

CALAVERAS COUNTY PLANNING COMMISSION

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REGULAR MEETING AGENDA SEPTEMBER 24, 2026

This meeting will be held in the **BOARD OF SUPERVISORS CHAMBERS** 891 Mountain Ranch Road, San Andreas, CA 95249.

This Planning Commission meeting is open to the public.

Alternatively, you may observe the meeting and address the Commission via Zoom or email, as dictated below:

You may listen to the meeting, and make public comments virtually, using the Zoom link listed under **CALL TO ORDER**.

You may also comment on a specific agenda item prior to the hearing via email. To do so, submit your comment via email to the Clerk of the Planning Commission at <https://calaverasgov.us/Feedback/Planning-Commission-Clerk> no later than 4:00pm on the Monday prior to the Commission meeting. Please clearly indicate which agenda item number your comment pertains to. Comments are limited to 300 words or less.

In Compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the Clerk to the Planning Commission at (209) -754-6620 at least 48 hours prior to the start of the meeting. Notification in advance will allow reasonable arrangements to be made to ensure accessibility to this meeting. Government Code §54954.2(a).

The Planning Commission agenda is posted on the county website at <https://calaverasgov.us/Meeting-Calendar>. Applications, environmental documents, staff reports, and project files are available for review at the Calaveras County Planning Department during regular business hours. Copies of the file documents, including the staff report and/or environmental reviews, may also be purchased.

A decision of the Planning Commission may be appealed to the Board of Supervisors by following the appeal procedures in Section 17.98.070, and by submitting a written request, accompanied by the appropriate fee, within 15 calendar days from the date of the Commission decision. (Ord. 2289 § 3(part), 1992: Ord. 1812 § 1(part), 1986).

Pursuant to Government Code 65009, a legal challenge to any of the projects described below may be limited to addressing only those issues raised at the public hearing or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

If you wish to address the Commission on an agenda item, please come to the rostrum when public comment on that item is opened and give your name, if you choose, your address, and your comments. Time limits and order of items shall be the discretion of the Chair, including a break for lunch.

9:00 AM CALL TO ORDER

To view or give public comment virtually, register in advance:

<https://us06web.zoom.us/meeting/register/Y7IhuQjtRni4hziLdUiUdA>

Once registered you will receive a confirmation email containing information about joining the meeting. Upon joining the meeting, your audio will be muted. During the public comment periods, you will be asked to raise your hand via Zoom if you want to comment. You may speak for up to five minutes.

PLEDGE OF ALLEGIANCE

STAFF ANNOUNCEMENTS

AGENDA CHANGES

GENERAL PUBLIC COMMENT PERIOD

Any land use item of interest to the public that is within the subject matter jurisdiction of the Commission and is not posted on the Consent or Regular agendas may be addressed during the Public Comment period. California law prohibits the Commission from taking action on any matter which is not posted on the agenda unless it is determined to be an emergency by the Commission. **Five minutes per person**, fifteen (15) minutes per topic.

CONSENT AGENDA

Consent agenda items are expected to be routine and non-controversial. They will be acted upon by the Commission at one time without discussion. Any Commission member, staff member or interested party may request removal of an item from the consent agenda for discussion.

None

REGULAR AGENDA

1. 2022-059 Vesting Tentative Parcel Map for The Mathis Family Trust The applicant is requesting approval of a Vesting Tentative Parcel Map (VTPM) to divide three Assessor parcels into eleven lots, all 40+ acres in size. Pursuant to Chapter 16.01.160.A.4 of the Calaveras County Code, this project was processed as a tentative parcel map. The stated purpose of the proposed land division is for estate planning purposes. Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves. An environmental analysis pursuant to CEQA has not been completed as staff recommends that the Planning Commission deny the application.

The project site (APNs 021-002-081, 021-001-006, and 021-001-012) is approximately 460 acres of unimproved land owned by The Mathis Family Trust. The site is accessed from a driveway off Whiskey Slide Road, approximately one-and-a-half miles northwest of the intersection of Whiskey Slide Road and Mountain Ranch Road. The site is located in a portion of Section 32, Section 29, and Section 33, T05N, R13E, MDM&B. (Katherine Stefani, Senior Planner)

INFORMATIONAL ITEMS - None

COMMISSIONER REPORTS

PLANNING DIRECTOR REPORTS

ADJOURNMENT



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

Planning Commission Staff Report

Hearing Date	September 24 th , 2026
Project Name	2022-059 TPM for the Mathis Family Trust
Supervisory District	District 2, Supervisor Autumn Andahl
Assessor's Parcel Number(s)	021-002-081, 021-001-006, and 021-001-012
Project Planner	Katherine Stefani, Senior Planner

Report Date September 11th, 2026

APPLICANT/LANDOWNER The Mathis Family Trust, Lonnie Mathis

PROJECT DESCRIPTION

The applicant is requesting approval of a Vesting Tentative Parcel Map (VTPM) to divide three Assessor parcels into eleven lots, all 40+ acres in size. Pursuant to Chapter 16.01.160.A.4 of the Calaveras County Code, this project was processed as a tentative parcel map. The stated purpose of the proposed land division is for estate planning purposes.

PROJECT LOCATION

APNs 021-002-081, 021-001-006, and 021-001-012 are a portion of Section 32, Section 29, and Section 33 respectively, T05N, R13E, MDM&B. The property is accessed from a driveway off Whiskey Slide Road, approximately one-and-a-half miles northwest of the intersection of Whiskey Slide Road and Mountain Ranch Road.

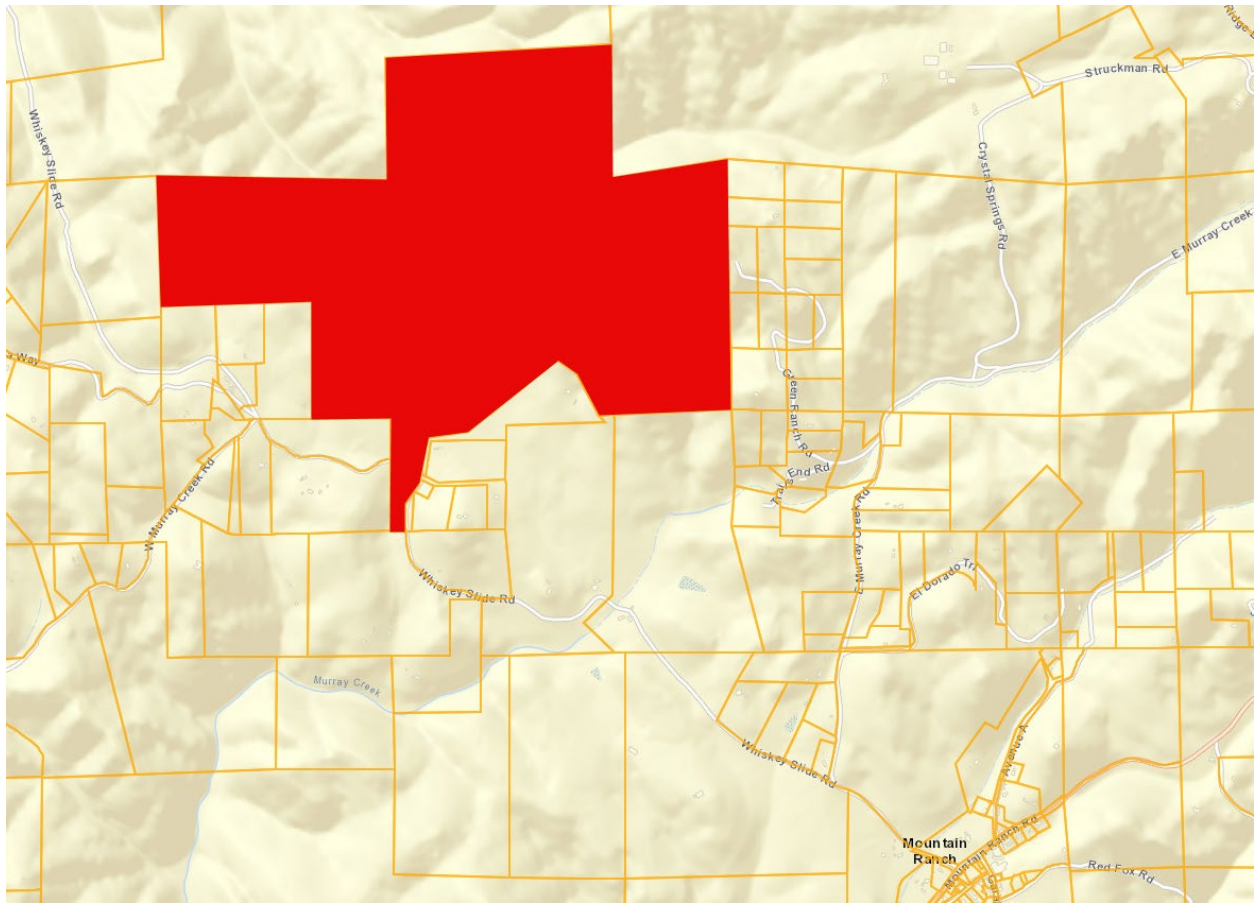


Figure 1. Location Map

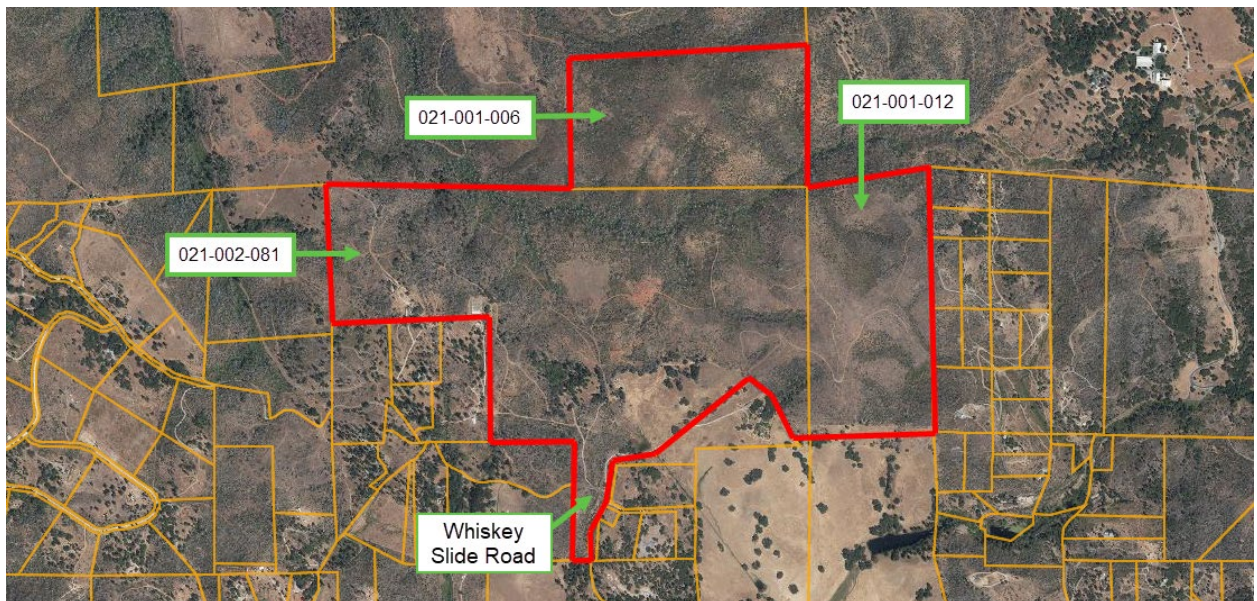


Figure 2. Aerial Photo

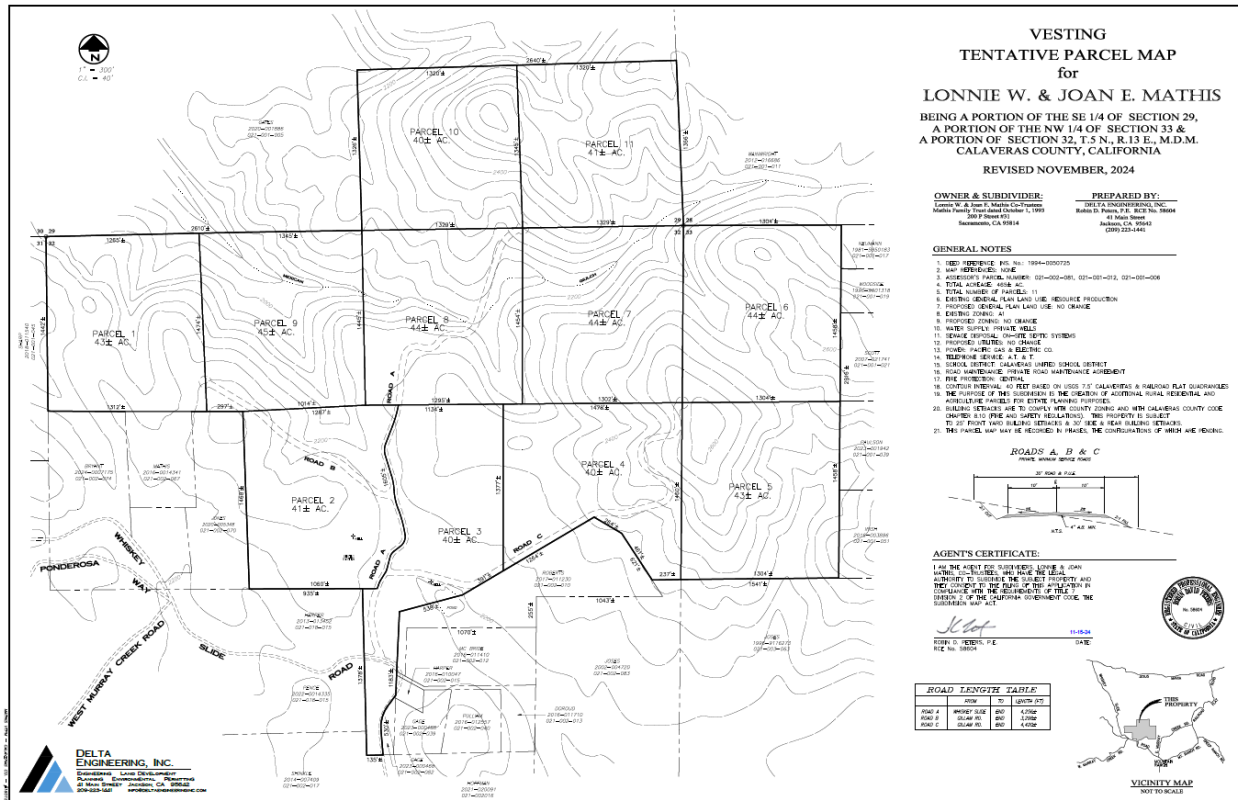


Figure 3. Vesting Tentative Parcel Map

EXISTING CONDITIONS

The project site (APNs 021-002-081, 021-001-006, and 021-001-012) is approximately 460 acres of unimproved land. The site is accessed from a driveway off Whiskey Slide Road, approximately one-and-a-half miles northwest of the intersection of Whiskey Slide Road and Mountain Ranch Road. Whiskey Slide Road is a county-maintained road. The subject properties are not served by public water or by public sewer and instead rely on well water and on-site wastewater. The project site is within the State Responsibility Area of the California Department of Forestry and Fire Protection and is within the boundaries of the Central Calaveras Fire Protection District.

Adjacent Land Uses and Zoning

The surrounding area is comprised of a wide variety of properties. There is a mix of parcels zoned General Agriculture, Agricultural Preserve, Residential Agriculture, and Rural Residential, ranging in size from 2 acres to over 450 acres. These parcels are largely used as residences and for agricultural uses. There are approximately ten residences that take access from Whiskey Slide Road between Mountain Ranch and the project site. Whiskey Slide provides access to even more residences further west of the subject parcel and via several roads that turn off it. The project site is approximately one-and-a-half miles northwest of Mountain Ranch community area.

	General Plan Designation	Zoning
North	Resource Production (RP), Working Lands (WL), Rural Transition A (RTA), Rural Transition B (RTB)	Agriculture Preserve (AP), General Agriculture (A1), Residential Agriculture (RA), Rural Residential (RR)
South	RP, WL, RTA, Resource Management (RM), P/I, HC	AP, A1, RA, RR, PS, C1
East	RP, WL, RTB, RM	AP, A1, RA, RR
West	RP, WL, RTA, RM	AP, A1, RA, RR

BACKGROUND

The application was received in December of 2022 and deemed incomplete. The requested materials were received in December of 2024. The project application was routed for comments in January of 2025. A response was received from the Public Works Department requesting that the applicant obtain the right-of-way (ROW) necessary to improve Whiskey Slide Road before the application could be processed and final departmental comments could be provided. In April of 2025, Planning sent a letter to the applicant asking him to confirm that he reviewed the comment from Public Works and still wishes to proceed with the application. In a follow-up email to that letter, one of the applicant's agents stated that they wanted to approach Public Works with an alternative suggestion. In the fall of 2025, the applicant's agent expressed concern about Public Works's requirement to obtain the ROW and was directed to speak directly with Public Works. In March of 2026, a revised response was provided by Public Works clarifying that there is an approximately 12-foot-wide bridge on Whiskey Slide Road that creates a chokepoint, which is a significant safety concern as the narrow width could impede emergency vehicles and the bridge itself is in an already deteriorated condition. Public Works stated that the chokepoint must be improved to acceptable safety standards before it can recommend approval of a discretionary application resulting in any additional traffic on Whiskey Slide Road.

Public Works also explained that, although Whiskey Slide Road is in the county-maintained road system, there is not sufficient space within the county ROW for the improvements to be constructed. Adequately improving the road would require its widening, which in turn would require permanent acquisition of property from the adjacent property owners. Public Works indicated that an executed agreement between the applicant and affected landowners obtaining the ROW would therefore be required in addition to a condition of approval requiring the improvement of the road.

The Planning Department cannot recommend adoption of the Department of Public Works's recommended conditions of approval because Planning believes that they exceed the proportional impact of the proposed project to its impacts on Whiskey Slide Road, and the applicant is not willing to voluntarily accept them. Unfortunately, the Planning Department cannot recommend project approval with less burdensome conditions of approval because it does not have the evidence or expertise to counter Public Work's assertion that the public health, safety, and welfare depends on the

development being conditioned on its recommended improvements and that the project should be denied if it cannot be so conditioned. To help counter the issue of disproportionate conditioning, Public Works suggested the possibility of the applicant securing the ROW and costs of improvement up front and the County entering into a reimbursement agreement as the discretionary development of subsequent properties on Whiskey Slide are conditioned on paying their fair share of the improvement costs. Thus, three options were presented to the applicant:

1. Withdraw the application.
2. Voluntarily obtain the right-of-way and improve the bridge to the required standards, with the option for the applicant to enter into a reimbursement agreement with the County.
3. Proceed to a Planning Commission meeting with the understanding that Planning would be recommending denial of the application on health, safety, and welfare grounds.

The applicant requested to proceed to the Planning Commission.

ANALYSIS

APNs 021-002-081, 021-001-006, and 021-001-012 are zoned General Agriculture (A1) and designated Resource Production (RP) by the General Plan. The RP designation allows for a new minimum parcel size of 40 acres, and the minimum parcel size of a zone is dictated by the General Plan land use designation. Therefore, because the proposed project meets the minimum parcel size required by the RP designation, neither a general plan amendment nor a zoning amendment are required. The parcels are not located within a community plan area.

County Code Consistency

Chapter 16 – Subdivisions of County Code regulates and controls the subdivision of real property within the county. Section 16.01.060 states that no tentative parcel map shall be approved unless the proposed subdivision is in compliance with the General Plan. Additionally, Section 16.05.110 states that a tentative map shall be denied if any one of the eight findings listed in that section are made. Among the findings is:

- That the proposed subdivision is not consistent with the general plan, any applicable specific, special or community plan, the county zoning ordinance or the county subdivision ordinance (§16.05.110.B).

Staff finds the project inconsistent with the General Plan for the reasons discussed in the section below. Additionally, the division of the parcels into eleven separate legal parcels poses a serious public health and safety problem due to the anticipated increase in traffic taking access over the chokepoint which would potentially delay emergency responses and degrade the already fragile bridge further.

The Board of Supervisors can require conditions of approval to be placed upon tentative parcel maps for the purpose of public safety and welfare and for orderly development consistent with the county general plan (§16.05.020). Conditions must be necessary to serve the broader interests of the general public and its health, safety and welfare. Conditions of approval may include requirements for safe, adequate access to accommodate future land uses and users as set forth in the code (§16.05.020.A) and any other requirements necessary to protect the public health, safety and general welfare (§16.05.020.E). However, the County cannot impose a condition of approval that would require the applicant to pay for or fix something that would exceed the proportional impact of the proposed project (*Dolan v. City of Tigard (1994)*). While the project would exacerbate the already deteriorated state of the bridge and further worsen risks of impediment to emergency response vehicles, requiring the applicant to be solely responsible for the improvement of the chokepoint is disproportionate to the impact the project will have on this section of road. Therefore, unless the applicant voluntarily obtains the right-of-way and frontloads the cost of improving the road, the Public Works Department finds there is a hazard to public health, safety, and welfare as a result of this project. Because the permit cannot be conditioned to address the hazardous conditions and the applicant has not voluntarily agreed to fund the improvements, staff finds one of the findings in Section 16.05.110 has been made and that the project is inconsistent with Chapter 16 of County Code.

Furthermore, Section 16.11.010 requires conformance with Chapter 12.02 – Road Construction and Maintenance. Chapter 12.02 establishes minimum road standards as a condition for all development, including parcel maps and subdivisions. All developers are subject to the provisions of Section 12.02.070, which state that existing public on-site and off-site roads must be sufficiently improved to maintain or upgrade to acceptable service levels. The improvements are determined by the Public Works Director and may include road reconstruction, widening, or improvement, right-of way width and alignment, and any other improvements for the flow of traffic on the impacted road (§12.02.07.B). Additionally, access to subdivisions creating parcels that are all 40 acres or larger must meet or exceed minimum service road standards, regardless of the number of parcels in the proposed subdivisions (§12.02.070.D). Public Works’s memo cites Section 12.02.070 in relation to Whiskey Slide Road, noting that the road needs to be widened to meet minimum service road standards. Public Works offered three suggestions for improving the road: deferring project consideration until the road is upgraded, forming an improvement district to share the cost of upgrading the impacted road, or constructing all on-site and off-site improvements at the developer’s expense. If the developer voluntarily funded the full cost of the improvements, they could execute an agreement with the county to be reimbursed pursuant to Section 12.02.080 of County Code for that portion of the costs that exceed the proportional impact of their proposed subdivision. The applicant has not accepted any of these options to improve Whiskey Slide Road. As such, the road remains a safety hazard and Planning cannot recommend the approval of the project as it is not in conformance with Title 12 of Calaveras County Code.

Finally, the state Fire Safe Regulations that apply to lands within the State Responsibility Area have now been incorporated into the 2025 California Wildland-Urban Interface Code

as a section of Title 24 of the California Code of Regulations that the Building Department must ensure compliance with before issuing a building permit. For reasons discussed further below, the project as described would not conform to these regulations and could not be conditioned on compliance with these regulations absent the applicant's voluntary consent.

General Plan Consistency

Discretionary applications must be reviewed against the General Plan for compliance with the adopted goals, policies, and implementation measures. The Circulation Element of the general plan contains the following policies:

- **Policy C 1.7** – Safety shall be the primary factor in prioritizing circulation system improvements and evaluating the ability of the County-maintained roadway system to accommodate traffic growth from new development.
- **Policy C 1.8** – Require new development to be responsible for all off-site circulation improvements necessary to mitigate a project's transportation impacts (including safety, pedestrian and bicycle mobility, public transit, and level of service-related impacts).
- **Policy C 1.11** – Prior to occupancy of projects or recording of subdivision maps, applicants shall construct or provide financial security for all transportation and safety improvements necessary to satisfy applicable policy, guidelines, and standards.
- **Policy C 1.12** – The County may execute reimbursement agreements for developer-advanced infrastructure improvements when the improvement cost exceeds the developer's proportional share of the improvement, with reimbursement funded from fees collected from future development that will benefit from the developer-advanced infrastructure improvement. The amount and timing of reimbursement shall be determined by the County.
- **Policy C 2.10** Require that all roads serving development meet, at a minimum, the requirements of Public Resource Code Section 4290 (SRA Fire Safe Regulations Section 1270 et. seq.)

General Plan Policy C 1.7 requires safety to be the primary factor in evaluating the ability of the County-maintained roadway system to accommodate traffic growth from new development. Policies C 1.8 and C 1.11 require that the applicant be financially responsible for road improvements required due to project impacts. While the applicant has not refused to be financially responsible for road improvements proportional to the impact of his proposed project, partial road improvements are inadequate from a safety standpoint given the extreme inadequacy of the existing access road to accommodate new traffic. Policy C 1.12 expressly authorizes reimbursement agreements for developer-advanced infrastructure improvements in circumstances like this when the improvement cost exceeds the developer's proportional share of the improvement, but the developer is not amenable to frontloading the extensive costs of obtaining the ROW and constructing the necessary improvements. The County does not have the authority to force the applicant to enter into a reimbursement agreement for improvements that

exceed the proportional impact of the proposed project, but the applicant does not have the authority to force the County to exercise its eminent domain powers to acquire the private property that would be required to construct the improvements necessary to make the road safe enough to accommodate the resulting additional traffic. The Department of Public Works is the County's authority on the ability of County roads to accommodate new traffic, and this Department states that Whiskey Slide Road cannot safely accommodate the additional traffic that would result from the proposed subdivision.

Policy C 2.10 requires all roads serving development meet the requirements of Public Resource Code Section 4290. In addition to Public Works's determination that no additional traffic can safely be allowed past the chokepoint on Whiskey Slide Road, Sections 4290 and 4291 of the Public Resources Code, the Fire Safe Regulations applicable in a CalFire State Responsibility Area (SRA) – with which all new subdivision map approvals must comply – similarly require road improvements. However, these requirements will also exceed the proportional share of the proposed project's impacts. Therefore, for the same reasons described above, the project cannot defensibly be conditioned on full compliance with the SRA Fire Safe Regulations. Because Planning and Public Works are recommending denial of the project on public safety grounds staff has not analyzed which of the Fire Safe Regulations can and cannot be fully imposed as conditions.

The applicant has not provided the Planning Department with any evidence contradicting the Department of Public Works's assessment of the safety concerns related to project approval. Therefore, for all of the reasons described above, the project as proposed would be inconsistent with the General Plan, particularly its Policy C 1.7 that requires safety to be the primary factor in evaluating the ability of the County-maintained road system to accommodate new development. This particular County-maintained road cannot safely accommodate the proposed new development.

Based on the explanation provided above, staff recommends denial of the project based on inconsistency with the County Code and General Plan due to the significant public safety concerns associated with approval of discretionary, traffic-inducing development projects on Whiskey Slide Road.

Comments Received

The application was circulated to various county departments, local public agencies, and State departments requesting comments relative to the request for a tentative parcel map to divide the property into eleven 40+ acre parcels. The Public Works Department sent a memo (Attachment 2) stating that there is a bridge on Whiskey Slide Road, approximately one mile northwest of the Mountain Ranch Road intersection, that creates a chokepoint. Public Works has identified this chokepoint as a significant safety concern and recommended denial of the project.

The initial routing was sent to property owners within 300 feet of the subject property, but no responses were received. The Notice of Public Hearing was also sent to property owners within 300 feet of the subject property.

ENVIRONMENTAL REVIEW

Pursuant to the 2026 California Environmental Quality Act & CEQA Guidelines Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves. An environmental analysis pursuant to CEQA has not been completed as staff recommends that the Planning Commission deny the application due to the safety concerns regarding Whiskey Slide Road.

CONCLUSION

Due to the hazardous conditions of the bridge, which is both in disrepair and creates a chokepoint, staff finds that the project is not consistent with the General Plan nor Title 16 of Calaveras County Code. Without the applicant's agreement to voluntarily frontload the cost of improving the chokepoint, staff cannot find the project consistent with the General Plan and Title 16 of County Code.

RECOMMENDATION

Staff recommends the Planning Commission take the following action(s):

1. Adopt Planning Commission Resolution 2026-014 denying 2022-059 Tentative Parcel Map for the Mathis Family Trust to subdivide approximately 465 acres (APNs 021-002-081, 021-001-006, and 021-001-012) off Whiskey Slide Road into eleven 40+ acres based on the findings included herein.

ATTACHMENTS

1. Draft Planning Commission Resolution 2026-014
2. Public Works Memo Recommending Denial of Application, dated March 6, 2026
3. Proposed Tentative Parcel Map

**COUNTY OF CALAVERAS, STATE OF CALIFORNIA
PLANNING COMMISSION**

RESOLUTION NO. 2026-014

>>A RESOLUTION DENYING TENTATIVE PARCEL MAP 2022-059 TO DIVIDE APPROXIMATELY 460 ACRES (APNS 021-002-081, 021-001-006, and 021-001-012) INTO ELEVEN (11) 40+ ACRE PARCELS IN MOUNTAIN RANCH FOR THE MATHIS FAMILY TRUST

WHEREAS, the Planning Department of the County of Calaveras received an application from the Mathis Family Trust requesting a tentative parcel map to divide approximately 460 acres of General Agriculture (A1) land into eleven (11) 40+ acre parcels; and

WHEREAS, the proposed project is located on real property in the unincorporated portions of the County of Calaveras, more particularly described as APNs 021-002-081, 021-001-006, and 021-001-012 are a portion of Section 32, Section 29, and Section 33 respectively, T05N, R13E, MDB&M; and

WHEREAS, the Public Works Department provided a memo stating that a portion of Whiskey Slide Road leading to the proposed subdivision contains hazardous conditions that pose a threat to the public's health, safety, and general welfare if additional traffic was allowed; and

WHEREAS, there are not sufficient conditions of approval that can be imposed on the project to mitigate the hazard that would result from its approval; and

WHEREAS, the Applicant will not either voluntarily withdraw the application or voluntarily assume the requirements necessary to remedy the necessary road improvements; and

WHEREAS, because the Planning Department is recommending denial of the application it was not complete an environmental analysis pursuant to the California Environmental Quality Act (CEQA) guidelines, as disapproved projects are exempt pursuant to Article 18, Section 15270 (14 C.C.R. §15270); and

WHEREAS, during a duly noticed public hearing on September 24, 2026, the Planning Commission considered all of the information presented to it, including a staff report, information presented by the project proponent and opponents, and all public testimony presented in writing and at the meeting; and

BE IT THEREFORE RESOLVED, that the Planning Commission denies Tentative Parcel Map 2022-059, based on the following findings:

1. The project must be denied because it is not consistent with the County's General

Plan, and consistency with it required by both State law and Chapter 16 of County Code.

EVIDENCE A memo from the Department of Public Works, dated March 6, 2026, states that there is a section of Whiskey Slide Road which crosses a creek before arriving at the applicant's proposed subdivision. This portion of the road is only 12 feet wide and creates a chokepoint making two-way traffic difficult or impossible depending on the sizes of the vehicles. The chokepoint poses a significant safety concern as it could impede emergency response, even without the additional traffic the project is expected to create. Public Works stated that the chokepoint must be improved to acceptable safety standards before it can recommend approval of a discretionary application resulting in any additional traffic on Whiskey Slide Road.

Section 16.01.060 states that no tentative parcel map shall be approved unless the proposed subdivision is in compliance with the General Plan. Additionally, approval of a tentative or final map must be denied by the county if it makes any of the findings listed in Section 16.05.110 of County Code, including that the proposed subdivision is not consistent with the general plan, any applicable specific, special or community plan, or the county subdivision ordinance (16.05.110.B). The Circulation Element of the general plan contains the following policies:

- **Policy C 1.7** – Safety shall be the primary factor in prioritizing circulation system improvements and evaluating the ability of the County-maintained roadway system to accommodate traffic growth from new development.
- **Policy C 1.8** – Require new development to be responsible for all off-site circulation improvements necessary to mitigate a project's transportation impacts (including safety, pedestrian and bicycle mobility, public transit, and level of service-related impacts).
- **Policy C 1.11** – Prior to occupancy of projects or recording of subdivision maps, applicants shall construct or provide financial security for all transportation and safety improvements necessary to satisfy applicable policy, guidelines, and standards.
- **Policy C 1.12** – The County may execute reimbursement agreements for developer-advanced infrastructure improvements when the improvement cost exceeds the developer's proportional share of the improvement, with reimbursement funded from fees collected from future development that will benefit from the developer-advanced infrastructure improvement. The amount and timing of reimbursement shall be determined by the County.
- **Policy C 2.10** – Require that all roads serving development meet, at a minimum, the requirements of Public Resource Code Section 4290 (SRA Fire Safe Regulations Section 1270 et. seq.)

General Plan Policy C 1.7 requires safety to be the primary factor in evaluating the ability of the County-maintained roadway system to accommodate traffic growth from new development. As stated, Public Works has stated that in its current condition, Whiskey Slide Road poses significant safety risks and cannot recommend approval of the project until road improvements are completed. Policies C 1.8 and C 1.11 require that the applicant be financially responsible for road improvements required due to project impacts. While the applicant has not refused to be financially responsible for road improvements proportional to the impact of the proposed project, partial road improvements are inadequate from a safety standpoint given the extreme inadequacy of the existing access road to accommodate new traffic. Policy C 1.12 expressly authorizes reimbursement agreements for developer-advanced infrastructure improvements in circumstances like this when the improvement cost exceeds the developer's proportional share of the improvement, but the developer is not amenable to frontloading the extensive costs of obtaining the ROW and constructing the necessary improvements.

While under both State and local law, the Board of Supervisors can require conditions of approval to be placed upon tentative parcel maps for the purpose of public safety and welfare and for orderly development consistent with the general plan (§16.05.020), the County cannot legally impose a condition of approval that would require the applicant to pay for or fix something that would exceed the proportional impact of the proposed project (*see e.g. Dolan v. City of Tigard (1994) 512 U.S. 374*). While the project would exacerbate the already deteriorated state of the bridge and further worsen risks of impediment to emergency response vehicles, requiring the applicant to be solely responsible for the improvement of the already deteriorated chokepoint is disproportionate to the impact this one project will have on this section of road. Furthermore, unless the applicant successfully procures a right-of-way from a private party, the only other solution would be for the County to exercise its eminent domain powers on the applicant's behalf to procure the amount of additional land necessary to repair and widen the road. Therefore, unless the applicant voluntarily obtains the right-of-way and frontloads the cost of improving the road, there is a hazard to public health, safety, and welfare as a result of this project. Because the permit cannot be defensibly conditioned to address the hazardous conditions, and the applicant has not voluntarily agreed to fund the improvements, staff finds that approving the project without the improvements would be inconsistent with both the general plan and Chapter 16 - Subdivisions.

Furthermore, Policy C 2.10 requires all roads serving development meet the requirements of Public Resource Code Section 4290. In addition to Public Works's determination that no additional traffic can safely be allowed past the chokepoint on Whiskey Slide Road, Sections 4290 and 4291 of the Public Resources Code, the State Fire Safe Regulations applicable in a CalFire State Responsibility Area (SRA) that all subdivision and parcel maps must be conditioned on – similarly require road improvements that would exceed the proportional share of the proposed project's impacts. Therefore, for the same reasons described above, the project cannot defensibly be conditioned on full compliance with the SRA Fire Safe Regulations

under federal law. Because Planning and Public Works are recommending denial of the project on public safety grounds, staff has not analyzed which of the State Fire Safe Regulations can and cannot be defensibly imposed as conditions of approval.

The applicant has not provided the Planning Department with any evidence contradicting the Department of Public Works's assessment of the safety concerns related to project approval. Therefore, for all of the reasons described above, the project as proposed would be inconsistent with the General Plan, particularly its Policy C 1.7 that requires safety to be the primary factor in evaluating the ability of the County-maintained road system to accommodate new development. This particular County-maintained road cannot safely accommodate the proposed new development.

2. The project must be denied because it does not conform to the road standards of Chapter 12.02 of the County Code, as is also required by Section 16.11.010 of County Code.

EVIDENCE Section 16.11.010, which is part of the Chapter regulating subdivision and parcel maps, requires conformance with Chapter 12.02 – Road Construction and Maintenance. Chapter 12.02 establishes minimum road standards as a condition for all development, including parcel maps and subdivisions. All developers are subject to the provisions of Section 12.02.070, which states that existing public on-site and off-site roads must be sufficiently improved to maintain or upgrade to acceptable service levels. The required improvements are determined by the Public Works Director and may include road reconstruction, widening, or improvement, right-of way width and alignment, and any other improvements for the flow of traffic on the impacted road (§12.02.07.B). Additionally, access to subdivisions creating parcels that are all 40 acres or larger must meet or exceed minimum service road standards, regardless of the number of parcels in the proposed subdivisions (§12.02.070.D). Public Works's memo cites Section 12.02.070 in as guiding its determination with respect to Whiskey Slide Road, noting that the road needs to be widened to meet minimum service road standards. Public Works offered three suggestions to the applicant for improving the road: deferring project consideration until the road is upgraded, forming an improvement district to share the cost of upgrading the impacted road, or constructing all on-site and off-site improvements at the developer's expense. If the developer voluntarily funded the full cost of the improvements, they could execute an agreement with the County to be reimbursed pursuant to Section 12.02.080 of County Code for that portion of the costs that exceed the proportional impact of their proposed subdivision. The applicant has not accepted any of these options to improve Whiskey Slide Road and the County cannot defensibly require that they do so. As such, the proposed project's road impacts will exacerbate an existing safety hazard, and Planning cannot recommend the approval of the project as it is not in conformance with Title 12 or Title 16 of Calaveras County Code.

3. The project must be denied because the findings required to approve parcel maps under County Code Section 16.05.020 cannot be made.

EVIDENCE Section 16.05.020 requires conditions of approval to be imposed on parcel maps as necessary to protect the interests of future property owners of the resulting parcels and as necessary to serve “the broader interests of the general public and its health, safety and welfare.” Section 16.05.020 gives examples of the types of conditions that may be necessary to impose, including “(r)quirements for safe, adequate access to accommodate future land uses and users as set forth in this code” and “(a)ny other requirements necessary to protect the public health, safety and general welfare.” The Department of Public Works has determined that Whiskey Slide Road, the access road to the proposed subdivision, cannot safely accommodate the additional traffic the subdivision is likely to create without the road being widened and repaired at the aforementioned chokepoint. Therefore, there is a need to impose conditions as described in Section 16.05.020. Because the County cannot defensibly impose the conditions, and because the applicant will not voluntarily assume them, the parcel map cannot be approved in conformance with Title 16 of the County Code.

4. The denial of this project is exempt from the California Environmental Quality Act (CEQA).

EVIDENCE Pursuant to CEQA Guidelines §15270, projects which a public agency rejects or disapproves are exempt from CEQA. An environmental analysis has not been completed, as staff recommends that the Planning Commission deny the application due to the safety concerns regarding the project’s impacts to Whiskey Slide Road. A Notice of Exemption shall be filed if the permit denial is upheld. Should the denial of this permit be overturned in whole or in part, the Planning Department will determine what, if any, environmental document must be prepared for the permit to comply with CEQA.

Approved by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on September 24th, on a motion by Commissioner _____ and seconded by Commissioner _____.

AYES:
NOES:
ABSTAIN:
ABSENT:
VACANT:

Chair, Planning Commission

ATTEST:

Katherine Stefani
Senior Planner

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.



COUNTY OF CALAVERAS

DEPARTMENT OF PUBLIC WORKS

Micah Martin, Director

MEMORANDUM

Date: March 6, 2026
To: Katherine Stefani, Senior Planner
From: Monica Remus, Development Services Specialist 
Subject: 2022-00059 TPM for Lonnie & Joan Mathis, **Updated Parcel Map Review**

BACKGROUND

The applicant is requesting approval of an application to divide 465 acres into 11 parcels located at 9520 Whiskey Slide Road, in Mountain Ranch. (APNs 021-002-081, 021-001-012 & 021-001-006).

ISSUE OF SIGNIFICANCE

Project traffic is expected to travel on Whiskey Slide Road, which includes a section crossing the creek that is only 12 feet wide at its maximum. This width restricts traffic to a single lane, creating a chokepoint. The chokepoint poses a significant safety concern, as it could impede emergency response, even without additional traffic. As such, Whiskey Slide Road in the area of the development *currently* fails to meet minimum County standards. Authorizing a discretionary project that will result in further traffic through this chokepoint would be dangerous for two primary reasons:

1. It raises the likelihood of vehicles entering the choke point at the same time as an emergency vehicle, delaying critical response; and,
2. It would further tax the already fragile creek crossing, which is already in a deteriorated condition.

For these reasons, the Department cannot recommend approval of this project in any way that would allow development to ensue unless the road is improved at the choke point to an adequately safe condition.

The situation is further complicated by the fact that, while Whiskey Slide Road is within the County-maintained road system, there is insufficient space within the County's right-of-way to construct the improvements without at least temporarily obtaining lawful use of adjacent private property. Note that adequate widening of the road would require permanent lawful use or ownership of adjacent property. Therefore, the successful acquisition of additional right-of-way will need to be a condition precedent to embarking on any improvements.

Additionally, while County Code §12.02.080 provides a mechanism through which a developer can enter into an agreement with the County to frontload the costs of road improvements, deferring reimbursement of those costs that exceed the proportional impact of the development

891 Mountain Ranch Road ▪ San Andreas, CA 95249

Phone: (209) 754-6401 ▪ email: pubworks@co.calaveras.ca.us ▪ Website: publicworks.calaverasgov.us

until future development is required to pay its fair share, the developer would need to voluntarily agree to take this on and would need to reach agreement with the County on the terms of the contract.

In short, while there is a potential path through which Public Works could ultimately recommend conditional approval of the proposed tentative map, there are some difficult and time-consuming hurdles the applicant would have to overcome first.

Therefore, the Department of Public Works recommends that the Planning Commission deny the application on public health, safety, and welfare grounds unless the applicant voluntarily: 1) agrees to delayed application processing, 2) agrees to pursue the acquisition of the necessary right of way the County will need to construct and improve the road, and 3) agrees to frontload the cost of construction subject to a reimbursement agreement as described in 12.02.080.

DISCUSSION

Public Works reviewed the project in terms of roadways, grading and drainage. In reviewing the project, the following facts and requirements were considered:

1. The parcel split will create 11 lots. All eleven parcels propose access via three 30-foot-wide common access easements that take access from Whiskey Slide Road. Proposed Road A will provide access to Parcels 3, 7, 8, 10 and 11, Road B provides access to Parcels 1, 2, and 9, and Road C provides access to Parcels 4, 5, 6 and 7.
2. This site is located within the Cal Fire State Responsibility Area (SRA) and is rated as a "High to Moderate Fire Hazard Severity Zone".
3. To approve the Tentative Parcel Map, the Subdivision Map Act §66474.02(1) requires findings consistent with regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code or consistent with local ordinances certified by the State Board of Forestry and Fire Protection as meeting or exceeding the state regulations. To meet this requirement the road must meet minimum standards, among other things.
4. Whiskey Slide Road is a county-maintained Minor Collector.
5. No further increase in traffic through the approval of new entitlements can safely occur on projects that take access off Whiskey Slide Road in a way that is likely to require further vehicle travel past the choke point.
6. Consistent with Calaveras County Code §12.02.070D, Whiskey Slide Road shall meet Minimum Service Road Standards, as modified to meet SRA Fire Safe Regulations Section 1270 et. Seq. to provide for two-lanes of travel.
7. Consistent with Calaveras County Code §12.02.070D, access to parcels that are 40 acres shall meet minimum service road standards, as modified to meet SRA Fire Safe Regulations Section 1270 et. Seq. The internal road system shall meet the standard.

8. A turnaround is required for each road per §12.02.230 of the County Code.

PRIOR TO FINALIZING RECOMMENDED CONDITIONS OF APPROVAL FOR THE REQUESTED MAP, PUBLIC WORKS WILL NEED THE FOLLOWING:

Portions of Whiskey Slide Road to the site that are less than 20 feet wide must be improved to Minimum Service Road standard, as modified to meet SRA Fire Safe Regulations Section 1270 et. Seq. per County Code §12.02.070. D. As the shortest route to an acceptable road is to the south to East Murray Creek Road, this portion of the road must be improved.

1. Provide a plan showing how the developer plans to bring Whiskey Slide Road to compliance. When a project is proposed to be located in a road region which includes county roads with safety issues on which traffic generated by the project will logically travel, we can allow the developer the following road improvement options:
 - a. Defer project consideration until the county road is upgraded;
 - b. Construct at developer expense all onsite and offsite improvements necessary to upgrade the county road impacted by the project; Note that the owner is required to obtain the right of way to accommodate any necessary improvements on Whiskey Slide Road before the tentative map can be processed. **To continue processing the application, the developer must submit an executed agreement with affected landowners for what will become the County's right of way.**
 - c. Form an improvement district with other property owners in the area to share the cost of upgrading impacted county roads.
 - d. Assuming the developer funds the full cost of upgrading the county road, execute an agreement with the County to reimburse the developer for expenses beyond the required proportional share or improvements; reimbursement may come from fees collected from future developers or future building permits issued in the road region.
2. Provide the length of the internal roadway system (within the development footprint) and include turnarounds at the ends of roads. As shown on the Road Length Table Exhibit, the road names are incorrect. Revise the table to reflect the accurate names and lengths proposed. As the access roads serve multiple lots, the roadway template must conform to Minimum Service Road standard, as described by County Code §12.02.070D and §12.02.390 Template G, as modified to meet SRA Fire Safe Regulations Section 1270 et. Seq to the boundary of all parcels.

TENTATIVE REGULATORY COMPLIANCE

The proposed conditions provided below are preliminary. Once the required additional information is submitted, the proposed conditions will be updated.

The applicant shall meet all applicable requirements of the County Road Ordinance (Chapter 12.02), the Storm Water Quality Ordinance (Chapter 13.01), the Grading and Drainage Ordinance (Chapter 15.05), the Subdivision Ordinance (Chapter 16), and the requirements of other agencies having jurisdiction, including without limitation the following:

1. *Applicant shall improve roads based on the following design criteria:*
 - a. Obtain an Encroachment Permit and improve Whiskey Slide Road from the intersection of East Murray Creek Road through the frontage of the subject property

- to Template G, Minimum Service Road standard, as modified to meet SRA Fire Safe Regulations Section 1270 et. Seq.
- b. Improve the onsite Roads A, B and C, from their intersection with Whiskey Slide Road to the terminus at the proposed parcels (noted as proposed 30-foot Road & PUE) to Minimum Service Road standard, as modified to meet SRA Fire Safe Regulations Section 1270 et. Seq. Proposed template shown on the tentative map is accepted.
 - c. The length of the roads to their terminus at the proposed parcels shall not exceed 5,280 feet.
 - d. The structural section shall be minimum 4-inches of Class II Aggregate Base (per §12.02.180).
 - e. Maximum grade of road shall not exceed 12 percent slope.
 - f. Turnaround at the terminus of extension of the onsite roads A, B, and C, shall have a roadbed diameter of 84 feet with a road surface diameter of 80 feet. With concurrence of the responsible fire protection agency, a hammerhead may be constructed in lieu of a cul-de-sac per §12.02.230B. If a hammerhead "T" is used, the top of the "T" shall be a minimum of sixty feet in length.
 - g. The applicant shall obtain an Encroachment Permit and improve the encroachment (intersection) of the internal roads onto Whiskey Slide Road to Local Road approach standards.
 - h. Obtain an Encroachment Permit and improve the choke points on Whiskey Slide Road, to Minimum Service Road standard, as modified to meet SRA Fire Safe Regulations Section 1270 et. Seq.

2. *Provide the following information on the Parcel Map:*

- a. A 64-foot (32-foot half width) road and PUE for Whiskey Slide Road is to be dedicated through the extent of the project property owned by the applicant and fronting Road A.
- b. A 30-foot road and public utility easement for onsite roads A, B, and C is to be dedicated through the extent of the project.
- c. A 100-foot diameter road and public utility easement is to be dedicated for the turnarounds of the proposed onsite roads, A, B, and C. If a hammerhead is approved by the responsible fire protection agency, an adequate easement to contain the hammerhead, including shoulders and drainage, is to be dedicated for the turnaround.
- d. Delineate and cite all existing road and public utility easements including setbacks.
- e. All proposed road and public utility easements are to be offered for dedication unless roads are to be private. The rights-of-way or easements are to extend five (5) feet beyond the top of cuts or toe of fills.
- f. All areas subject to inundation due to a 100-year storm event are to be shown on the Parcel Map. If there are no such areas, a statement certified by a Registered Civil Engineer is to be placed on the map stating so.
- g. Omission of roads or easements on the Parcel Map does not constitute abandonment of any legally existing rights. If applicant wishes owners of affected easements to

abandon such rights, he must formalize the action or have all affected parties sign such agreement on the Parcel Map.

- h. All roads shall be named on the Parcel Map subject to the approval of the Chief Building Official.
- i. For disclosure purposes, the existence and location of and/or reference to recording data, if so recorded, for any maintenance arrangement shall be noted on the Parcel Map.

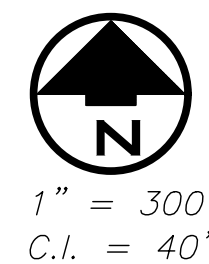
3. *Submit the following prior to recording the Parcel Map:*

- a. Hydrology/hydraulics analysis in support of determination of areas of inundation from 100-year storm.
- b. Provide evidence of inclusion of project parcels in a road maintenance agreement or other funding mechanism and administrative entity to provide road maintenance through the life of the subdivision in compliance with Board of Supervisors Resolution 06-56.
- c. Provide evidence that the applicant has created a funding mechanism and an administrative entity to provide ongoing maintenance of post-construction storm water best management practices through the life of the subdivision.
- d. Pay the project's fair share of traffic impacts through the payment of the Road Improvement Mitigation Fee in effect at the time of obtaining building permits.
- e. Certification by a Registered Civil Engineer that grading and road improvements have been constructed to the requirements of the Road Ordinance.
- f. Consistent with Road Ordinance §12.02.340, if the applicant wishes to record the Parcel Map prior to construction of any improvements, the applicant shall submit:
 - i. 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 Improvements.
 - ii. Enter into a Project Improvement Agreement and submit appropriate securities. 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 Counsel may be used.

4. *Improvement plans must be submitted to and approved by Public Works prior to the beginning of construction or filing of the Parcel Map, whichever comes first. Improvement plans must include without limitation the following:*

- a. Road improvement details including plan, profile, cross sections, and signature and stamp of the responsible registered civil engineer in charge.
- b. A grading plan showing existing and proposed contours.
- c. Utilities.

- d. Signage as needed including road name signs, traffic control signs and "Not a County Maintained Road" signs.
- e. 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.
- f. Erosion control plan implementing Best Management Practices for Storm water Pollution Prevention.
- g. The removal/re-location of all fences from within the road rights-of-way.
- h. Wetland areas and areas of inundation by the 100-year storm event, if any.
- i. Soils/geotechnical report in support of design.
- j. The developer is required to apply for all necessary approval or permits including permits from Fish and Game, Regional Water Quality Control Board, and Army Corps of Engineers. Permits from other agencies shall be submitted to the County along with the improvement plans.
- k. Construction Quality Assurance Plan.
- l. Prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) as required and obtain a General Construction Activity Storm water Permit and a National Pollutant Discharge Elimination System (NPDES) permit.
- m. Implement Best Management Practices (BMPs) to manage storm water quality during project operations and post-construction. 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.



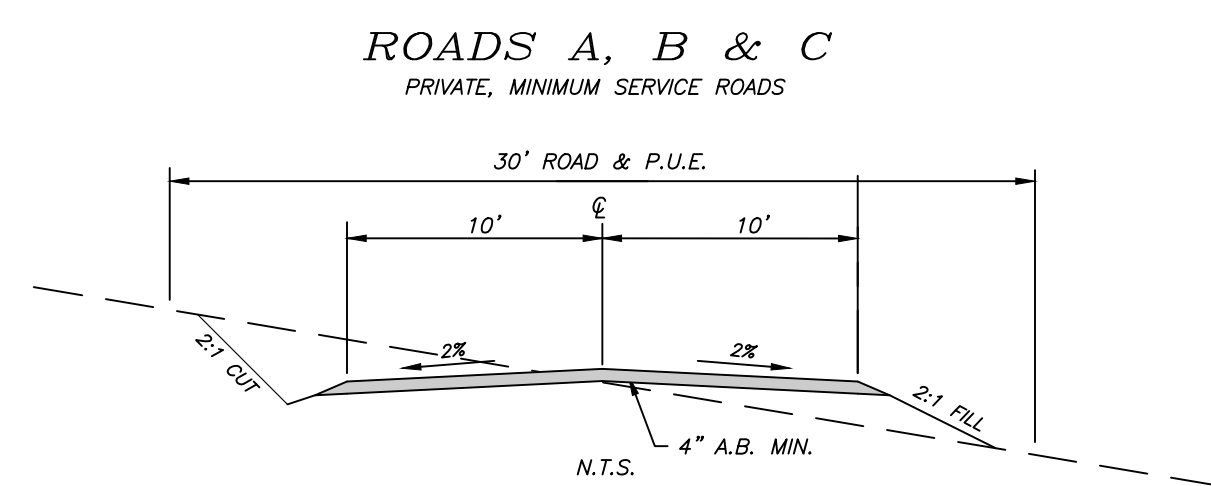
VESTING
TENTATIVE PARCEL MAP
for
LONNIE W. & JOAN E. MATHIS
BEING A PORTION OF THE SE 1/4 OF SECTION 29,
A PORTION OF THE NW 1/4 OF SECTION 33 &
A PORTION OF SECTION 32, T.5 N., R.13 E., M.D.M.
CALAVERAS COUNTY, CALIFORNIA

REVISED NOVEMBER, 2024

OWNER & SUBDIVIDER:
Lonnie W. & Joan E. Mathis Co-Trustees
Mathis Family Trust dated October 1, 1993
200 P Street #31
Sacramento, CA 95814

PREPARED BY:
DELTA ENGINEERING, INC.
Robin D. Peters, P.E. RCE No. 58604
41 Main Street
Jackson, CA 95642
(209) 223-1441

- GENERAL NOTES
- DEED REFERENCE: INS. No.: 1994-0050725
 - MAP REFERENCES: NONE
 - ASSESSOR'S PARCEL NUMBER: 021-002-081, 021-001-012, 021-001-006
 - TOTAL ACREAGE: 465± AC.
 - TOTAL NUMBER OF PARCELS: 11
 - EXISTING GENERAL PLAN LAND USE: RESOURCE PRODUCTION
 - PROPOSED GENERAL PLAN LAND USE: NO CHANGE
 - EXISTING ZONING: A1
 - PROPOSED ZONING: NO CHANGE
 - WATER SUPPLY: PRIVATE WELLS
 - SEWAGE DISPOSAL: ON-SITE SEPTIC SYSTEMS
 - PROPOSED UTILITIES: NO CHANGE
 - POWER: PACIFIC GAS & ELECTRIC CO.
 - TELEPHONE SERVICE: A.T. & T.
 - SCHOOL DISTRICT: CALAVERAS UNIFIED SCHOOL DISTRICT
 - ROAD MAINTENANCE: PRIVATE ROAD MAINTENANCE AGREEMENT
 - FIRE PROTECTION: CENTRAL
 - CONTOUR INTERVAL: 40 FEET BASED ON USGS 7.5' CALAVERITAS & RAILROAD FLAT QUADRANGLES
 - THE PURPOSE OF THIS SUBDIVISION IS THE CREATION OF ADDITIONAL RURAL RESIDENTIAL AND AGRICULTURE PARCELS FOR ESTATE PLANNING PURPOSES.
 - BUILDING SETBACKS ARE TO COMPLY WITH COUNTY ZONING AND WITH CALAVERAS COUNTY CODE CHAPTER 8.10 (FIRE AND SAFETY REGULATIONS). THIS PROPERTY IS SUBJECT TO 25' FRONT YARD BUILDING SETBACKS & 30' SIDE & REAR BUILDING SETBACKS.
 - THIS PARCEL MAP MAY BE RECORDED IN PHASES, THE CONFIGURATIONS OF WHICH ARE PENDING.



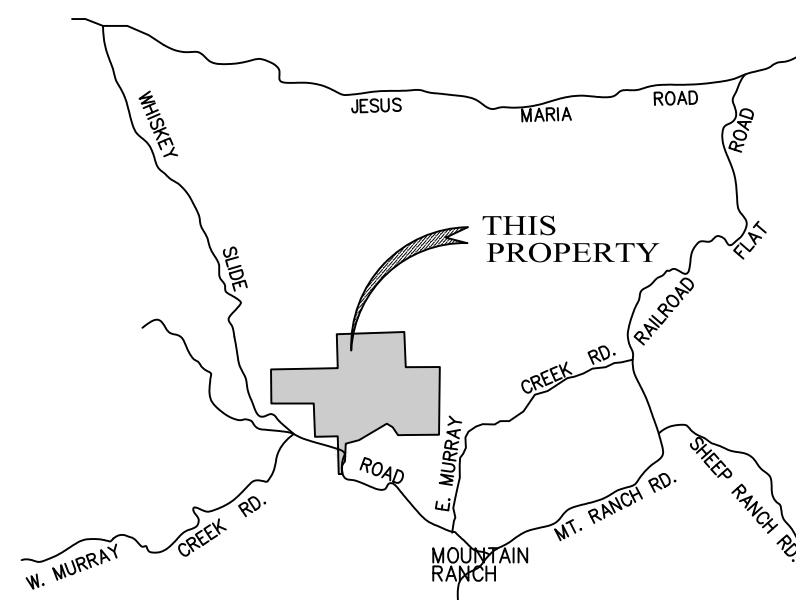
AGENT'S CERTIFICATE:

I AM THE AGENT FOR SUBDIVIDERS, LONNIE & JOAN MATHIS, CO-TRUSTEES, WHO HAVE THE LEGAL AUTHORITY TO SUBDIVIDE THE SUBJECT PROPERTY AND THEY CONSENT TO THE FILING OF THIS APPLICATION IN COMPLIANCE WITH THE REQUIREMENTS OF TITLE 7 DIVISION 2 OF THE CALIFORNIA GOVERNMENT CODE, THE SUBDIVISION MAP ACT.

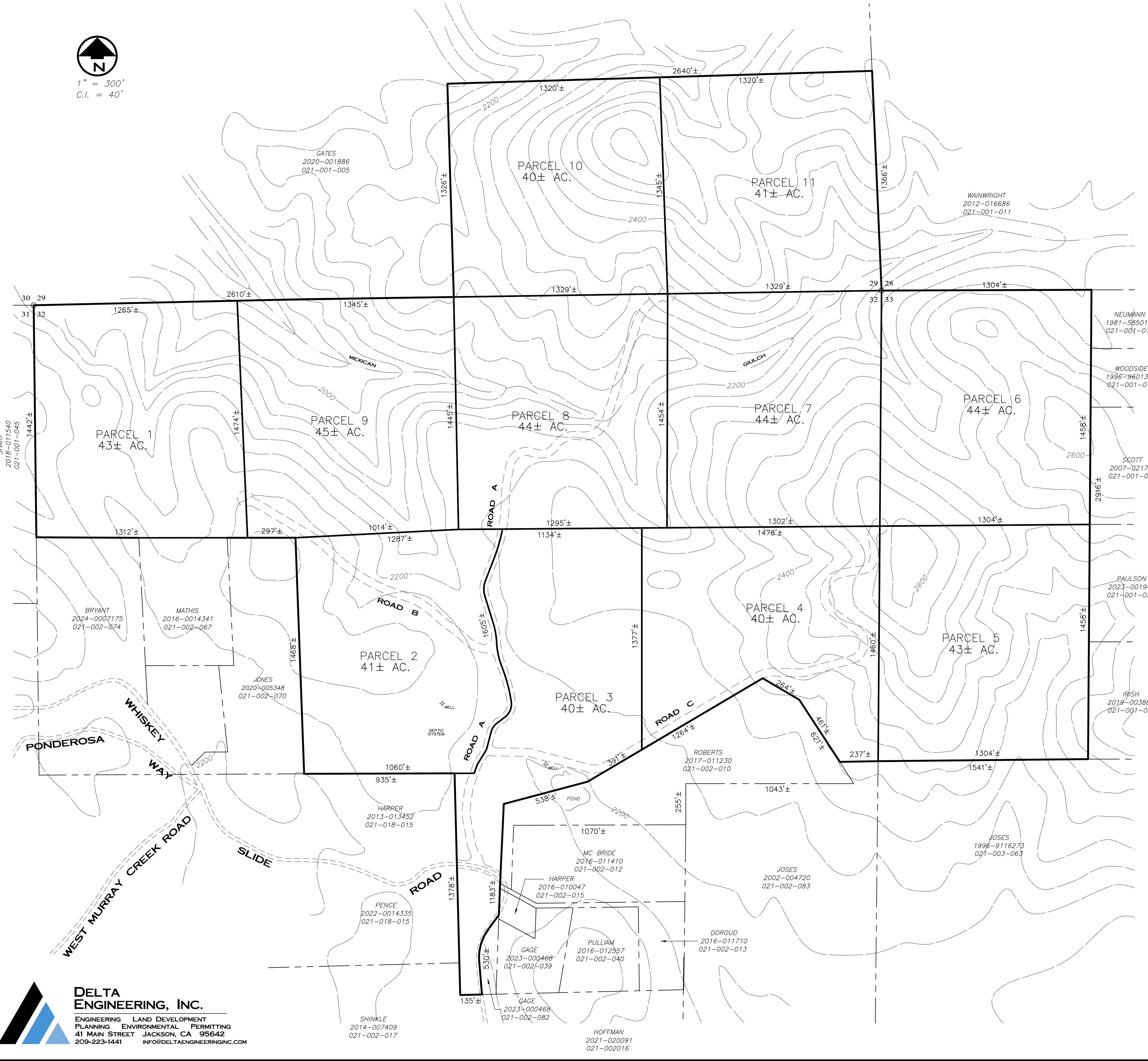
Robinson 11-15-24
ROBIN D. PETERS, P.E. DATE:
RCE No. 58604



ROAD LENGTH TABLE			
	FROM	TO	LENGTH (FT)
ROAD A	WHISKEY SLIDE	END	4,256±
ROAD B	GILLAM RD.	END	3,298±
ROAD C	GILLAM RD.	END	4,420±



VICINITY MAP
NOT TO SCALE



DELTA ENGINEERING, INC.
ENGINEERING LAND DEVELOPMENT
PLANNING ENVIRONMENTAL PERMITTING
41 MAIN STREET JACKSON, CA 95642
209-223-1441 INFO@DELTAENGINEERINGINC.COM

MATHIS VPM - CALAVERAS CO. - #160150