

DEPARTMENT: Planning Department

BY: Kris Schenk
PHONE: 742-1216

RECOMMENDED ACTION AND JUSTIFICATION: On May 18, 2010, the Board of Supervisors directed staff to reschedule the meetings for adoption of the CVCP in order to include an additional public workshop. That public workshop study session is now proposed for Saturday, August 14, 2010, beginning at 10:00 AM, in the Board of Supervisors' meeting room. Following the Saturday public workshop, the CVCP policies and programs will be clarified or amended as necessary and returned to the Board for further deliberation and action. A schedule for completion of the Catheys Valley community planning process in December, 2010, which anticipates recirculation of the Supplemental EIR after the workshop session and the Board's final direction, is shown in the attached documents.

Recommended for the Board's action is a contract amendment in the amount of \$51,600 to allow Hauge Brueck Associates (HBA) and their subconsultants to complete the CVCP planning process. The cost of this amendment is included in the General Plan Professional Services account within the Requested FY 2010-11 Budget for Mariposa Planning.

BACKGROUND AND HISTORY OF BOARD ACTIONS: On July 14, 2009, while considering a CEQA Negative Declaration that had been prepared for the Draft CVCP, the Board of Supervisors instead directed staff and the planning consultant to prepare a Supplemental EIR that would: (1) account for Greenhouse Gas (GHG) impacts in Catheys Valley pursuant to AB 32; and (2) provide a robust legal response to the numerous CEQA issues raised to challenge adoption of the proposed CVCP. Since that direction last year, planning staff, consultants and legal counsel have been preparing and circulating a draft Supplemental EIR that will accompany the final Catheys Valley Community Plan.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: Potential further delay in completing and adopting the CVCP in compliance with the Mariposa County General Plan.

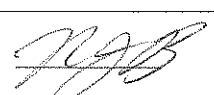
Financial Impact? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Partially Funded		
Amount in Budget (FY 2010-11 Requested Budget): \$51,600.	\$	List Attachments, number pages consecutively
Additional Funding Needed: \$		1. Amendment No. 4 to Task Order No. 2 with Hauge Brueck Associates providing a work program and schedule for competing the Catheys Valley Community Plan and Supplemental EIR
Source:		2. Exhibit A
Internal Transfer		3. Draft Workshop Agenda
Unanticipated Revenue	4/5's vote	4. Master Planning Services Agreement with Hauge Brueck Associates
Transfer Between Funds	4/5's vote	
Contingency	4/5's vote	
() General () Other		

CLERK'S USE ONLY:

COUNTY ADMINISTRATIVE OFFICER:

Res. No.: 10-377
 Vote - Ayes: 4
 Absent: _____
 Approved
 Minute Order Attached () No Action Necessary
 The foregoing instrument is a correct copy of the original on file in this office.
 Date: _____
 Attest: MARGIE WILLIAMS, Clerk of the Board
 County of Mariposa, State of California
 By: _____
 Deputy

Requested Action Recommended
 No Opinion
 Comments: _____

 CAO: 



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

KEVIN CANN, CHAIR
JIM ALLEN, VICE-CHAIR
BRAD ABORN
LYLE TURPIN
JANET BIBBY

DISTRICT IV
DISTRICT V
DISTRICT I
DISTRICT II
DISTRICT III



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: KRIS SCHENK, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board *SD for MW*
SUBJECT: Approve Amendment No. 4 to Task Order No. 2 with Hauge Brueck Associates in the Amount of \$51,600 for Amended Work Program for Completion of the Catheys Valley Community Plan (CVCP) and Supplemental Environmental Impact Report (EIR); and Authorize the Board of Supervisors Chair to Sign the Amendment. (Public Workshop is Scheduled for Saturday, August 14, 2010, at 10:00 a.m. at the Government Center Board Chambers)

RES. 10-377

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on July 27, 2010

ACTION AND VOTE:

- 11 **Planning**
Approve Amendment No. 4 to Task Order No. 2 with Hauge Brueck Associates in the Amount of \$51,600 for Amended Work Program for Completion of the Catheys Valley Community Plan (CVCP) and Supplemental Environmental Impact Report (EIR); and Authorize the Board of Supervisors Chair to Sign the Amendment. (Public Workshop is Scheduled for Saturday, August 14, 2010, at 10:00 a.m. at the Government Center Board Chambers)
BOARD ACTION: Chair Cann advised that this item was continued from July 20th for the full Board to be present; and he advised that the public workshop was scheduled for August 14th. Kris Schenk, Planning Director, reviewed the tasks requested in the amendment and the reasons for asking for the consultant to continue with this matter and to be present at the workshop, including continuity and experience, being able to meet timelines, and the workload of the department. Chair Cann advised that public comment was taken on this matter on July 20, 2010, and the public comment period was closed and the matter was continued to today for Board direction. Discussion was held. Supervisor Allen expressed concern with the consultant's work on the Plan because staff had to interpret the language. Supervisor Bibby advised that she listened to the recording of the July 20th meeting; and she asked the Board to support this. Following discussion, Kris Schenk advised that direction could be given for the consultant to be present at the workshop as resource to staff and the Board and not to defend or direct policy. Supervisor Cann expressed concern with areas of the Plan. (M)Bibby, (S)Aborn, Res. 10-377 was adopted approving Amendment No. 4 as proposed; and direction was given that following the

August 14th workshop, that any changes that need to be made to the work plan are made certain and clear/Ayes: Aborn, Bibby, Cann, Allen; Noes: Turpin. Chair Cann advised that he asked the Planning Director and County Counsel to meet next week to plan the format for the workshop; and he will make sure that it is well run and that everyone can provide input – this will be run by the Board and the consultant will be there as assistance to staff.

Cc: Chris Ebie, Auditor
Steven W. Dahlem, County Counsel
File



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MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: KRIS SCHENK, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: Consider Amended Work Program and Schedule for Completion of the Catheys Valley Community Plan (CVCP) and Supplemental Environmental Impact Report (EIR), (Recommended Public Workshop is Proposed for Saturday, August 14, 2010, at 10:00 a.m.); Approve Amendment No. 4 to Task Order No. 2 with Hauge Brueck Associates in the Amount of \$51,600; and Authorize the Board of Supervisors Chair to Sign the Amendment.

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on July 20, 2010

ACTION AND VOTE:

- 6 **Planning**
Consider Amended Work Program and Schedule for Completion of the Catheys Valley Community Plan (CVCP) and Supplemental Environmental Impact Report (EIR), (Recommended Public Workshop is Proposed for Saturday, August 14, 2010, at 10:00 a.m.); Approve Amendment No. 4 to Task Order No. 2 with Hauge Brueck Associates in the Amount of \$51,600; and Authorize the Board of Supervisors Chair to Sign the Amendment.
- BOARD ACTION:** Chair Cann advised that there are two parts to this item: 1) scheduling of a public workshop; and 2) hiring of the consultant to provide continued services. Kris Schenk, Planning Director, reviewed the request. Discussion was held. Input from the public was provided by the following:
- Ken Baker stated he has clients in Catheys Valley that are affected by the proposed Plan. He does not feel that "true community workshops" have been held and he would support having a workshop with community input; and he feels that the community should have their own workshop and come up with a Plan. He expressed concern with the past process.
- Tolley Gorham stated he agrees with having a workshop, but without the consultant. There needs to be a way for the citizens of the affected area to ask questions and understand what is in the current Plan and have straight answers.
- Steve Saunders stated he does not feel that any more should be spent on a Plan that the people do not want. He stated he does not feel that there has been a vote by the community on the boundary size, and that we should not continue with the consultant.

Tammie Guenthart stated she was a member of the Catheys Valley Town Planning Advisory Committee, and she does not feel that what is in this Plan is what the community wants. She agrees with having a community meeting if they are listened to. She does not feel that any more money should be spent.

Brett Baumann stated he feels that Catheys Valley has been experiencing a "slow death" and he agrees with Tammie Guenthart. He advised that his father served on the Committee and it was originally representative of the community; however, that has changed. He is concerned that this Plan is like adding another layer of CC&Rs (Covenants, Conditions and Restrictions) that is not necessary; and he asked that no more money be spent.

Rick Lobaugh stated he would be in favor of having a community meeting without any outside influence – he does not feel that Planning or the consultant should be involved. He disagrees that this Plan is what the community wants, and he does not want any more money spent on a consultant.

Ken Wagner stated he does not feel that any more money should be spent, and they do not want the large boundary with another layer of regulations. He agrees with holding a workshop where the Board listens.

Steve Fortner stated he welcomes a workshop. He feels the Committee was used as a rubber stamp. He does not want to see any more funds spent on a consultant.

Anita Starchman Bryant, Starchman & Bryant Law Offices, advised that they represent clients in Catheys Valley and asked that their letter of July 19, 2010, be entered into the record. She stated it would be helpful to have more notice when items like this are scheduled, and that would allow them to submit more timely responses. She thanked the Board for addressing the concerns about having a public workshop. She feels the noted deficiencies in the Plan should have been resolved months ago and does not feel that the consultant should be requesting additional funds to correct the document which they feel has been flawed from the beginning. With reference to the cost concerns, she noted that the County has also spent funds on attorney fees to defend this Plan. She feels the work plan in the staff report is premature at this time and that we need to get back to the basics of the Plan and hold the workshop first. She requested that a contract amendment with Hauge not be approved. She asked that the Board listen to the community.

Attorney Gregory Chapel, Jamison and Chapel, stated he represents Philomene Schultz, and he agrees with Don and Anita Starchman's letter and with the other counsel from Fresno. He urged the Board to not approve an amendment to the contract with the consultant to further this Plan – he is concerned that it is flawed.

Ruth Catalan stated she does not live in Supervisorial District 3; however, she is concerned that this matter is being discussed without Supervisor Bibby being present. She is horrified at spending more money and that no one is listening to the residents of Catheys Valley. She questioned whether other areas will have to go through this process. She expressed concern with paying for a consultant versus Planning staff doing the work.

Rita Kidd, resident of Catheys Valley for over 30 years, commented on the meetings held in Catheys Valley, and by the Planning Commission and the Board of Supervisors on this Plan. She noted that there was a petition signed by over 100 people urging the Board to move forward with the Plan as it is. She further stated that we would not be here today except for claims by the attorneys for the development community in Catheys Valley and issues raised relative to AB 32 and traffic studies. She is also concerned about funding for this and does not feel that we need another workshop – she feels that more people in Catheys Valley know the Plan and support it. However, she does not feel that the Board has a choice but to expend more funds to deal with the issues that have been raised. She feels that there should be clear goals and objectives for the workshop.

Don Starchman stated they are asking for the community to be heard, and he is offended that someone would try to stop that. He asked whether it is horrible that an attorney came forward and asked staff to follow the law.

Bob Stark, resident of Catheys Valley for about 23 years, advised that he has attended the meetings on this Plan and feels that it was over whelming that the Plan was not wanted. He supports holding a workshop and feels that we need more than one, and he hopes that all of the Board members will be in attendance. He does not want more money spent.

11:13 a.m. Recess

11:25 a.m. Chair Cann advised of his discussion with Supervisor Bibby when it was proposed to set a workshop. The component of amending the contract with the consultant was added later and he did not want to ask the Board to continue this matter without taking input from the public. He noted that Supervisor Bibby will probably listen to the tapes of this meeting to be aware of the input that was provided. Discussion was held.

(M)Turpin, (S)Allen, the Board scheduled the workshop for Saturday, August 14, 2010, beginning at 10:00 a.m. at the Government Center Board Chambers/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

Steve Dahlem, County Counsel, responded to a question from the Board relative to the termination clause in the master agreement with the consultant.

(M)Turpin, (S)Aborn, the amendment to the agreement with the consultant and funding issues were continued to July 27, 2010, for deliberation, and it was noted that the public input portion for this matter is closed/Ayes: Aborn, Turpin, Cann, Allen; Excused: Bibby.

Cc: File