

FROM THE PLANNING COMMISSION MINUTES OF JULY 8, 2010

10. GENERAL PLAN AMENDMENT/REZONE/TENTATIVE MAP

A10-0001/Z09-0003/TM09-1488/Breeden Estates-Leoni Road Subdivision submitted by CHRISTINE BROWN (Agent: Carlton Engineering, Inc.) to amend General Plan land use designation from Medium-Density Residential (MDR) to Low-Density Residential (LDR); Rezone from Residential Agricultural-40 (RA-40) to Estate Residential Five-Acre (RE-5), and create 12 residential lots ranging in size from 5 acres to 12 acres. The property, identified by Assessor's Parcel Number 041-040-15, consisting of 75.7 acres, is located on the east side of Parkside Drive approximately 165 feet south of the intersection with Winding Way and Winding Way Court, in the Grizzly Flat area, Supervisorial District II. [*Project Planner: Gina Paolini*] (Mitigated negative declaration prepared)*

Gina Paolini presented the item to the Commission with a recommendation of approval to the Board of Supervisors. She stated that a public comment letter had been received from John Allen.

There was discussion on the Agricultural Commission's recommendation to change the rezone request for Lots 9 and 10 to RE-10 for consistency with the lot size. Commissioner Pratt was in agreement with the recommendation.

Commissioner Pratt initiated discussion on various aspects of the project, which included building locations and setbacks.

Jim Wilson/Carlton Engineering, Inc., applicant's agent, commended the staff for their efforts on the project and had no issues with the Conditions of Approval as presented. He also stated that they had no objections to rezoning Lots 9 and 10 to RE-10 instead of RE-5. Mr. Wilson indicated that he had walked the property and felt that most of the building locations would be near the road.

John Allen informed the Commission that he owns the timber land adjacent to the project and he voiced concern on the impacts to his parcel and would like conditions placed that would protect it (i.e., deer fencing, building setbacks). Mr. Allen made the following comments:

- Property in family since the 1970s and has been logged throughout the years;
- Beginning a perpetual timber plan that will result in logging frequently;
- Concern on receiving complaints on his agricultural activities as this project will make his property a transitional parcel;
- Concern on impacts to his water supply;
- Requests old existing logging roads leading to his property be removed to discourage trespassing; and
- Would like mitigations placed on project that would protect his interests without overburdening the applicant.

Commissioner Pratt concurred that a delineation of the property lines was a valid point.

Pierre Rivas provided information on aspects of the project which resulted from it being located in the Grizzly Flat Rural Center (i.e., reduction in setbacks). He also informed the Commission that due to infrastructure constraints, the applicant was requesting to amend the General Plan designation from MDR to LDR. However, if there had not been any constraints, the property could have been developed into one acre lots.

Commissioner Pratt confirmed with Mr. Allen that one of his primary concerns was that up until receiving the notice for today's hearing, he had thought he had protection to conduct his agricultural activities due to his and the surrounding parcels' RA-40 zoning.

Mr. Wilson stated they would be willing to make the following concessions:

- Re-grade and re-seed the old existing logging roads;
- Install some type of fencing that would allow wildlife movement but still delineate the boundary lines
- Install "no trespassing" signs every 50-100 feet on their boundary line with Mr. Allen's property;
- Increase the setbacks to 100 feet for Lots 5, 6, and 7; and
- Agreed to have 200 foot setbacks for Lots 8, 9, and 10 as that was what they were designed for, as shown on the submitted map.

No further discussion was presented.

Motion: Commissioner Pratt moved, seconded by Commissioner Mathews, and carried (4-0), to recommend the Board of Supervisors take the following actions: 1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; 2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines Section 15074(d) incorporated as Conditions of Approval; 3. Approve General Plan Amendment A10-0001 based on the Findings presented; 4. Approve Rezone Z09-0003 based on the Findings as modified: (a) Include Estate Residential (RE-10); and 5. Approve Tentative Map TM09-1488 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition #1 to identify Lots 9 and 10 being rezoned to Estate Residential (RE-10); (b) Amend Condition #17 to identify 200 foot building setback for Lots 8, 9, and 10; (c) Addition of three new conditions to address rear yard setbacks (Lots 5, 6, and 7), no trespassing signage/fencing (Lots 5, 6, and 7), and the removal of logging roads; and direct staff to create a rezone map identifying the location of the two zone districts.

AYES: Heflin, Mathews, Pratt, Rain
NOES: None
ABSENT: Tolhurst