Creek Holdings, LLC are consistent with 2019-006 TSTM for CV Saddle Creek Holdings LLC et al  
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the Saddle Creek Specific Plan (formerly known as the Calaveras Country Club Specific Plan).

**Evidence for Finding 2b:**

Please refer to the Evidence for Finding 1 above §66473.5.

**Finding 2c:**

*Required Negative Finding c: That the site is not physically suitable for the type of development.*

The Planning Commission finds that the site as described in the project description for Project 2019-006 Tentative Subdivision Tract Map for CV Saddle Creek Holdings, LLC is physically suitable for the proposed Tentative Subdivision Tract Map.

**Evidence for Finding 2c:**

The Saddle Creek Specific Plan area is suitable for the proposed residential development as it is located on shallow, rocky and gravelly soils with a low erosion hazard. The Plan area is comprised of gently rolling hills and valleys without evidence of landslides or slope failures. The site is not subject to flooding, and only minor FEMA flood zones occur in open space areas adjacent to Littlejohns Creek. The seismic hazard is very low. (Draft EIR, pp. 4-1 through 4-3). The natural drainages at the site are protected in perpetuity from encroachment or damage by a recorded "Declaration of Restrictions" to protect waters of the U.S., and wetlands at the site. Any riparian or wetland plant or animal species are protected within the restricted area. Vegetation types include blue oak savanna with a sparse to locally moderately dense cover of blue oak with an understory of annual non-native grasses. No special status plant or animal species were observed in the blue oak savanna and grassland plant association habitat. The site was described as having been heavily degraded by heavy cattle grazing (Draft EIR, pp. 4-27 through 4-26).

The Saddle Creek Specific Plan area is already partially developed with residential and commercial uses, including a clubhouse, restaurant, golf course and associated recreational services as well as 549 recorded single family residential parcels developed with 348 single family residences. Site topography is such that new development roads and driveways can be constructed to meet applicable standards.

**Finding 2d:**

*Required Negative Finding d: That the site is not physically suitable for the proposed density of development.*

The Planning Commission finds that the site as described in the project description for Project 2019-006 Tentative Subdivision Tract Map for CV Saddle Creek Holdings, LLC is physically suitable for the proposed density of development.

**Evidence for Finding 2d:**

The Saddle Creek Specific Plan land use designations permit a range of from 1330 to 1,650 single family home sites. The Specific Plan (p. 3) identifies this number as a density lower than the number of dwellings permitted by the previous General Plan land use

designation. The building intensity, or average number of dwelling units per acre, is described in the Specific Plan (P. 17) as ranging between 1.5 to 1.86 dwellings per acre. The density of dwelling units per acre of land varies depending upon the specified “neighborhoods” described in the Specific Plan (p. 18), ranging from 2.5 persons or fewer per acre in the Country Club Estate Residential (CER) neighborhoods to up to 30 persons per acre in the Single Family High Density (HSD) neighborhoods. The proposed new Saddle Creek TSTM emphasizes the creation of affordably-sized homes on smaller lots appropriate for retirees and smaller-sized families. This allocation of residences is consistent with Policy 3a and Implementation Measure 3a-(1) of the Specific Plan which state that residential densities within the Specific Plan area shall be permitted to be allocated in any residentially designated area provided that the maximum density is not to be exceeded. This allocation of residences is consistent with Policy 3b and Implementation Measure 3b-(1) of the Specific Plan, which states that residential housing types may be constructed in mixed density configurations as market demands may dictate, as long as the maximum density per acre is not exceeded and the maximum number of dwelling units are not exceeded. The project as proposed meets these Specific Plan criteria.

The Calaveras County Water District provides water and wastewater service to the Saddle Creek Specific Plan area, and has provided a Written Verification of Water Supply for the proposed Saddle Creek Tentative Subdivision Tract Map. Wastewater service capacity is adequate at the site-adjacent CCWD Wastewater Treatment Facility.

**Finding 2e:**

*Required Negative Finding e: That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The Planning Commission finds that the proposed design of Project 2019-006 Tentative Subdivision Tract Map for CV Saddle Creek Holdings, LLC and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

**Evidence for Finding 2e:**

The “Declaration of Restrictions” recorded on June 12, 1998 provided permanent open-space protection for wetlands and waters of the U.S. as described in the US Army Corps of Engineers Section 404 Nationwide Permit No. 26-199100807. The protected areas include areas designated as Wetland Avoidance (WA), Wetland Preservation and Mitigation (PM) and Wetlands Preserved-No Credit (NC). The Saddle Creek Community Services District has maintained and shall continue to maintain the above-described property.

The EIR found the impacts to biological resources to be potentially significant with regard to the displacement of natural habitats by the development, the fragmentation and isolation of natural habitats, the disruption of wildlife movement through the site, and the increases in the amount of water on the site as a result of golf course and residential landscaping irrigation. All potentially significant impacts were mitigated to a level of less-

than-significant with the implementation of mitigation measures which were adopted as implementation measures of the Specific Plan. Oak Woodlands and Blue Oak Savanna habitat will be protected by Mitigation Measures 4.4.1 and 4.4.2. Native grasslands will be replaced and propagated by Mitigation Measure 4.4.3. The open water habitat of Mitchell Lake will be preserved by Mitigation Measures 4.4.4 and 4.4.5. The riparian habitat of Little Johns Creek will be preserved by Mitigation Measures 4.4.5 and 4.4.7. Wetlands, wetland tributaries and degraded intermittent stream areas will be protected and enhanced by Mitigation Measures 4.4.6 and 4.4.7. The impact to corridors for migratory wildlife was deemed to be less-than-significant, as the construction of natural corridor areas adjacent to the golf course and the non-buildable portions of each lot will improve the value of the site to native animal species by the elimination of cattle grazing on the site. The EIR concluded that there would be no substantial and unavoidable injuries to fish or wildlife or their habitat.

**Finding 2f:**

*Required Negative Finding f: That the design of the subdivision or type of improvements is likely to cause serious public health problems.*

The Planning Commission finds that the proposed design of Project 2019-006 Tentative Subdivision Tract Map for CV Saddle Creek Holdings, LLC and the proposed improvements are not likely to cause serious public health problems.

**Evidence for Finding 2f:**

There will be no serious public health problems to result from the design of the subdivision or the type of improvements. The site was historically used for cattle grazing and related agricultural and open space uses, with no evidence of industrial activity or toxic or hazardous incidents. No residual toxic or hazardous materials were found at the site. The Saddle Creek Specific Plan Implementation Element governs traffic and circulation design, pedestrian traffic and road maintenance, public facilities and public services, and the fire management program which includes emergency management, defensible space and fire protection water systems. There will be no hazardous roadways or dangers to pedestrians. Public facilities and services are adequate to serve the future residents. Fire protection measures are in place. Mitigation Measure 4.10.2 places restrictions regarding the use and storage of oil, gasoline, pesticides, fertilizers, herbicides and similar hazardous materials on homeowners and residents as well as upon the owner/operator of the golf course. The Saddle Creek Specific Plan Implementation Measure 23a-(1) provides for the Copperopolis Fire Protection District review and approval of the use, storage, handling, and disposal of hazardous materials within the specific plan area

**Finding 2g:**

*Required Negative Finding g: That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

The Planning Commission finds that the proposed design of Project 2019-006 Tentative Subdivision Tract Map for CV Saddle Creek Holdings, LLC and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

**Evidence for Finding 2g:**

There are no known easements of record, or easements established by judgement of a court of competent jurisdiction acquired by the public at large, for access through or the use of, property within the Saddle Creek Specific Plan area or within the proposed subdivision.

**3. Subdivision Map Act Findings Pursuant to CA Government Code §66474.02 – Findings for State Responsibility Area / Very High Fire Hazard Area.**

Government Code §66474.02 mandates that before approving a tentative subdivision tract map for an area located in a state responsibility area or a very high fire hazard severity zone, as both are defined in Government Code §51177, the Planning Commission shall make specific findings. The proposed Project 2019-006 Tentative Subdivision Tract Map for CV Saddle Creek Holdings LLC is located within a State Responsibility Area, and is designated as a “high fire hazard severity zone.”

**Finding 3a:**

The Planning Commission finds that Project 2019-006 Tentative Subdivision Tract Map for CV Saddle Creek Holdings, LLC is consistent with regulations adopted by the State Board of Forestry and Fire Protection pursuant to §4290 and §4291 of the Public Resources Code.

The Planning Commission further finds that Project 2019-006 is consistent with Calaveras County Code Chapter 15.09, Fire Regulations for State Responsibility Areas. Chapter 15.09 was adopted by Board of Supervisors Ordinance No. Ord. 3079, §1, dated February 14, 2017, adopting the Public Resource Code Section 4290 Fire Safe Regulations for State Responsibility Areas, commencing with Sections 1270.00 through 1276.04, Article 5.5, Chapter 7, Division 1.5, Title 14, California Code of Regulations (CCR 14).

**Evidence for Finding 3a:**

Implementation measures of the Saddle Creek Specific Plan address fire-life-safety issues, including Implementing Measures as follow: 2a-(1) for adequate fire flow, 2c-(1) for landscape plans per Exhibit 16, Transect Vegetation Treatment for fire clearance and defensible space envelopes, 12c-(1) for golf course maintenance to meet fire prevention requirements, 20a-(1) for CCWD agreement for water delivery for domestic and fire protection use, 20a-(2) for Design review of water system and fire hydrant spacing by Calaveras County Fire Department, Copperopolis Fire Protection District and CCWD for water capacity and fire flow requirements

14 CCR §1273.09 addresses the length of Dead-End Roads. The Saddle Creek development is currently accessed via a single entrance point from Little John Road by way of Saddle Creek Drive. Two approved second entrances, at Bow Drive and Flint Trail, were depicted on the 1994 approved TSTM. The 1994 entitlements for the project

required that a second entrance be constructed at the time the 832<sup>nd</sup> building permit was issued. The issuance of the 832<sup>nd</sup> building permit was described as Stage II (or Phase II) in the 1994 entitlements. The TSTM expired prior to the 832<sup>nd</sup> building permit, thus the threshold for the required construction of the second access was never reached. Absent the construction of the second and third entrances, the project does not meet the requirements of 14 CR, §1273.09, as there are a number of cul-de-sacs and dead end roads that exceed the maximum length of 800 feet for parcels zoned for less than one acre. The project applicant shall construct the two approved second entrances as described in the earlier project entitlements within the time frame required by the Public Works Department. The second point of access to Little John Road will be constructed concurrently with infrastructure improvements for the first phase of this tentative subdivision tract map. Development of any phase south of Saddle Creek Drive will require the construction of the connection of Flint Trail to Little John Road. Development of any phase north of Saddle Creek Drive will require the construction of the Bow Drive connection to Little John Road. With the construction of the required second entrance, the proposed project is consistent with the requirements of 14 CR, §1273.09, and is consistent with regulations adopted by the State Board of Forestry and Fire Protection pursuant to §4290 and §4291 of the Public Resources Code. Other requirements pertaining to roadway widths, surfaces, grades, radius, turnarounds, turnouts and gated entrances will meet the requirements of Chapter 15.09 of the Calaveras County Code to the satisfaction of the Public Works Department

**Finding 3b:**

The Planning Commission finds that structural fire protection and suppression services will be available for Project 2019-006 Tentative Subdivision Tract Map for CV Saddle Creek Holdings, LLC through any of the following entities:

(A) A county, city, special district, political subdivision of the state, or another entity organized solely to provide fire protection services that is monitored and funded by a county or other public entity.

(B) The Department of Forestry and Fire Protection by contract entered into pursuant to §4133, 4142, or 4144 of the Public Resources Code.

**Evidence for Finding 3b:**

The Copperopolis Fire Protection District provides fire protection services to the Copperopolis area and the Saddle Creek Subdivision. The unincorporated areas of Calaveras County are located within a State Responsibility Area and the Cal Fire Tuolumne Calaveras Unit has entered into the required contract and has a legal responsibility to provide fire protection services.

As the proposed TSTM for CV Saddle Creek Holdings, LLC. is located within a state responsibility area and is located in a high fire hazard severity zone, as both are defined in §51177, the Planning Commission or Board of Supervisors shall, if the project is approved, transmit a copy of Findings 3a and 3b and accompanying maps to the State Board of Forestry and Fire Protection.

#### **4. Subdivision Map Act Findings Pursuant to CA Government Code §66474.2 – Findings Deeming the Project Application Complete.**

In determining whether to approve or disapprove an application for a tentative map, **the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete** pursuant to §65943 of the Government Code.

The Calaveras County Planning Department determined that the project application was deemed to be complete on April 12, 2019 with the receipt of the required Applicant and Property Owner Signatures and Indemnification Agreements from CV Saddle Creek Holdings LLC, CV Saddle Creek LLC, and Saddle Creek Golf Club LLC. At that time, the applicant was notified that additional project information was required in order to process the CEQA review for the application, including Site Plan Maps, Project Phasing, timing of construction of the second and third access roads, and the Traffic Impact Study. Processing of the project application began at the time the additional requested CEQA information was provided.

##### **Finding 4:**

The Planning Commission finds that Project 2019-006 Saddle Creek Tentative Subdivision Tract Map was deemed to be complete on April 12, 2019. The Planning Commission further finds that the ordinances, policies, and standards in effect on that date include, but are not limited to, the following:

- The Calaveras Country Club (Saddle Creek) Specific Plan approved December 6, 1993
- The Calaveras Country Club (Saddle Creek) Development Agreement adopted June 13, 1994 and expired on June 13, 2019
- The Saddle Creek Zoning Code substantially revised and adopted April 10, 2006

##### **Evidence for Finding 4:**

The Calaveras Country Club Development Agreement was in effect at the time that the project application was deemed complete, but through the terms of that agreement, it expired on June 13, 2019. Only the provisions of the Calaveras Country Club (Saddle Creek) Specific Plan, the Saddle Creek Zoning Code, and applicable provisions of Title 15 and 16 of the County Code have been applied to this project.

#### **5. CEQA Findings Pursuant to CA Government Code §65457 – CEQA Findings**

Government Code §65457 states that any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980, is exempt from the requirements of Division 13 (commencing with §21000) of the Public Resources Code (the California Environmental Quality Act or “CEQA”).

However, if after adoption of the specific plan, an event as specified in §21166 of the Public Resources Code occurs, the exemption provided by this subdivision does not apply unless and until a supplemental environmental impact report for the specific plan is prepared and certified in accordance with the provisions of Division 13 (commencing with §21000) of the Public Resources Code. After a supplemental environmental impact report is certified, the exemption specified in this subdivision applies to projects undertaken pursuant to the specific plan. Please refer to Finding 6 for further discussion.

**Finding 5:**

In Finding 1 above, The Planning Commission finds that Project 2019-006 Tentative Subdivision Tract Map for CV Saddle Creek Holdings, LLC is consistent with the Saddle Creek Specific Plan (formerly known as the Calaveras Country Club Specific Plan) adopted by the Calaveras County Board of Supervisors via Resolution No. 93-440A, and that the EIR was certified, on December 6, 1993.

**Evidence for Finding 5:**

Please refer to the Evidence for Finding 1, above.

Implementation Measures 6a-(1) and 6b-(1) reiterate the consistency requirements of Government Code §66473.5. Implementation Measure 6a-(1) states that when a tentative map is submitted that is in substantial conformance with the Specific Plan, allow approval of the map utilizing the implementation program of the Specific Plan as the conditions summarized in the mitigation monitoring program. Implementation Measure 6b-(1) states that when a tentative map is submitted that is in substantial conformance with the Specific Plan, allow approval of the map without any requirements for additional environmental review documentation.

**6. Environmental Quality Findings Pursuant to Public Resources Code §21166 – Project Changes, Changed Circumstances, and/or New Information**

When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report; and/or*
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; and/or*
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.*

**Finding 6a:**

The Planning Commission finds that no substantial changes which would result in new significant impacts are proposed for project 2019-006 Tentative Subdivision Tract Map

for CV Saddle Creek Holdings, LLC which would require major revisions of the environmental impact report.

**Finding 6b:**

The Planning Commission finds that no substantial changes have occurred with respect to the circumstances under which project 2019-006 Tentative Subdivision Tract Map for CV Saddle Creek Holdings, LLC is being undertaken which would require major revisions in the environmental impact report.

**Finding 6c:**

The Planning Commission finds that no new information, which was not known and could not have been known at the time the environmental impact report for project 2019-006 Tentative Subdivision Tract Map for CV Saddle Creek Holdings, LLC was certified as complete, has become available.

**Evidence for Finding 6a, Finding 6b, and Finding 6c:**

None of the thresholds described in Part (a), Part (b), or Part (c) of PRC §21166 has occurred. There are no substantial changes proposed in the project that will result in new significant impacts or change the severity of previously identified significant impacts. The impacts will be incrementally reduced from those analyzed in the previously certified EIR as the number of single family residences to be constructed has been reduced from 1650 to 1349.

The document titled, "Supplemental Environmental Review Checklist" was prepared and is included as Attachment 4 to the Staff Report. The Supplemental Environmental Review Checklist is a tool that has been modified from the CEQA Appendix G Environmental Checklist to include all environmental resource topics and to specifically enumerate and assess any changes to the project, changes to the project circumstances and new information which was not known and could not have been known at the time the EIR was certified.

The Checklist document compares the current 2019-006 project description to the project description analyzed in the EIR. The Checklist document considers every environmental topic area analyzed in the certified EIR as well as every environmental topic area in the most current version of the "CEQA Appendix G Checklist."

The Checklist demonstrates that impacts that were previously deemed to be less than significant or were mitigated to a level of less than significant in the previous Certified EIR remain less than significant for the proposed project. The Checklist demonstrates that impacts that were deemed significant and unavoidable in the previous Certified EIR remain significant and unavoidable, but will not increase in intensity as a result of the proposed project. The reduction in density of the proposed project correspondingly reduces the intensity of certain impacts by as much as 21%.

The Checklist demonstrates that there have been no substantial changes with respect to the circumstances under which the project has been undertaken owing to the involvement

of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Checklist further demonstrates that there is no new information of substantial importance which was not known or could not have been known with the exercise of reasonable diligence.

Where there have been regulatory changes, these regulatory changes are described in the Supplemental Environmental Review Checklist. Where regulatory changes impose additional regulatory compliance requirements and where these new requirements are not adequately addressed by either the mitigation measures or the implementation measures of the Specific Plan, these regulatory compliance requirements are reiterated as new conditions of project approval.

Notable regulatory changes that took place after the EIR was certified were documented in the Checklist for the following resource areas:

- Expansion of earlier listings of special status plant and animal species pursuant to the Federal Endangered Species Act and the California Endangered Species Act.
- Adoption of California Public Resource Code (PRC) §21083.4 and for protection of oak woodlands.
- Amendments to the CEQA Guidelines, §15064.4 requiring consideration of the potential environmental impacts of Greenhouse Gas Emissions.
- Amendments to the CEQA Guidelines §15064.3 requiring consideration of the project's potential contribution to Vehicle Miles Traveled as a contributor to Greenhouse Gas Emissions.
- Expansion of 14 CCR, Division 1.5, Chapter 7, Subchapter 2, SRA Fire Safe Regulations, Article 2 Emergency Access and Egress, §1273.09 Dead-End Roads (codified 05-30-1991).

The Checklist demonstrates that the expanded listings of special status plant and animal species were anticipated and adequately addressed in the Biological baseline studies for the original EIR and are adequately addressed by the mitigation measures and the implementation measures of the Specific Plan. All species in question were already enumerated on special status plant species lists of one kind or another, and were included in the studies.

The Checklist demonstrates that mitigation for loss of Oak Woodlands and mitigation for loss of individual oak trees were adequately addressed by the mitigation measures and the implementation measures of the Specific Plan. The project applicant is required to prepare and submit to the Planning Department an Oak Tree Removal and Replacement Program prior to any grading activities and to mitigate for loss of oak woodlands and for heritage trees.

CEQA Guidelines Section 15064.4, as amended effective December 28, 2018, requires a determination of the significance of impacts from Greenhouse Gas (GHG) emissions. There is no discussion or analysis section in the EIR with the title: Greenhouse Gas (GHG) Emissions. The EIR Air Quality section did, however, discuss the most relevant

emissions constituents that comprise GHGs, including carbon monoxide (CO), nitrous oxides (NOX), and (ROG). Information about the potential impacts of GHGs has been widely known since the United Nations Framework Convention on Climate Change was established in 1992. The regulation of greenhouse gas emissions to reduce climate change impacts was extensively debated and analyzed before and during that time frame. Thus, information about the potential environmental impact of GHG emissions was known or could have been known at the time the EIR was certified. Since the potential environmental impact of greenhouse gas emissions does not constitute new information within the meaning of Section 21166(c), CEQA Guidelines Section 15064.4 was not violated by not expressly referring to GHG. The Checklist demonstrates that Greenhouse Gas (GHG) Emissions, while not identified specifically as such, were recognized and acknowledged in the EIR and adequately addressed by the mitigation measures and the implementation measures of the Specific Plan. The 21% reduction in number of single family residential units incrementally reduces the impacts to result from GHG emissions below that analyzed in the EIR. The change in CEQA Guidelines does not represent a change in circumstance.

CEQA Guidelines Section 15064.3, as amended effective December 28, 2018, requires a determination of the significance of transportation impacts based upon a specific consideration of Vehicle Miles Traveled (VMTs), or the amount and distance of automobile travel attributable to a project. Lead agencies are prohibited from considering changes in Level of Service or other measures of traffic congestion as significant environmental impacts. There is no discussion or analysis section in the EIR with the title: Vehicle Miles Traveled (VMTs). The EIR Transportation/Traffic section did, however, acknowledge that vehicle miles traveled were worthy of consideration and discussed means and methods to reduce vehicular travel. The Checklist demonstrates that Vehicle Miles Traveled (VMTs), while not identified specifically as such, were recognized as a significant contributor to GHG emissions in the EIR and a number of EIR mitigation measures and implementation measures of the Specific Plan were included to reduce the effects of both VMTs and GHG emissions. The EIR identified a significant regional-scale cumulative impact to air quality to result from the project together with cumulative residential development within and outside of Calaveras County. This impact is incrementally reduced by the 21% reduction in number of single family residences, but remains significant. The proposed project does not result in new or more severe significant impacts to result from VMTs and GHG Emissions. Thus, information about the potential environmental impact of VMTs was known or could have been known at the time the EIR was certified. Since the potential environmental impact of VMTs does not constitute new information within the meaning of Section 21166(c), CEQA Guidelines Section 15064.3 was not violated by not expressly referring to VMTs. The Checklist demonstrates that Vehicle Miles Traveled (VMTs), while not identified specifically as such, were recognized and acknowledged in the EIR and adequately addressed by the mitigation measures and the implementation measures of the Specific Plan.

The Checklist demonstrates that the potential for wildfire and the need for fire safe design, adequate emergency access and egress, and the avoidance of dead-end roads was recognized and addressed by mitigation measures and implementation measures of the

Specific Plan. It may be noted that a change in CEQA Guidelines is not a de facto change in circumstances, nor does it represent new information. The implementation of new standards for review do not create an increase in the impacts or the severity of the impacts. The Flint Trail entrance will be constructed prior to the recordation of the first phase of the Tentative Subdivision Tract Map.

Implementation Measures in the Saddle Creek Specific Plan reiterate the requirements of Government Code §65457 with regard to the applicability of the exemption from CEQA. Specific Plan Implementation Measure 6a-(1) states that when a tentative map is submitted that is in substantial conformance with the Specific Plan, the map shall be approved utilizing the Implementation Program of the Specific Plan as the conditions as summarized in the mitigation monitoring program. Further, Implementation Measure 6b-(1) states that when a tentative map is submitted that is in substantial conformance with the Specific Plan, allow approval of the map without any requirements for additional environmental review or documentation. While Project 2019-006 represents a new application for a Tentative Subdivision Tract Map, it also represents the completion of a Specific Plan approved in 1994.

As none of the events specified in Subsections (a), (b) or (c) of §21166 of the Public Resources Code has occurred, the exemption provided by Government Code §65457 for a project consistent with the adopted Specific Plan applies. No additional CEQA review is required.

Project 2019-006 satisfies the requirements of Government Code §65457 as this project is undertaken to implement and is consistent with the Saddle Creek Specific Plan. Project 2019-006 does not meet the threshold events as described in Public Resources Code §21166 to trigger a subsequent or supplemental environmental impact report as no substantial changes are proposed to the project, no substantial changes have occurred with respect to project circumstances and no new information, which was not known and could not have been known at the time the EIR was certified, has become available.

**BE IT FURTHER RESOLVED**, that the Planning Commission approves the Tentative Subdivision Tract Map based on the following project conditions;

**I PLANNING DEPARTMENT CONDITIONS**

- I-1 The Applicant(s) and Owner(s); and their Heirs, Successors, and Assigns shall abide by all terms of the Indemnification Agreement dated April 24, 2019 and on file in the Planning Department’s records for 2019-006.
- 1-2 The applicant shall meet all the requirements of the Calaveras Country Club (Saddle Creek) Specific Plan, the Calaveras Country Club (Saddle Creek) Zoning Code, and the Calaveras County Subdivision Ordinance, Title 16.

- I-3 The Tentative Parcel Map approval is valid for a period of 36 months or until September 10, 2023. An extension of time may be granted pursuant to Title 16 as long as a request and required fees are submitted to the Planning Department prior to expiration of the map.
- I-4 This approval is for a Tentative Subdivision Tract Map to create 725 residential parcels and 48 condominiums at the existing Saddle Creek subdivision.
- I-5 The recorded map shall be in substantial conformance to the submitted Tentative Subdivision Tract Map included as "Exhibit A"
- I-6 Within five (5) calendar days from the date of approval, the applicant shall pay all applicable County Administrative fees (\$50 check payable to the County) in order for the County file the Notice of Exemption.

## **II PUBLIC WORKS CONDITIONS**

- II-1 At the time of development of this property, the developer shall meet the provisions of applicable County Codes identified in the Saddle Creek Zoning Code and Calaveras Country Club Specific Plan. These include the Road Impact Mitigation (RIM) fee, County Road Ordinance (Chapter 12.02), the Encroachment Ordinance (Chapter 12.08), the Storm Water Quality Ordinance (Chapter 13.01), the Grading and Drainage Ordinance (Chapter 15.05), Payment of Benefit Basin fees and the requirements of other agencies having jurisdiction.
- II-2 Applicant shall construct roads, bikeway and other improvements to conform to the following design criteria:
  - i. Saddle Creek Drive/Bow Drive, Flint Trail, Streets and Lanes are to be improved to conform to modified Road Ordinance Private Residential Community Road with parking on one side. The template shall conform to 50-foot Collector and Court as shown on the tentative map (see Table 1).
    - (1) Improvements shall extend from Little John Road throughout the subdivision.
    - (2) Structural section requirements are minimum 4" A.B. and 2" A.C. Final structural section design shall be based on the soils report "R" value test with a T.I. of 4.5.
    - (3) Design parameters such as vertical and horizontal curves and road grades shall conform to County Code § 12.02.160, Table V for Template O.
  - ii. Courts shall be improved to conform to modified Road Ordinance Private Community Cul-de-sac. The template shall conform to 40-foot Court as shown on the tentative map (see Table 2).

- (1) Structural section requirements are minimum 4" A.B. and 2" A.C. Final structural section design shall be based on the soils report "R" value test with a T.I. of 4.5.
  - (2) Design parameters such as vertical and horizontal curves and road grades shall conform to County Code § 12.02.160, Table V for Template Q.
- iii. The extension of Oak Creek Drive is to be improved to conform to modified Road Ordinance Private Residential Community Road with parking on one side. The template shall conform to 60-foot Collector as shown on the tentative map.
- (1) Structural section requirements are minimum 4" A.B. and 2" A.C. Final structural section design shall be based on the soils report "R" value test with a T.I. of 4.5.
  - (2) Design parameters such as vertical and horizontal curves and road grades shall conform to County Code § 12.02.160, Table V for Template O.

TABLE 1. 50-FOOT COLLECTOR AND COURT

Saddle Creek Drive	Street G	Street N
Bow Drive	Street H	Street Z
Rock Ridge Lane	Street I	Street ZZ
Flint Trail	Street J	Court E
Quail Creek Drive	Street K	Court F
Saddle Creek Lane	Street L	Court G
Street B	Street M	Court H
Street C	Street N	Court I
Street D	Street O	Court J
Street E	Street P	Court K
Street F	Street Q	Court U

TABLE 2. 40-FOOT COURTS

Court A	Court N	Court S
Court B	Court O	Court T

Court C	Court P	Court V
Court D	Court PP	Court W
Court L	Court Q	Court Y
Court M	Court R	

- II-3 Roads lengths shall conform to County Code §12.02.230.
  
- II-4 Roads lengths shall conform to Title 14. Natural Resources, Division 1.5. Department of Forestry and Fire Protection, Chapter 7. Fire Protection, Subchapter 2. SRA Fire Safe Regulations, Article 2. §1273.08, Dead End Roads
  - i. Roads serving individual map phases shall be designed so that they do not exceed the length allowed by code. An access road at the Flint Trail connector is required with any development in the southern portion of the project (Phase 1), and an access road at the Bow Drive connector is required with any development in the northern portion of the project (Phase 2).
  
  - ii. If roads do not provide secondary access, roads serving map phases shall be designed so that road termini have standard turnaround.
  
- II-5 The applicant shall obtain an encroachment permit and improve a minor collector road approach for the extension of Bow Drive at Little John Road.
  - i. The intersection design shall include provisions for a southbound right-turn lane from Little John Road onto Bow Drive.
  
  - ii. Sight distance improvements may require removal of an existing tree in the northeast corner of Little John Road/Bow Drive.
  
- II-6 The applicant shall obtain an encroachment permit and improve a minor collector road approach for the extension of Flint Trail at Little John Road.
  - i. The intersection design shall consider sight distance improvements.
  
- II-7 Turnaround shall be improved onsite at all roadway endpoints to conform to Road Ordinance §12.02.230 with minimum 80-foot surface diameter within a minimum 100-foot right-of-way.
  
- II-8 Roadway intersections shall conform to Local Approach and all applicable requirements in Road Ordinance §12.02.260.
  
- II-9 The Roundabout at Saddle Creek Drive shall conform to the design recommendations in Roundabouts; an Informational Guide by the Federal

Highway Administration, Publication Number FHWA-RD-00-067, or similar guide.

II-10 The following improvements on Little John Road (per Traffic Impact Study dated August 10, 2020, prepared by LSC Transportation Consultants, Inc.) shall be constructed:

i. Improve a left-turn acceleration lane for up to two-vehicles along Little John Road at Copper Cove south of intersection or convert to all-way stop controlled intersection with a full northbound right turn bay. Improvements to be determined if traffic warrant is met.

ii. Improve a central two-way left-turn lane along Little John Road north of Intersection at Bow Drive.

iii. Improve a southbound right-turn lane on Little John Road at the new Flint Trail intersection.

iv. The timing for need of improvement shall be based on an analysis submitted along with improvement plans for each phase.

II-11 The following information shall be provided on the Final Map:

i. Delineate and cite all existing road and public utility easements.

ii. Delineate all proposed road and public utility easements including setbacks.

iii. Dedicate to the Public all public utility easements within roadway rights of way.

iv. All unnamed roads shall be named on the Parcel Map subject to the approval of the County Information Technology Services Department.

v. Delineate all areas subject to inundation due to a 100-year storm event. If there are no such areas, a statement certified by a Registered Civil Engineer is to be placed on the map stating so.

II-12 The following items shall be submitted to the Public Works Department prior to recording the Final Map:

i. Hydrology/hydraulics analysis in support of determination of areas of inundation from 100-year storm.

ii. Evidence that driveways meeting all standard requirements can be improved to access building pad locations on the new parcels.

iii. An engineer's estimate of probable costs that includes 5% engineering costs, 20% prevailing wage rates, 10% contingencies and 3% administrative costs for the Project Improvement.

iv. If the applicant wishes to record the Subdivision Map prior to construction of any improvements, consistent with Road Ordinance §12.02.340, a Project Improvement Agreement together with appropriate securities will be required. Securities may be in the form of a performance bond and a labor and materials bond, each in the amount of 100% of the engineer's estimate of probable cost. Securities in other forms acceptable to County may be used.

II-13 The developer shall provide for the maintenance of roads through one of the following mechanisms:

i. Form a Permanent Road Division (PRD) pursuant to the Streets and Highways Code §1160 et seq. The PRD shall provide for maintenance for all proposed roads within the development. All roads shall be dedicated to public use and are to be maintained by the County through a special assessment on each parcel within the PRD so formed. Prior to recording the Final Map, applicant shall:

(a) Identify the geographic area including all properties and roads to be included in the PRD.

(b) Provide a name for the proposed PRD and estimated acreage.

(c) Provide an estimate of the annual cost of administration and maintenance for the PRD.

(d) Provide all other applicable items as required for PRD formation as set forth in Streets and Highways Code §1160 et seq.

ii. A homeowner's association or other suitable mechanism.

II-14 Improvement plans shall be submitted to and approved by Public Works prior to the beginning of construction or filing of the Final Map, whichever comes first. Improvement plans must include without limitation the following:

i. Road improvement details including plan, profile, cross sections, and signature and stamp of the responsible registered civil engineer in charge.

ii. A grading plan showing existing and proposed contours.

iii. Utilities.

iv. Signage as needed including road name signs, traffic control signs and "Not a County Maintained Road" signs.

v. Drainage plan signed by a registered civil engineer including hydrology/hydraulics analysis in support of design and analysis of pre and post project conditions to verify that downstream drainage appurtenances can handle the flows.

All incremental increases in peak flows from the development must be detained onsite.

vi. Erosion control plan implementing Best Management Practices for Storm Water Pollution Prevention.

vii. The removal/re-location of all fences from within the road rights-of-way.

viii. Wetland areas and areas of inundation by the 100-year storm event, if any.

ix. Soils/geotechnical report in support of design.

x. The developer is required to apply for all necessary approval or permits including permits from the California Department of Fish and Wildlife, the Central Valley Regional Water Quality Control Board, and the U.S. Army Corps of Engineers. Permits from other agencies shall be submitted to the County along with the improvement plans.

xi. Construction Quality Assurance Plan.

xii. Prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) as required for project grading and construction activities, and obtain a General Construction Activity Storm water Permit and a National Discharge Elimination System (NPDES) permit.

xiii. Implement Best Management Practices (BMPs) during grading and construction activities to manage storm water quality. Identified BMPS shall be compliant with General Permit No. CAS000002 requirements, and may consist of, but would not be limited to: measures to detain storm water on the project site; measures to attenuate the concentration time of storm water; measures to attenuate peak flows at the boundary of the project; measures to prevent contamination of storm water within the project; measures to actively treat storm water; and measures to passively treat storm water.

xiv. Analysis in support of offsite improvements needed per phase of development.

### **III ENVIRONMENTAL MANAGEMENT AGENCY CONDITIONS**

III-1 Prior to recordation of final map, a written statement shall be obtained by the developer from the public water purveyor indicating water will be provided to each parcel and the terms for the same.

III-2 Prior to recordation of final map, a written statement shall be obtained by the developer from the public sanitation district indicating sewer service will be provided to each parcel and the terms for the same.

**IV COPPEROPOLIS FIRE PROTECTION DISTRICT CONDITIONS**

- IV-1 Any gates shall be installed according to specifications established by the Copperopolis Fire Protection District. Specifications shall include minimum width, operation during a power outage to provide for emergency egress, and first responder access provisions.
- IV-2 A second point of access to Little John Road shall be constructed at the time of recording the first phase. Development of any phase south of Saddle Creek Drive shall require the construction of the connection of Flint Trail to Little John Road. Development of any phase north of Saddle Creek Drive shall require the construction of the Bow Drive connection to Little John Road. Construction of either connection shall connect with existing roads within the Specific Plan area.
- IV-3 The applicant shall prepare a fire fuel management plan prior to recording a final map which shall include provisions for ongoing fuel maintenance, fuel reduction in open space and common areas, fuel management easements, and other applicable measures to ensure defensible space and enable fire protection. The plan shall be subject to review and approval by the Copperopolis Fire Protection District and Calfire.

**V COPPER VALLEY COMMUNITY SERVICES DISTRICT CONDITIONS**

- V-1 Obtain an Encroachment Permit from the Copper Valley Community Services District prior to issuance of Building and/or Grading Permits by the County.

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**PASSED AND ADOPTED** by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on September 10, 2020 on a motion by Commissioner Fiorino and seconded by Commissioner Henderson.

AYES: Commissioners Wooster, Fiorino, Henderson, Plotnik  
NOES: Commissioner Laddish  
ABSTAIN: 0  
ABSENT: 0



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Chair, Planning Commission

ATTEST:  


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Debra Lewis, Planner III

The project files are available for public review in the Planning Department, County of Calaveras, Government Center, 891 Mountain Ranch Road, San Andreas, CA. 95249, between the hours of 8:00 a.m. and 4:00 p.m.