



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

Planning Commission Staff Report

Hearing Date	December 8, 2022
Project Number/Name	2022-047 MEP for LGI Homes
Supervisory District Number	District 5, Gary Tofanelli
Assessor's Parcel Number(s)	073-056-001, 002, 003, 009
Planner	Gina Kathan, Planner IV

Date: November 9, 2022

PROJECT DESCRIPTION: LGI Homes filed a request to modify Condition of Approval II-9 of Board of Supervisors (BOS) Resolution 08-023 approving Vesting Tentative Subdivision Tract Map 2005-190 and Road Modification for North Vista Plaza.

ArcGIS Web Map

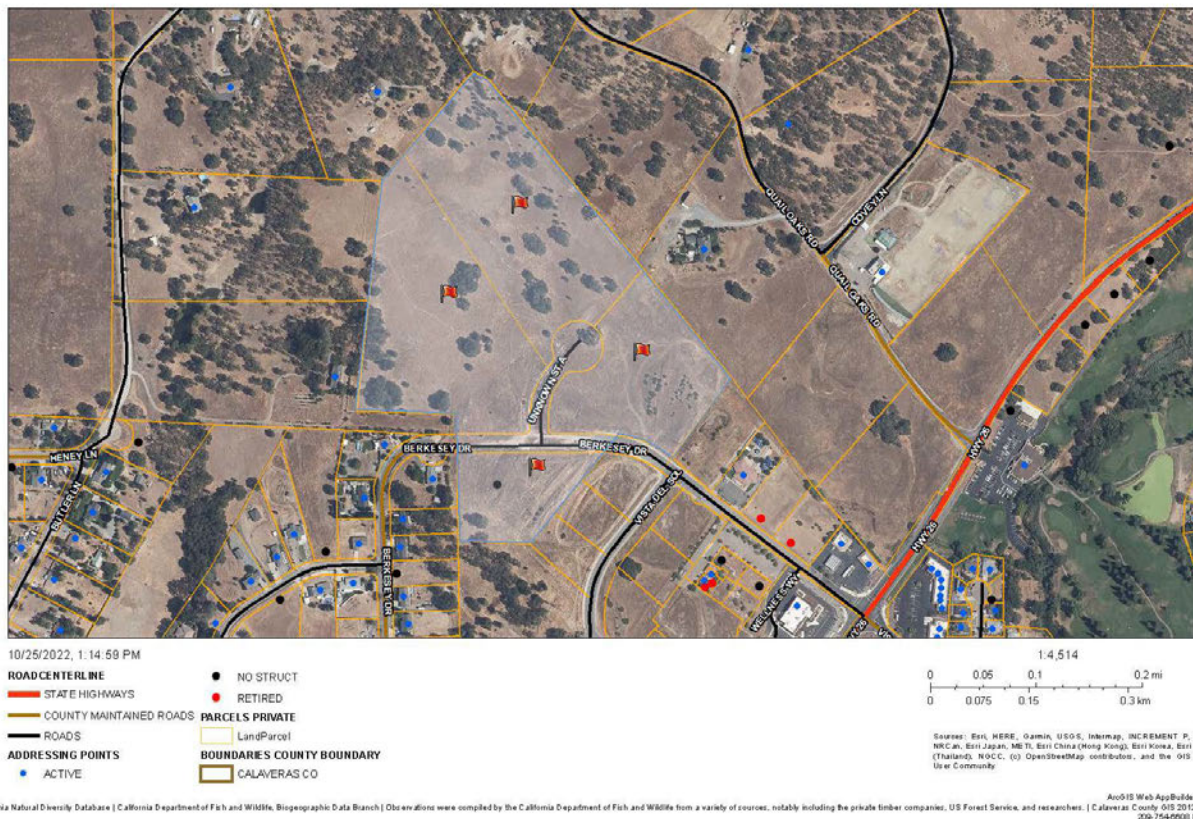


Figure 1 - Boundary of Preserve

APPLICANT:

LGI Homes
Evan Licht
2251 Douglas Blvd Suite 110
Roseville CA 95661

LANDOWNER:

VSP Lots LLC
Manor Development, Camron Pringle
1420 Kettner Blvd Suite 100
San Diego CA 92101

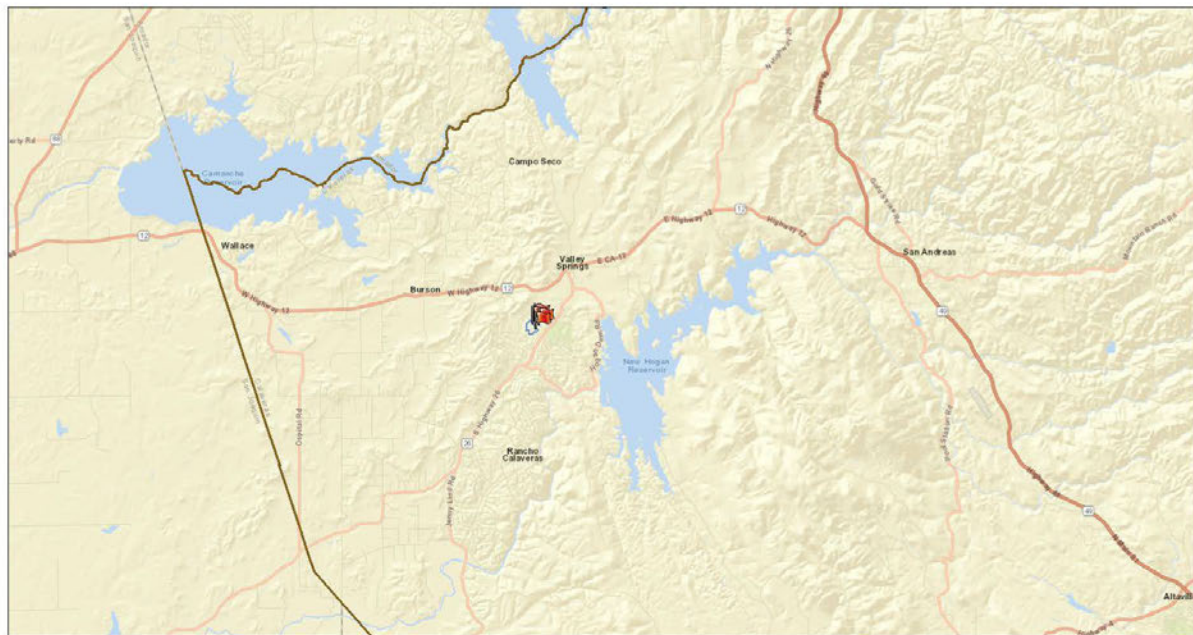
AGENT:

Rick Engineering Company
Scott Lillibridge
2525 E Bidwell St
Folsom CA 95630

PROJECT LOCATION:

The subject property, 31.94 acres, is located 2 miles southwest of Valley Springs, 1,000 feet north of Highway 26 approximately 1.75 miles south of the Highway 12/Highway 26 intersection. The project site, APN's 073-056-001, 002, 003, and 009, is a portion of Section 26, Township 4N, Range 10E, MDM.

ArcGIS Web Map



ANALYSIS:

On January 22, 2008, the County BOS conditionally approved Vesting Tentative Subdivision Tract Map 2005-190 to create 167 lots consisting of 156 residential lots, 2 on-site detention basins, 7 landscaped areas, 2 recreational areas and private streets. The map was initially approved for three years then was eligible for six years of State granted extensions. Subsequently, the map received two discretionary extensions of time, granting an additional six years to the life of the map setting the final expiration to January 22, 2023.

LGI Homes is in the process of purchasing the project. They intend to record the final map and build out the subdivision, offering finished homes for sale. BOS Resolution 08-023 sets forth conditions of the approved (COA) vesting tentative map from County Planning, Public Works, Environmental Management Agency and the Building Department as well as Pacific Gas & Electric Company. Furthermore, the resolution refers to seven measures to mitigate project related environmental impacts. LGI Homes with their Engineer have been diligently working with the County to ensure all COA are being met. Specifically, Condition II-9 must be met prior to the BOS approving the final map for recordation. Condition II-9 reads as follows:

- *Prior to approval of a Final Subdivision Map, the applicant will enter into a recordable agreement with the County to commit 5 housing units to be sold at an average sales price of \$200,000. These units would be sold to buyers meeting bona fide low-income limits as set by the California Department of Housing & Community Development (HCD). Deed restrictions will be placed on the units so that resale prices to future buyers would be indexed over 30 years to low-income limits as set by HCD.*

In August of this year, LGI Homes submitted a request to modify this condition to remove the “average sale price of \$200,000” portion of the condition stating that “income limits set by HCD have increased over the last 16 years. In 2022, the low-income for a family of 4 was \$55,750. Therefore, the amount of home a low-income family can qualify for has gone up.”

The intent of condition II-9 is to provide affordable housing opportunities for lower income households. Lower income is identified by the State Department of Housing and Community Development (HCD) as household incomes at 80% of the average median income (AMI) of the county and below. However, Condition II-9 sets a specific sale price of \$200,000 which doesn't allow for consideration of fluctuating income levels and inflation. The information provided in the chart below is from HCD on how “affordable” is determined. Affordability is determined first by total household income to number of persons in the family and this is compared to the average median for the county. The average median income for a family of four (4) in Calaveras County is currently \$90,000. What is affordable for rent or purchase is dependent on a downward or upward scale relative to the AMI. For example, 30% affordability is 70% below the AMI, and 120% affordability is 20% above the AMI (Table 1).

The average cost of a home in Calaveras County is listed on the State Dashboard at \$370,000. Condition II-9 is targeting lower income affordability which is 80% AMI or less. Based on the chart below, affordability varies on household size and unit size. For example, an affordable 3-bedroom home for a family of four (4) with an AMI of 80%, is \$300,000.

Table 1

Calaveras County Income Limits, 2022

	Household Size					
	1	2	3	4	5	6
30% AMI	\$ 18,900	\$ 21,600	\$ 24,300	\$ 27,750	\$ 32,470	\$ 37,190
50% AMI	\$ 31,500	\$ 36,000	\$ 40,500	\$ 45,000	\$ 48,600	\$ 52,200
60% AMI	\$ 37,800	\$ 43,200	\$ 48,600	\$ 54,000	\$ 58,320	\$ 62,640
80% AMI	\$ 50,400	\$ 57,600	\$ 64,800	\$ 72,000	\$ 77,800	\$ 83,550
100% AMI	\$ 63,000	\$ 72,000	\$ 81,000	\$ 90,000	\$ 97,200	\$ 104,400
110% AMI*	\$ 69,300	\$ 79,200	\$ 89,100	\$ 99,000	\$ 106,920	\$ 114,840
120% AMI*	\$ 75,600	\$ 86,400	\$ 97,200	\$ 108,000	\$ 116,640	\$ 125,280

* Incomes are imputed based on median income.

Sources: HCD, 2022.

Table 2

Affordable Home Sales Prices, Calaveras County, 2022

Unit Size	Household Income (AMI)					
	30%	50%	60%	80%	100%	120%
Studio (1-person HH)	N/A	N/A	\$126,566	\$190,501	\$254,436	\$318,371
1-Bedroom (2-person HH)	N/A	N/A	\$153,966	\$227,035	\$300,104	\$373,173
2-Bedroom (3-person HH)	N/A	N/A	\$181,367	\$263,570	\$345,772	\$427,974
3-Bedroom (4-person HH)	N/A	N/A	\$208,768	\$300,104	\$391,440	\$482,776
4-Bedroom (5-person HH)	N/A	N/A	\$230,689	\$329,535	\$427,974	\$526,617

The developer estimates that the project will be complete, and homes will be ready for sale by 2025. HCD updates the AMI and affordability information for Calaveras County annually. As it is impossible to predict what the average income and therefore affordability rates will be in 2025 (when the project is projected to be ready for sales), the county can only commit to replace the original affordable sales price of \$200,000 with whatever price is deemed affordable for a household at 80% of AMI by the HCD when the homes are offered for sale.

Table 3 below illustrates the County's annual housing progress report, showing that we continue to fall well below the State's Regional Housing Needs Allocation (RHNA) goals for low and very low-income levels in the unincorporated portion of Calaveras County. Eliminating the specific selling price of a home and allowing the HCD to determine the

selling price will ensure that all persons falling into the low-income range including both low and very low-income levels, will be eligible to purchase a home.

Table 3

Income Level	RHNA	2019	2020	2021	Total Units to Date All years	Total Remaining RHNA
Very Low	268	-	-	-	-	268
Low	178	-	18	-	18	160
Moderate	168	-	28	-	28	140
Above Moderate	482	46	25	89	160	322
Combined	1,096	46	71	89	206	890

Three years into the eight-year Housing Element cycle, the county has achieved 18.8% of its RHNA goal. To be on track, we should be at 37.5%

CONCLUSION:

Modifying condition of approval II-9 to remove the specific selling price of \$200,000 and allowing HCD to determine the affordable home sales price based on household income levels at the time of purchase will increase the eligibility of all low-income buyers and help to decrease the total remaining RHNA. The proposed modification is consistent with the goals and policies of the County Housing Element of the General Plan. Goal H-2 encourages development, construction, and maintenance of safe, decent, and well-built affordable housing in the County. The parcels are located within the Rancho Calaveras / Jenny Lind Community Plan Area. Being that this is a residential project and modifying condition II-9 does not change the project, there are no applicable community plan policies specific to the modification. The zoning code does not regulate household income levels and affordable home prices.

ENVIRONMENTAL REVIEW:

The Mitigated Negative Declaration prepared and adopted for the project (MND) adequately addressed potentially significant environmental impacts associated with the project. Modifying the condition of approval is not growth inducing and will not have a significant effect on the environment.

RECOMMENDATION:

Staff recommends the Planning Commission adopt resolution 2022-015 approving the Modification to Condition II-9 of BOS RES 08-023 for the North Vista Plaza Subdivision based the findings included therein.

ATTACHMENTS

1. Draft Resolution
2. BOS RES 08-023
3. Notice of Public Hearing
4. Request for Modification

Attachment 1

Draft Resolution 2022-015

COUNTY OF CALAVERAS, STATE OF CALIFORNIA
PLANNING COMMISSION

RESOLUTION NO. 2022-015

>>A RESOLUTION APPROVING THE MODIFICATION TO CONDITION II-9 OF BOS RES 08-023, CONDITIONALLY APPROVING TENTATIVE SUBDIVISION TRACT MAP (TSTM) 2005-190 FOR NORTH VISTA PLAZA

WHEREAS, the Planning Department of the County of Calaveras received a request from Evan Licht on behalf of LGI Homes to modify condition II-9 of Board of Supervisors (BOS) Resolution 08-023, approving TSTM 2005-190 for North Vista Plaza, by removing the “average sale price of \$200,000” portion of the condition; and

WHEREAS, on January 22, 2008, the County BOS conditionally approved TSTM 2005-190 for North Vista Plaza to create 167 lots consisting of 156 residential lots, 2 on-site detention basins, 7 landscaped areas, 2 recreational areas and private streets; and

WHEREAS, condition II-9 limits the sales price of five (5) homes to \$200,000, which is currently below 60% of the county’s AMI; and

WHEREAS, the proposed project is located on real property in the unincorporated portions of the County of Calaveras more particularly described as APN’s: 073-056-001, 002,003, and 009; and

WHEREAS, pursuant to California Environmental Quality Act (CEQA), an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared and adopted by the BOS with approved TSTM 2005-190 for North Vista Plaza which adequately addressed potentially significant environmental impacts associated with the project; and

WHEREAS, the modification to condition II-9 is not growth inducing and will not have a new potentially significant effect on the environment; thus, pursuant to California Environmental Quality Act (CEQA), the modification is supported by the original Mitigated Negative Declaration approved for the project; and

WHEREAS, during a duly noticed public hearing on December 8, 2022, the Planning Commission considered all 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; therefore,

BE IT RESOLVED, that the Planning Commission approves the modification to condition II-9 of TSTM 2005-190 based upon the following findings:

1. A Mitigated Negative Declaration (MND) was prepared for TSTM 2005-190 in accordance with the California Environmental Quality Act (CEQA), including seven (7) mitigation measures.

Evidence: The MND adequately addressed potentially significant environmental impacts associated with the project. Modifying the condition is not growth inducing and will not have a significant effect on the environment.

2. The proposed modification is consistent with the County General Plan and applicable community or special plan, and the provisions of Title 17.

Evidence: The modification is consistent with the goals and policies of the County Housing Element. Goal H-2 encourages development, construction, and maintenance of safe, decent, and well-built affordable housing in the County. L&L Homes intends to build out the subdivision providing quality homes for sale. Condition II-9 requires the dedication of 5 homes to be sold at a cost affordable to low-income home buyers (80% AMI or lower). Relying on a specific selling price does not account for inflation; thus, limiting the eligibility of low-income buyers to only those falling below 60% AMI. The parcels are located within the Rancho Calaveras / Jenny Lind Community Plan Area. Being that this is a residential project and modifying condition II-9 does not change the project, there are no applicable community plan policies specific to the modification. The zoning code does not regulate household income levels and affordable home prices.

3. Conditions of project approval are necessary for protection of the public health, safety, and welfare, and to reduce or eliminate potential environmental effects.

Evidence: This project is conditioned to adequately meet the housing needs of all economic segments of the community. Modifying Condition II-9 is beneficial to the welfare of the public as it will provide opportunities to all income levels without exclusion.

BE IT FURTHER RESOLVED, that the Planning Commission approves the modification to condition II-9 to read as follows:

- II-9 Prior to approval of a Final Subdivision Map, the applicant will enter into a recordable agreement with the County to commit five (5) housing units to be sold to buyers meeting bona fide low-income limits as set by the California Department of Housing & Community Development (HCD). Deed restrictions will be placed on the units so that resale prices to future buyers would be indexed over 30 years to low-income limits as set by HCD.

PASSED AND ADOPTED by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on December 8, 2022, on a motion by Commissioner and seconded by Commissioner

AYES:

NOES

ABSTAIN:

ABSENT:

Chair, Planning Commission

ATTEST:

Gina Kathan, Planner IV

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

BOS RES 08-023

BOARD OF SUPERVISORS, COUNTY OF CALAVERAS
STATE OF CALIFORNIA
January 22, 2008

RESOLUTION No. 08-023

A RESOLUTION APPROVING VESTING TENTATIVE SUBDIVISION TRACT MAP 2005-190, and ROAD ORDINANCE MODIFICATION REQUEST.

WHEREAS, the Board of Supervisors of the County of Calaveras is permitted to approve a Tentative Subdivision Tract Map and Road Ordinance Modification request on recommendation from the Planning Commission; and

WHEREAS, the Planning Commission of the County of Calaveras did conduct a public hearing and made a recommendation to Board of Supervisors concerning the proposed Vesting Tentative Subdivision Tract Map and Road Modification request; and

WHEREAS, the Board of Supervisors duly advertised and considered the Planning Commission recommendation and all of the testimony presented to it, including its staff report, Initial Study and Mitigated Negative Declaration, at a public hearing.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Calaveras does hereby approve Vesting Tentative Subdivision Tract Map 2005-190 for FLOYD AND MARILYN NORRIED AND THE MARK PRINGLE COMPANY, LLC based on the following findings and conditions as amended by the Planning Commission:

FINDINGS FOR 2005-190:

1. A Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act, including seven (7) mitigation measures. With implementation of the mitigation measures, the project will have a less than significant impact.

Road Ordinance Modification Findings:

2. There are physical characteristics unique to the property, including size, shape, topography, that are so unusual that complying with the requirements would create exceptional hardship to the subject parcel.

Evidence: The project includes 28 units of dense, clustered housing. Clustering this housing will further the goals of the General Plan by preserving greater open space and trees than would otherwise occur, provide for more affordable housing, and provide a mix of housing types within this project. The streets for this section of the project have

1 been designed to accommodate future anticipated parking demands while maintaining
2 open space.

- 3 3. The requested Road Ordinance Modifications would not be detrimental to the health,
4 safety, and welfare of the adjacent or surrounding residences.

5 Evidence: Public Works filed a letter stating that Rick engineering company had
6 submitted a written modification request to allow for the terminus of certain roadways to
7 be constructed in a shortened version of a hammerhead as shown on the tentative map.
Based upon the engineer's representation that modification to the County standards did
not compromise traffic safety, public works concurred with granting the modification
request.

8 Tract Map Findings:

- 9 4. The proposed subdivision is physically suitable for the requested parcel sizes, and the
10 design of the proposed land division or its improvements will not cause serious health
problems.

11 Evidence: The subject property is located within the Calaveras County Water District
12 service area and the proposed lots will be provided potable water and wastewater
services accordingly.

- 13 5. The proposed land division is consistent with the requirements of the County Subdivision
14 Ordinance.

15 Evidence: The proposed land division as conditioned will comply with Title 16 of the
16 Calaveras county Subdivision code.

- 17 6. The proposed land division is consistent with the General Plan and the County Zoning
Code.

18 Evidence: The proposed land division shall comply with Site Development Standards
19 of the R-1 PD and REC-X-EP-PD base zones.

- 20 7. Conditions of project approval are those necessary to protect the interests of prospective
21 property owners or those necessary to protect the broader interests of the general public
health, safety and welfare.

22 Evidence: The proposed land division shall comply with the Open Space Element of
23 the General Plan The project site will not impact any plant or animal species identified as
24 federally listed, or State listed, or Species of Special Concern. The proposed land
division is physically suitable for the requested parcels sizes, and the design of the
proposed land division or its improvements will not cause serious health problems.

25 I. GENERAL CONDITIONS:

- 26
27 1-1. The Applicant shall defend, indemnify, and hold harmless the County or its agents, officers
28 and employees from any claim, action, or proceeding against the County or its agents,
officers and employees to attack, set aside, void, or annul the County's approval of
Applicant's project, if any. The County agrees to promptly notify the Applicant of said any
claim, action, or proceeding against the County or its agents, officers and employees. If the

County fails to promptly notify the Applicant, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the County. Nothing shall prohibit the County from participating in the defense of any claim, action, or proceeding, if the County bears its own attorney's fees and costs and the County defends the action in good faith. The Applicant shall not be required to pay or perform any settlement unless the settlement is approved by the Applicant.

I-2. The final map shall substantially conform to Tentative Subdivision Tract Map 2005-190 as submitted, amended by the applicant on October 31, 2007, and be approved by the Board of Supervisors.

I-3. The final map shall meet the requirements of the Calaveras County Subdivision Ordinance Title 16 and be approved by the Public Works Director and the County Surveyor.

I-4. The maximum number of lots created by the Final map shall not exceed one hundred sixty seven (167) lots consisting of no more than 156 residential lots, 2 on-site detention basins, 7 landscaped areas, 2 recreation areas, and private streets.

I-5. The Final map shall not be filed with the Recorder until the fifteen (15) day appeal period has expired on February 6, 2008 at 5:00 PM. In the event of an appeal, this map shall be withheld until the conclusion of the appeal process.

I-6. The Final map shall be filed with the Calaveras County Surveyor within thirty-six (36) months. If the map is not filed by January 22, 2011 the tentative map shall expire.

I-7. Any application to extend the filing period for this map shall be received by the Calaveras County Planning Department no less than 30 days prior to the original expiration date.

I-8. Prior to recordation of the Final map, the subdivider shall provide proof to the County Surveyor, that there are no liens against the property, or any part thereof, for taxes or special assessments currently due.

II PLANNING DEPARTMENT CONDITIONS:

II-1. Prior to recordation of the Final Subdivision Map the applicant shall provide proof to the Planning Department that the administration fee for the California Department of Fish and Game Mitigated Negative Declaration review has been paid.

II-2. The applicant shall stop work and notify the Planning Department if any one of the following occurs:

- If, during project related construction, any structural remains such as large rock, brick or concrete are found, construction in the immediate vicinity of the find(s) shall cease and a qualified archaeologist shall be retained to evaluate the find(s) and make recommendations as necessary.
- If, during project related construction, artifacts such as glass or ceramic pieces, metal, obsidian, chert (flint), or grinding rocks are found, construction in the immediate vicinity of the find(s) shall cease and a qualified archaeologist shall be retained to evaluate the find(s) and make recommendations as necessary.
- It is unlikely that human remains will be found within the study area. If human remains are found, however, Appendix K of the CEQA Guidelines sets forth the process by which these remains must be addressed. In addition, the project proponent shall retain

the services of a qualified archaeologist to evaluate the scientific aspects of the discoveries and make recommendations as appropriate.

II-3. Seven (7) Mitigation Measures are required, to protect Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hydrology & Water Quality, and Transportation/Traffic.

MM# 1. Aesthetics 1-1 Prior to approval of the Final Map, the developer shall submit a detailed lighting plan to ensure that all on-site lighting is directed within the project site and does not illuminate adjacent properties. The lighting plan will show the locations and design of the shielded light fixtures for the review and approval of the Planning Department and the Public Works Department.

MM# 2. Biology 1 Prior to recording the first phase of the Final Map, the developer shall obtain and comply with a California Dept. of Fish and Game Streambed Alteration Agreement in accordance with Sections 1600-1616 of the California Fish and Game Code. As a performance standard, the agreement shall (1) contain BMPs and detention facilities such that there is no net increase in the volume or velocity of off-site flows of stormwater, (2) contain BMPs such that there is no net increase in the load of pollutants in off-site stormwater flows, and (3) require revegetation of the swale such that the swale supports riparian vegetation of equal or greater value as compared to the existing swale (baseline riparian vegetation is documented in the wetland delineation report).

MM# 3. Biology 2 Prior to recording the first phase of the Final Map, the project developer shall obtain and comply with the NPDES general permit including the submittal of a Notice of Intent (NOI) and associated fee to the State Water Resources Control Board (SWRCB) and the preparation of a Stormwater Pollution Prevention Plan (SWPPP) that includes construction Best Management Practices (BMPs) to be submitted to the Public Works Director for review and approval and maintained on-site at all times during construction. Drainage from all paved surfaces, including streets, parking lots, driveways, and roofs shall be routed through an appropriate treatment system to mitigate surface runoff and water quality impacts during project construction and operations. As described in Section VIII Hydrology and Water Quality, the applicant intends to detain stormwater on the site via a site stormwater system that will include culverts, drainage pipes, bioswales, and detention basins with the ability to treat stormwater before discharge

MM# 4. Cultural 1 If previously undocumented cultural resources are encountered during ground-disturbing activities, work within 100 feet of that location shall stop or be diverted until a qualified archeologist has evaluated the find and determined the appropriate course of action. Work shall not resume in the area of the find until proper disposition is complete.

If any human remains are discovered, work shall cease immediately in the area of the find and the County Coroner shall be contacted in accordance with §7050.5 of the California Health and Safety Code. If the coroner determines the remains represent Native American interment, the Native American Heritage Commission in Sacramento shall be consulted to identify the most likely descendants and appropriate disposition of the remains.

1
2 If it is determined the find indicates a sacred or religious site, the site shall be
3 avoided to the maximum extent practicable. Formal consultation with the State
4 Historic Preservation Office and review by the Native American Heritage
5 Commission shall also occur.

6
7 MM# 5. Geo-1 Prior to any on-site grading, the project developer shall submit for the
8 review and approval of the Public Works Department, an erosion control plan
9 that will utilize standard construction practices to limit the erosion effects during
10 construction of the proposed project. Measures could include but are not
11 limited to:

- 12 • Hydro-seeding;
- 13 • Placement of erosion control measures with drainageways and ahead of
14 drop inlets;
- 15 • The temporary lining (during construction activities) of drop inlets with
16 "filter fabric" (a specific type of geotextile fabric);
- 17 • The placement of straw wattles along slope contours;
- 18 • Directing subcontractors to a single destination "wash-out" location (as
19 opposed to allowing them to wash-out in any location they desire);
- 20 • The use of siltation fences; and
- 21 • The use of sediment basins and dust palliatives.

22
23 MM# 6. Traffic 1 Prior to issuance of an Occupancy Permit the traffic signal at the
24 intersection of Vista Del Lago Drive and SR 26 shall be installed. In the traffic
25 analysis completed for the project the amount of traffic added to the
26 intersection of SR 26/Vista Del Lago Drive for each of the cumulative projects
27 was added together for both the AM and PM peak hours to determine the
28 amount of additional traffic projected in the future at the intersection location.
The North Vista Plaza project is anticipated to contribute 22.39% of the
additional traffic during the AM peak hour and 12.12% of the additional traffic in
the PM peak hour. With the addition of the traffic signal the intersection of
Vista Del Lago/SR 26 would operate at LOS A for the AM peak hour and at
LOS B for the PM peak hour, taking into account existing + cumulative +
project operations. The applicant and the County will enter into an
reimbursement agreement based on the fair share amount as determined by
the County.

29
30 MM#7. Air Quality 1 The developer and all contractors shall provide effective dust
31 suppression for land clearing, grubbing, scraping, excavation, land leveling,
32 grading, cut and fill and demolition activities to the approval of the air pollution
33 control officer.

34
35 The developer and all contractors shall provide effective stabilization of all
36 disturbed areas of a construction site, including storage piles, not used for
37 seven or more days to the approval of the air pollution control officer and public
38 works director.

39
40 The developer and all contractors shall provide effective control of fugitive dust
41 from onsite unpaved roads and offsite unpaved access roads to the approval of

the air pollution control officer.

The developer and all contractors shall provide for the removal of accumulations of mud or dirt at the end of the work day or once every 24 hours from public paved roads, shoulders and access ways adjacent to the site to the approval of the public works director.

II-4 Lot 99 (previously Lot 105) will have landscape limitations that prohibit planting within the drip line of the large heritage oak tree. Lots 31, 32, 35, and 42 (previously 16, 17, 20, and 27) that have existing oak trees will also have the same landscape limitation. Some limited native landscaping may be allowed if no irrigated or watering is required. This condition shall also be included in the CC&Rs. Each tree condition shall be reviewed by a certified arborist and they shall recommend if landscaping can occur under a dripline and if so, where and to what extent. Grading, trenching and other site construction work shall be allowed within the dripline of any tree if permitted by a licensed arborist..

II-5 Trenching grading and other site construction work is permitted within the drip lines of oak trees if permitted by a licensed arborist.. This condition shall also be included in the CC&Rs.

II-6 The developer shall record building envelopes on all lots in accordance with the Setback Plan by Rick Engineering (see Exhibit 7). This condition shall be met as part of the Improvement Plans to be submitted before approval of the Final Map.

II-7 Developer shall adjust the building envelopes on lots where individual oak trees are being preserved (at minimum Lots 31, 32, 35, 42, and 99). Adjustment may take the form of moving the building pads or modifying the design of structures in order to make more room for the oak trees. Each tree condition shall be reviewed and approved by a certified arborist.

II-8 All fill and embankments shall be accommodated on site (see Grading Plan exhibit). No soil shall be deposited on neighboring properties. A detail of the grading of Lots 110-115 shall be provided by the Developer with the Improvement Plan submittal. This condition shall be met prior to grading permit.

II-9 Prior to approval of a Final Subdivision Map, the applicant will enter into a recordable agreement with the County to commit 5 housing units to be sold at an average sales price of \$200,000. These units would be sold to buyers meeting bona fide low income limits as set by the California Department of Housing & Community Development (HCD). Deed restrictions will be placed on the units so that resale prices to future buyers would be indexed over 30 years to low income limits as set by HCD.

III. COUNTY ROAD ORDINANCE (CHAPTER 12.02) AND PUBLIC WORKS DEPARTMENT CONDITIONS:

The Public Works Department has submitted a letter indicating their approval of the road modification request. Prior to recording the first phase of the Final Map, the subdivider shall submit a letter to the Planning Department from the Public Works Department stating the following conditions have been satisfied:

III-1. The roadways are to be based on the following design criteria:

1. The onsite roads named Street "A" through Street "K" are to be constructed to road section B as shown on the tentative map and Exhibit 1 of modification request dated October 26, 2006. The proposed turnarounds at the end of Street "A", Street "F", Street "G", Street "J", and Street "K" are to be constructed with an 80-foot minimum surface diameter.
 - a. Structural section for the residential road is to be based on a Traffic Index of 4.5 and the R-value of the soil with a minimum of 2" A.C. over 4" Class 2 A.B.
 - b. Residential road intersections are to be based on a Local Approach.
 - c. Other design requirements including horizontal curve radii shall conform to Template "N" standards as shown on table IV of the Road Ordinance.
 - A. The maximum road curve radius for rolling terrain per the Road Ordinance is 250-feet. The proposed knuckles as shown on the tentative map are acceptable.
2. West Vista Del Lago roadway is to be extended by constructing the roadway to the template (TSTM 98-07) as shown on the Tentative Map.
 - a. The limits of the improvements from existing West Vista Del Lago Drive, westerly to and through the Applicant's property to Berkesey Drive turn around.
 - b. Structural section for the residential road is to be based on a Traffic Index of 5.0 and the R-value of the soil with a minimum of 2" A.C. over 6" Class 2 A.B.
 - A. Construct tie in of existing West Vista del Lago Drive to west Vista del Lago Drive. Improve as needed for a smooth transition.
 - B. Construct tie in of West Vista Del Lago Drive to Berkesey Drive turn around. Improve as needed for a smooth transition.
3. Provide a signalized stop light at the intersection of Vista Del Lago and State Highway 26 in accordance with Caltrans design manual. The applicant may enter into a reimbursement agreement with the County for reimbursement from other projects in the area that will have traffic impacts associated with the intersection.
4. Improve roadways serving cluster lots (Roads AA to KK) to Residential Road Standards. The template shall consist of two 12-foot travel lanes without sidewalks (as shown in the detail for 6-pack typical cluster plan on the tentative map dated 10/31/07).
 - a. No parking shall be allowed on the roadways except at end of Road KK. Parked vehicles shall not extend beyond the parking stall.
 - b. Emergency vehicle access on Road JJ (between Lots 129 and 131) to West Vista Del Lago shall be gated with a gate or other barrier that will prohibit traffic circulation but allows only emergency access. Encroachment onto West Vista Del Lago shall be in conformance with ADA requirements (depressed sidewalk).
 - c. Roads HH and II shall have pedestrian access to West Vista Del Lago.
 - d. Structural Section for the roadways shall be based on a Traffic Index of 4.5 and the R-Value of the soil with a minimum of 2" A.C. over 4", Class 2 A.B.
 - e. Pavement backing shall consist of vertical curbs with landscaping behind the curbs. Curbs may be flush when inverted crown is used to control drainage.
 - f. Alignment for the roadways shall follow the proposed alignment shown on the Tentative Map.
 - g. An inverted crown may be used for drainage.
 - h. Hammerhead turnaround configuration at the end of the roadways shall be as shown in Exhibit 3 of the Modification Request dated October 23, 2007, with a minimum width between garage faces of 40 feet and driveway width of 16 feet. Note that parking shall not be allowed in front of garages and doors shall be roll-up.
 - i. Road intersections are to be based on a Local Approach.

III-2. The improvement plans are to include but not be limited to the following:

1. Signature and stamp of the Registered Civil Engineer in responsible charge.

2. Road improvements details including plan, profile, and cross sections.
3. A site development plan showing existing and proposed contours.
4. An erosion control plan in full compliance with the state Water resources Control Board.
5. Utilities.
6. Signage as needed including road name signs, traffic control signs, no parking signs and a "Not a County Maintained road" signs.
7. Drainage plan including hydrology/hydraulics analysis in support of design and analysis of pre and post project condition to verify that downstream drainage appurtenances can handle the flows. Include proposed detention pond.
8. The removal/re-location of any fences from within the County road right of way.
9. Wetland areas and areas of inundation by the 100-year storm event, if any.
10. Improvement plans must be approved by Public Works prior to construction or filing of a final subdivision Map, whichever occurs first.
11. Soils/geotechnical report in support of design.
12. The developer is required to apply for all necessary approvals or permits including permits from Fish and Game, Regional Water Quality Control Board, and Army Corp of Engineers. The Waste Discharge ID Number shall be placed on the plans as evidence that the developer has complied with the State Storm Water Regulations for construction activity. Permits from other agencies including Fish and Game and Army Corp of Engineers shall be submitted to the County along with the improvements plans.
13. Any incremental increase in flows (based on 100-year storm) from the development to Cosgrove Creek or any other off-site drainage shall be detained.
14. Provide a grading plan consistent with Implementation Measure V-6A-1 of the General Plan. Note that Implementation Measure V-6A-1 states that new development shall be encouraged to avoid extreme topographic modification and may be required to restore natural contours and vegetation of the land after grading or other land disturbances. In addition, compliance with grading and stormwater ordinances shall be required.

III-3. The following items are to be shown on the Final Map:

1. Delineate and cite all existing road and public utility easements.
2. Any proposed road and public utility easements are to be offered for dedication.
3. A 46-foot road and public utility easement per private road section B shown in modification request dated October 26, 2006 is to be dedicated for the on site roads named street "A" through street "I." I
4. Dedicate at least a 25-foot road and public utility easement as access to the cluster lots (back of curbs). Total improved area fronting the garages including access way and driveway aprons shall extend 40 feet (from face of garage to face of garage).
5. Dedicate access control rights to the County for the entire frontage of Vista Del Lago West.
6. Dedicate 100-foot diameter road and public utility easement for turnarounds at the ends of roadways.
7. All areas subject to inundation due to a 100-year storm event are to be shown on the Final Map. If there are no such areas, a statement certified by a Registered Civil Engineer is to be placed on the map stating so.
8. Dedicate a 72-foot road and public utility easement for Vista Del Lago (as shown on the tentative map dated 10/31/07).

III-4. The following items are to be submitted to the Public Works Department prior to recording the Final Map:

1. A declaration is to be signed by the applicant creating a road maintenance agreement for the proposed roads. The road maintenance agreement shall include:
 - a. The scope of maintenance.
 - b. Outline minimum standards for maintenance.
 - c. Contain a cost estimate of said maintenance.
 - d. Establish the entity responsible for administering the road maintenance agreement.

- e. Create the funding mechanism.
2. A complete set of improvement plans approved by the Public Works Department.
3. An engineer's estimate of probable cost which includes prevailing wage rates, 10% contingencies and 3% administrative costs.
4. If the Applicant wishes to record the Final Map prior to construction of any improvements, a Project Improvement Agreement together with appropriate securities will be required consistent with Road Ordinance section 12.02.34. Securities may be in the form of a performance bond and, labor and materials bond, each in the amount of 100% of the engineer's estimate of probable cost.
5. Hydrology/hydraulics analysis in support of determination of areas of inundation.
6. The applicant is to obtain slope easements from adjacent owner(s) along lots 148 and 149 and any other areas that fill or cut slopes encroach onto property not owned by the applicant. In the event it is not possible to obtain slope easements, the grading shall be designed to be located entirely on-site.

IV. OTHER DEPARTMENT/AGENCY CONDITIONS:

Environmental Management Agency

IV-1. Prior to recordation of the Final map, the subdivider shall provide the following to the Environmental Management Agency:

- A. A written statement from a sanitation district indicating public sewer service will be provided to each parcel and the terms for the same.
- B. A written statement from a public water purveyor indicating water will be provided to each parcel and the terms for the same.

Building Department

IV-2. The following shall be required at the time of building permit issuance:

- A. All parcels one acre and larger shall be provided with a minimum 30' setback for defensible space for buildings and accessory buildings from all property lines and/or center of a road. (Cal.Co.Ord.8.10).
- B. All emergency vehicle access roads serving more than one parcel shall be a minimum of two nine-foot traffic lanes, a total of 18' unobstructed width. (Cal.Co.Ord.8.10).
- C. Driveways exceeding 150' in length, but less than 800' in length shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800' in length, turnouts shall be provided no more than 400' apart. (Cal.Co.Ord.8.10).
- D. A turnaround shall be provided at all building sites on driveways over 300' in length, and shall be within 50' of the building. A turnaround may be omitted if the driveway provides a continuous means of ingress served by a minimum of two legal encroachments. (Cal.Co.Ord.8.10).
- E. The roadway surface shall be provided with all-weather surface material that will withstand a 40,000 lb. load for emergency vehicles. (2001 CFC, Cal.Co.Ord.8.10.)
- F. The roadway grade shall not exceed a 16% grade. (Cal.Co.Ord.8.10).
- G. Turnarounds are required on all dead-end roads. The minimum turning radius for a turnaround shall be 40' from the centerline of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60' in length. (Cal.Co.Ord.8.10).
- H. An approved water supply capable of supplying the required fire flow for fire protection shall be provided. All water systems shall meet or exceed "PUC General Order 103" standards, or NFPA 1142, "Standard on water supplies for Suburban and rural Firefighting". A full scaled set of plans for the fire protection water system shall be submitted to the Building Department for fire prevention review and approval prior to

1 installation. (2001 CFC, Art. 10, Cal. Co. Ord. 8.10).

- 2 I. A full scaled set of plans indicating roads/driveways shall be submitted to the Building
3 Department for fire prevention review and approval prior to construction. (2001 CFC,
4 Art. 10).
- 5 J. The proposed subdivision is subject to further requirements relating to access, water
6 supply for fire protection, premises identification, as well as other requirements specific
7 to the project when building permits are requested.

8 Pacific Gas and Electric Company

9 IV-3. The applicant shall provide unrestricted utility access and prevent easement
10 encroachments that might impair the safe and reliable maintenance and operation of Pacific
11 Gas and Electric Company facilities within, and proximate to, the project site.

12 ON A MOTION by Supervisor Claudino seconded by Supervisor Thomas the foregoing
13 Resolution was duly passed and adopted by the Board of Supervisors of the County of Calaveras,
14 State of California on the 22nd day of January, 2008 by the following votes:

15 AYES: Supervisors Wilensky, Thomas, Tryon, Callaway & Claudino

16 NOES: None

17 ABSENT: None

18 ABSTAIN: None

19 
Chair, Board of Supervisors

20 ATTEST:

21 

22 County Clerk and Ex-Officio Clerk to
23 the Board of Supervisors, of the County
24 of Calaveras, California

Attachment 3

Notice of Public Hearing



PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

LEAD AGENCY: Calaveras County Planning Department
891 Mountain Ranch Rd.
San Andreas, CA 95249

2022-047 Modification to Existing Permit for 2005-190 TSTM North Vista Plaza: The County Planning Department received a request from LGI Homes to modify condition II-9 of Board of Supervisors Resolution 08-023 approving Vesting Tentative Subdivision Tract Map 2005-190 and road ordinance modification request for North Vista Plaza on January 22, 2008. The TSTM was approved to create a 156-lot residential subdivision and is located 2 miles southwest of Valley Springs, 1,000 feet north of Highway 26 approximately 1.75 miles south of the Highway 12/Highway 26 intersection. The project site, APN's 073-056-001, 002, 003, and 009, is a portion of Section 26, Township 4N, Range 10E, MDM. Pursuant to CEQA guidelines, a Mitigated Negative Declaration was adopted with project approval in 2008. The request for modification will rely on the original Mitigated Negative Declaration as the request is not growth inducing and will not have a significant effect on the environment.

NOTICE IS HEREBY GIVEN that the Calaveras County Planning Commission will conduct a public hearing on **November 10, 2022**, at **9:00 a. m.** or soon thereafter to consider the above referenced project. The public hearing will be held in the Calaveras County Board of Supervisors Chambers, Government Center, 891 Mountain Ranch Road, San Andreas, California.

Pursuant to Government Code 65009, if anyone challenges the above listed issues in a court of law, the challenge may be limited to raising only those issues you or someone else raise at the public hearing described in this notice, or in written correspondence delivered to the Commission, at or prior to, the public hearing. You are welcome to review the application at the Calaveras County Planning Department during normal working hours, 8:00 a. m. to 4:00 p. m., Monday through Friday except county holidays. Gina Kathan is the project planner and can be reached at (209) 754-6394. Planning Commission staff reports are made available for public viewing online at <https://calaverasgov.us/Meeting-Calendar> on the Friday prior to the scheduled meeting. The project file and staff report can be viewed or purchased at the Planning Department for the cost of making the copies.

Date of Notice – **October 28, 2022**

Attachment 4

Request for Modification



Gina Kathan
Calaveras County Planning Department

Dear Ms. Kathan,

August 29, 2022

I am writing you to formally request a modification to the conditions of approval (resolution 08-023) for North Vista Plaza, a 156-lot subdivision in Valley Springs, CA. Condition II-9 reads "Prior to approval of a Final Subdivision Map, the applicant will enter into a recordable agreement with the County to commit 5 housing units to be sold at an average sales price of \$200,000. These units would be sold to buyers meeting bona fide low-income limits as set by the California Department of Housing & Community Development (HCD). Deed restrictions will be placed on the units so that resale prices to future buyers would be indexed over 30 years to low-income limits as set by HCD."

My request is to remove the "average sales price of \$200,000" portion of the condition so that it reads, "...the applicant will enter into a recordable agreement with the County to commit 5 housing units to be sold to buyers meeting bona fide low-income limits as set by the California Department of Housing & Community Development (HCD)..."

Income limits as set by HCD have increased dramatically over the last 16 years. In 2022, the low-income limit for a family of 4 is \$72,000 and will certainly go up in 2023 due to the inflationary environment. In 2012 (earliest year of income limits posted on the HCD website), the low-income limit for a family of 4 was \$55,750. Therefore, the amount of home a low-income family can qualify for has gone up dramatically. The intent of this condition is to provide opportunity for low-income families, and we intend to fulfill that intent.

Additionally, such a small change should be seen as substantial conformance to the original conditions of approval and be able to be approved administratively by County staff. Thank you.

Sincerely,

Evan Licht
LGI Homes