

California County Planning Commissioners Association

PlanningCommission.org



July 2007

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Message from President

Hello friends and colleagues:

I am very excited about the 2007 State Conference in Lake Tahoe on October 26th and 27th. We will have an outstanding conference. Our speakers on Friday will provide varied topics of interest to the Planning Commissioners in attendance. Please save these dates! The registration packets will be mailed out earlier than in previous years. As soon as you receive the registration packet, please make your reservations at the Embassy Suites as soon as possible. By mentioning the CCPCA, you will receive a discount rate. On Saturday, October 27th, we will be taking busses to Virginia City. In Virginia City we will visit archeological sites and historical buildings, then we will have a great lunch at the Sawdust Saloon. We are looking forward to seeing everyone in Lake Tahoe!



I received a telephone call from the California Quality Water Board regarding a two year study on the water needs for the State of California. They have requested that we appoint a representative from our Association to sit on this panel. I have appointed Ted Allured as our representative. This is a tremendous opportunity to have a Planning Commissioner sit on this board to represent not only Planning Commissioners from the entire state, but also giving the Association a voice and needed input that will help to broaden the role of Planning Commissioners. We will keep all California County Commissioners informed of the progress and relevant information obtained from this study as the meetings progress.

Sincerely,

Jerry Morrow, 2007 CCPCA President



Life as a Planning Commissioner

In our last newsletter I started a series of thoughts and notes on being a Commissioner. As I had hoped, my comments regarding the need for specific findings when granting a variance brought forth some inquiries. The findings that I refer to apply to variances for sidewalks, set backs or other variances requested by a lot owner that wants a variance from the required ordinances. It sometimes happens that a new homeowner will come in with a great idea that will make their neighborhood better for everybody. If you give in to the temptation of giving in to a good idea, without addressing the requirements of findings, you are looking for big problems in the future. Variances given without the benefit of findings can be challenged in court, and your chances of winning are slight. In our county all of these findings must be substantiated before the variance can be given.


1. Exceptional or extraordinary circumstances apply to the property which do not generally do to other property in the same zone or vicinity and result from a lot size or shape, topography, or other circumstances over which the owners of the property have no control.
2. The variance is necessary for the preservation of a property right of the proponent substantially the same as owners or other property in the same zone or vicinity possess.
3. The variance would not be materially detrimental to the purpose of this title, or to property in the same zone or vicinity in which the property is located or otherwise conflict with the

CCPCA Website



www.planningcommission.org

The CCPCA website, www.planningcommission.org, is being revised by new webmaster, Bob Lema, to include a Q&A Planning Match service where questions about programs and projects can be matched with relevant resources throughout California. Lema's business, "Ideaworks", provides design, writing and imaging services for print and


electronic media, and he has been a communications professional since 1969. The website addresses the educational goals of the CCPCA and future development will reinforce those goals by continuing to focus on the important planning issues and practices in communication as well as the site being visitor-friendly. 

Life as a Planning Commissioner...

(continued)

objectives of any county plan, ordinance or policy.

4. The variance requested is the minimum variance which would alleviate the hardship.

Ted Allured,
2007 CCPCA
Secretary Treasurer 

Board of Directors—Could This Be YOU?

Hello Fellow Commissioners:

On October 27th & 28th the California County Planning Commissioners Associations annual meeting and conference will be held in beautiful South Lake Tahoe. Having spent two out of the last five weekends there, I believe it is one of the most beautiful venues in California. The educational sessions promise to be relevant to issues we **all** face in our counties and the trip to Virginia City and an archeological site will make this an exciting weekend in the Sierras.

On the second day of the conference, as we always do, we will elect new members to the Board of Directors who will guide this organization for the next year. Board members to be elected in 2007 for the 2008 year will be the President, President-Elect, Vice-President, Secretary-Treasurer along with the Regional Directors and Representatives.

The CCPCA is currently in its 77th year serving the county planning commissioners of this wonderful state. During those


77 years, hundreds of county planning commissioners have assumed the duties on the Board of Directors of this organization. It is through the efforts of these many volunteers that we have grown to be one of the most respected associations in California.

It is important that we have involved representation from the three regions, Northern, Central and Southern California. By-law changes, which I requested, eliminating alternate representatives (who did not have voting rights), were voted on by the current Board and passed. This means that all regional representatives are full members of the Board of Directors. Now, all elected members are involved in discussions regarding the association and vote on all matters that effect the CCPCA. The organization needs people like you who are willing to become involved and keep this great training venue moving forward. The Board meets 3 to 4 times a year and the meetings usually take about 2 to 3 hours to complete. If you serve there is a little homework to prepare for a meet-

ing but certainly a lot less than preparing for a Planning Commission meeting!

If you value the training we receive at our conferences it is vital that we get new blood coming into this organization each and every year. We need you!

I urge all of you to contact any current member of the board of directors and ask any questions you may have relating to serving. I am willing to assist or talk to anyone who might be interested. I look forward to seeing you in the fall and watching you guide this organization into the future. You may contact me (Cliff Swetnam) at fish4bass@mchsi.com, President Jerry Morrow at morrow@sunset.com, President-Elect Ron Sprague at sprague@sbcglobal.net or Past President Rue Furch at pqrst@monitor.net. Good luck to you all and I will see you in October.

Cliff Swetnam
2007 CCPCA Vice-President
Lake County 

"IT IS IMPORTANT
THAT WE HAVE
INVOLVED
REPRESENTATION
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Board of Directors

CCPCA

President Elect Message and 2008 State Conference Info.

Thank you all for your support of the Officers and Directors of your CCPCA. Your Board has been very active this year, and we are trying to acquire Financial help from Sponsors throughout California to support the Association. We have had some contributions to date and are looking for County Commissioners to help us in our drive to build up the reserves for CCPCA. If each one of you could contact one or several potential sponsors to help us, it would make a difference toward keeping the Association healthy. Any donation checks must be made payable to CCPCA and sent to our Executive Director, Renee' Lederer in Napa.

I also want to thank you all for your confidence in electing me President-Elect and a 2006 Planning Commissioner of the Year for the Southern District of California. I take my job seriously and make as much contact with Commissioners and County Staffs throughout the State as I can to help answer questions and make suggestions and coordinate ef-

forts of your Association with County Planning Staffs and review of CEQA, Codes and Ordinances.

I am currently working on the final program for the State Conference in October 2008. The Conference will be held in Bakersfield, California. We will have an exciting program of interest to every Planning Commissioner.

We are confirming Speakers on topics such as Water, Dairy, Transportation, Inter-City/County Dispute Resolutions, Storm Drain & Flooding, Water Runoff/Contamination, Mineral Rights issues such as Surface Rights, Drilling Sites or Drilling Islands, Health & Safety Containment of Sites, and Landscape Provisions if located adjacent to Development. The Planning Center will provide an in-depth Panel of Regional & County-wide Development up and down the State of California, and show new types of Walkable Communities being planned and built in the Central Valley.

Our Trip on the Saturday portion of the Conference will be by Bus, to the Historic Tejon Ranch at the Southern end of the San Joaquin Valley, with an Old West Ranch Style BBQ at the Ranch, and then on to the Windwolves & Wildwinds Nature Preserve area & Kids Camp. All the Bus, Food & Drink costs have been committed by a Sponsor.

I am negotiating with Mr. Mel Owens, who operates Buck Owens Crystal Palace here in Bakersfield, for a Planning Commissioners Nite Out with Country Western Singers & Dancing with Dinner during the Conference. Hopefully we will have Local Sponsors who will compensate for the Program & Dinner to this Historic Site. I have negotiated a Hotel Package for the Conference with Sheraton Four Points for rooms and conference area. The Room quote is \$84.00 per room and we will have a firm quote for all accommodations soon and will include in your packages for the Conference.



MISSION:
TO PROMOTE
AND PROVIDE
EDUCATION
FOR ALL
CALIFORNIA
COUNTY
PLANNING
COMMISSIONERS

2007 Northern District Spring Conference

On May 19th, over 20 County Planning Commissioners gathered in Napa, CA for the 2007 Northern District Spring Conference. The goal of the Conference was to educate Commissioners on one specific topic, and use the day for in-depth exploration on the challenges, solutions and issues surrounding it. The topic that was selected for the conference was County Housing and the theme of the day was

County Housing – Today and Tomorrow

The first part of the morning focused on defining county housing requirements. Glen Campora, a senior policy advisor from the Department of Housing and Community Development in Sacramento gave us an overview of how the State derives its housing requirements. Glen finished his presentation with a brief look into the rationale and

process for housing allocation.

After we learned more about where the housing requirements come from, Hillary Gitelman, Planning Director of Napa County spoke about fulfilling the housing requirements at the County level – as well as the lawsuits that can occur if they are not considered fulfilled.

After a lunch break, we re-





“...we all have to live in the same box.”



“ CALIFORNIA DOESN'T HAVE ENOUGH FRESH WATER FOR YEAR 2040 TO SUSTAIN BOTH HOMES AND FARMING UNLESS COUNTIES COOPERATE ON CONSERVATION...”



President Elect Message... (continued)

I will leave you with a thought: We all could learn a lot from Crayons, Some are sharp, some are pretty and some are dull. Some have weird names, and all have different colors, but they all have to live in the same box.

The County Commissions are only successful if we all work together.

Ron Sprague,
2007 CCPCA President-Elect



2007 Northern District Spring Conference... (continued)

turned to listen to Mark Luce, Napa County Supervisor, discuss solutions to the challenge of protecting agricultural while carrying a fair share of housing. One suggestion from Mark was to change the housing allocation paradigm to acknowledge agriculture in the calculations.

As the last speaker, David Grabill, housing advocate, shook things up with his provocative talk on affordable housing responsibilities and execution. David focused on

the need for affordable housing in California and the challenges in creating it. With that the conference ended, and the wine and cheese reception commenced!

Thank you to all that attended and contributed

Heather Phillips,
2007 CCPCA Northern District Director



Central Valley Woes

Like Murphy's law, the central valley's wish for better days just got hammered. First, the Greenbelt issue between cities and counties has divided the leaders, the township people, the business community, and even the politicians. This may be a growing problem with valley cities and counties since housing development have deep pockets to mitigate the best of plans on agriculture mitigations in some counties and cities. Take Lodi and Stockton for example. Lodi had granted landowners in their proposed greenbelt six months to come up with a plan before the city attempted to place the nearly 4,000 acre strip in its planning area, an action that would give the city of Lodi more authority in the area. Such decision would likely draw anger from property owners who may fear turning their property into permanent farmland will cost

them mega bucks in lost development. The plan would keep the vast majority of the area's properties in agriculture, but it adds the ability for landowners to use one out of every 5 acres for low density development. Builders would be encouraged to cluster their buildings together and separate from the area's vineyards, orchards and other farms, according to this proposal. San Joaquin County supervisors are not unanimously jumping on this conceptual bandwagon at this point. So the idea of greenbelts between cities has landmines awaiting our counties' leadership at the moment.

Then there is the continual fight for water. In most counties, wells provide the main sources of groundwater to our drinking water systems in addition to surface water supplied from river (reservoir systems) to be routed onto

treatment systems. California doesn't have enough fresh water for year 2040 to sustain both homes and farming unless counties cooperate on conservation and start thinking out of the box on sharing that "liquid gold". Take for example, San Joaquin County's wisdom on dealing with water rights. Water experts acknowledged the importance of obtaining Mokelumne River rights, even if only in overflow years. This county, with projected population to reach 1.8 million by 2040, will need a tremendous amount of fresh water for sustainability living. Here's how the deal will work. The East Bay Municipal Utility District takes most of the river's flow for its 1.3 million customers and when its full allocation is not needed, like in wet years, much of he river's water flows into the Pacific Ocean. San Joaquin County officials want to get

Central Valley Woes... (continued)

approval for the overflow rights and will set aside millions of dollars to construct above ground storage for the unused fresh water. Sounds like a workable solution until we have to acknowledge our environmental concerns such as the Endangered Species Act which allows only rare exemptions and requires government officials to deploy all necessary methods to conserve species. Such disputes, like the tiny Delta smelt, became catalyst for clashes over the 34 year old Endangered Species Act. We are aware that state and the federal courtroom disputes also involve water quality, saltwater intrusion and contaminants. Contaminants are a major problem of our water delivery systems. Do we know what we are consuming each time we take in aqua?

Drinking water, including bottled water, may reasonably be expected to contain small amounts of some contaminants

since the source of this water include rivers, lakes, streams, ponds, reservoirs, springs and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals, and in some cases, radioactive material, and may pick up substances resulted from the presence of animals or from human activity. To our state and federal credit, the U.S. Environmental Protection Agency (USEPA) and our California Department of Health Services imposed limitation of the amount of certain contaminants in water provided by public water systems. In September of 2006 new secondary regulations were adopted by the State of California Dept. of Health Services requiring water systems to report water sources utilized for supplying drinking water that exceeded the Secondary maximum contaminant level (MCLs) and USEPA reduced the MCL level for arse-

nic from 50ug/l to 10ug/l with compliance date for this new standard starting January 2006. The California Dept. of Health continues to research the health effects of low levels of arsenic, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects, such as skin damage and circulatory problems. So, water shortage problems are only the "tip of the iceberg" for Californians. It is all the other ending dangers that will make our living conditions in California an economic disaster if the cities and counties do not work together to MITIGATE the land and water issues.

Happy summer and drink lots of H₂O.

Elizabeth Blanchard,
2007 CCPCA Central District
Director



What's in your water?

"IT IS ALL THE OTHER
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Orange County General Plan

Orange County has nine elements of its' General Plan. This is two more than the State law requires. The are entitled the **Public Service and Facilities Element** and the **Growth Management Element**.

The **Public Service and Facilities Element** contains county policies on the planning and provision of public service facilities that are necessary for orderly growth and development.

The **Growth Management Element** contains policies on the planning and provision of traffic improvements and public facilities that are necessary for orderly growth and development. The **Growth Management Element** presents policies and programs for traffic improvements phasing plans, and provides guidance for future facility implementation plans.

If you would like more infor-

mation on these two elements, check out the Orange County website, www.ocplanning.net.

I hope this is helpful information for other counties.

Earl Wooden,
2007 Southern District
Director



Useful Tidbits and Information



Drought is a natural occurrence and, unfortunately, one that California is familiar with. In times of drought, those who feel the effects of water shortage the most are small water systems and their customers whose reliance on marginal wells, springs, and small creeks make them especially sensitive to annual rainfall totals. Urban systems are undoubtedly spared compared to their smaller community counterparts. However, small water systems do not necessarily need to be so adversely affected. Following a recommendation made by the Governor's Advisory Drought Planning Panel, California Rural Water Association (CRWA) will bring small water systems a myriad of resources to aid in dealing with water shortages in times of drought. Available on this website will be resources to help small water systems regarding water shortages, well maintenance, groundwater, well construction, and water conservation. Additionally, a guidebook on how to amend your emergency/disaster response plan and materials from CRWA's Drought Preparedness Training workshops will be available.

In these trying times it is imperative that small water systems amend their emergency/disaster response plans to include drought contingencies. If any assistance is needed in amending your emergency/disaster response plans CRWA is here to help. Contact [Laura Labanieh](#), Drought Preparedness Coordinator, to arrange for assistance from CRWA's technical staff.

CEQA documentation for mining projects with fluctuating production levels

Excerpt:

By William W. Abbott

Unlike residential or commercial development projects with somewhat predictable levels of activity (and in turn, environmental effects), mining projects involving rock, sand and gravel can vary widely based upon local economic conditions. The recent case of *San Joaquin Raptor v. County of Merced* (April 10, 2007) 2007 Cal. App. LEXIS 516 examines the duty of the lead agency to also evaluate impacts associated with periodic or sustained peaks, and not just to rely upon historic averages. The decision also addresses deferred mitigation in the area of biological impacts.

View the entire entry:

<http://blog.aklandlaw.com/archives/ceqa-mine-games-ceqa-documentation-for-mining-projects-with-fluctuating-production-levels.html>

COMMISSIONER OF THE YEAR AWARD WINNERS

This honor was established in 1989 and is awarded to one commissioner from each of the three district of the Association. To be eligible, a candidate must be a current member of the CCPCA and have served as a California County Planning Commissioner for at least three years and not have been given this honor during the preceding five years. The candidate is to be nominated by a member of his/her County Planning Director, fellow Planning Commissioner or County Supervisor. The Executive Board will make the final selections and the award will be presented during the annual Fall Conference.

It's time to start thinking about who you would like to nominate.

Nomination forms will be included with the 2007 State Conference Packet of information that you should look for in early September.

Save the Date

CALIFORNIA COUNTY PLANNING COMMISSIONER ASSOCIATION



STATE CONFERENCE
October 26th & 27th, 2007
South Lake Tahoe, CA.
Embassy Suites
Lake Tahoe Hotel & Ski Resort
4130 Lake Tahoe Blvd., S. Lake Tahoe
Rooms available for \$159.00
Call 877.497.8483 or 530.544.5400 and ask for
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2007 State Conference

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For room reservations please call the Embassy Suites at 1.530.544.5400 or 1.877.497.8483. Mention "CPC" for the discounted rate of \$159 per night for one. Additional people in the room are \$20. Limited rooms available at the discount rate. **RESERVE NOW!** This includes a full breakfast, as well as a cocktail hour every evening.