

FROM THE PLANNING COMMISSION MINUTES OF NOVEMBER 18, 2010

[Clerk's Note: Prior to each project, Chair Rain announced that since there were only three Commissioners present, they were asking if the applicant wanted to proceed with the hearing of their item or continue the item to another meeting where there may be more than three Commissioners present.]

11. REZONE/TENTATIVE MAP/SPECIAL USE PERMIT

Z07-0040/TM07-1454/S09-0012/Sundance Subdivision submitted by CHRISTOPHER A. BEAUCHAMP (Agent: red2blue Consulting Services/Carl A. Sloan) to request the following: 1. Rezone from Exclusive Agricultural (AE) to Estate Residential (RE-10); 2. Tentative map to create 28 lots ranging in size from 10 to 14.8 acres; 3. Special use permit to allow the gating of proposed Road "A" approximately 870 feet north of the intersection with Pilot View Drive; and 4. Design waiver requests to: (a) Permit proposed lots 15 and 16 to exceed the 3:1 depth to width lot ratio; and (b) Permit a reduction in the shoulder width for proposed Road "B" from 10 feet to two feet as required in the Design and Improvement Standards Manual. The property, identified by Assessor's Parcel Numbers 104-520-04, 104-520-05, and 104-520-06, consisting of 298.19 acres, is located on the south side of Rattlesnake Bar Road, approximately 0.8 mile east of the intersection with Highway 49, in the Pilot Hill area, Supervisorial District IV. *[Project Contact: Roger Trout]* (Mitigated negative declaration prepared/SCH#2009122050)* *[continued from the 10/28/10 meeting due to lack of a quorum]*

Pierre Rivas presented the item with a recommendation of approval for the rezone and tentative map and denial of the special use permit to the Board of Supervisors. In response to a written public comment on the presence of the El Dorado Mule Ears, he stated that the photos submitted by the writer were utilized to identify them as the common Mule Ears, which are distinguishable by the leaves.

Fred Sanford/Environmental Management stated that the subdivision switched over to wells and that 10% of the lots were drilled and tested and showed an 8.9gpm – 12gpm production range. He said that high levels of manganese and iron were detected and, therefore, the County would be requiring a warning to that affect be placed on the recorded map. Mr. Sanford also stated that six out of the 56 surrounding lots had deepened their wells. In regards to sewage disposal, the soils were deep and good enough. At the request of Chair Rain, Mr. Sanford was provided a copy of Bill Bennett's submitted report titled "Analysis of Groundwater Availability and Recharge in the Sundance Project Area" which was submitted late to the Commission and was requested to review the report and provide comments back to the Commission later in the meeting.

Robert Laurie/applicant's agent stated that they had not been provided a copy of the report, therefore, would be unable to respond to it. He provided the following comments:

- Access. He summarized discussions from previous meeting and stated that a solution had been reached by doing a Lot Line Adjustment and moving the gate location outside of the Zone of Benefit. Access to all lots would go through Road A.

- Trail. Objects to the Georgetown Divide Recreation District's request to create and maintain a public trail adjacent to private lands and roads.
 - Road A terrain is not conducive to trails and it sits in the middle of private land.
 - Trail can't reasonably go anywhere.

Mr. Laurie requested the following amendments to the conditions:

- Condition #20: Delete. Disagrees with need for a Special Use Permit for the gate when it is part of the Planned Development. Since no findings for approval of the Special Use Permit were provided by staff, they had submitted their own findings for approval.
- Conditions #25 & #26: Delete. Neighbors do not want the roads improved.
- Condition #35: Typo. Should read "not being accepted".
- Condition #60: Delete.

Bill Bennett, Pilot View Drive Advisory Committee, commented on the following issues:

- Through Traffic. Traffic from Rattlesnake Bar Road to Pilot View Road will impact the residents and many of these impacts have not been analyzed. Unclear if the proposed Lot Line Adjustment for the gate location would actually work.
- Groundwater Study. Apologized for the late delivery of the report to the Commission and had no intention of blindsiding the applicant. The report shows that there will not be enough water at build-out. This is a more detailed study than provided by the applicant and he obtained raw data when doing the analysis report.
- Trails. The Pilot View Drive Advisory Committee is in support of the trails. Since there are no trails right now, the roads are being utilized but once traffic increases due to the development, this will become a problem. He confirmed that the request is for a strictly non-motorized trail.

Carl Clark, Georgetown Divide Recreation District, believes there are trail destinations and he has been meeting with local groups to identify trail hubs. He stated the need to get from north to south and has met with Mr. Laurie and the applicant on the trail issue. Mr. Clark said that there is a need to plan more for the future or they will lose these opportunities. He explained that they cannot accept a trail dedication without a funding source established and the normal procedure is creating an assessment district. Another option for the funding source would be an additional Quimby Act fee.

Kevin McNaughton/resident stated that most neighbors have two wells and his well is currently at 500 feet and is not producing very well. He doubted that the gate would withstand the public onslaught that has occurred in the past. Mr. McNaughton explained that previous gates (i.e, farm pipe gates) have been torn down by locals that use that road as a shortcut.

Sue Taylor expressed concern that agricultural land is viewed as a placeholder for development. She stated that this is historic grazing land and the Agricultural Commission had recommended denial of the project.

Mr. Sanford reported back to the Commission after quickly reviewing Mr. Bennett's report, as requested. He stated that drilling wells is very variable due to the fractures and that drought

years are an influencing factor. The main emphasis is that people need to manage their water supply. Mr. Sanford stated that Environmental Management had enough information to satisfy the required criteria. Significant discussion ensued between Mr. Sanford and Chair Rain on the County's water supply.

Bob Smart, Parks and Recreation Commission, stated that the public is starting to demand trails and it is about linkage of the trails. The public sees it as a legitimate use of land.

Mr. Laurie provided the following rebuttal comments:

- Cannot respond to Mr. Bennett's report as they had not been provided a copy;
- Spoke on Mr. Clark's comment on previous renditions of the trail
- Provided a history of changes resulting from the residents' rejection of public water being provided to the area;
- There had been no discussions regarding an additional Quimby Act fee;
- This is not the only project in the County that has wells on it and those developments would also be affected during times of drought;
- Every parcel will be required to have a well capacity test completed prior to the map being finalized;
- Gate will be maintained by the Home Owners Association and there will be residents living nearby;
- Equestrian use of Pilot View Drive is different from the implementation of a mandate of maintaining a trail for public use when there is no link for this said trail; and
- Request consideration of an offer of easement to be accepted at such time that there is a trail link.

Christopher Beauchamp/applicant gave a brief history of the project. He stated that he has tried to do the right thing since the beginning and has revised the project along the way after listening to residents' input and concerns.

Significant discussion ensued between the Commission, County Counsel and Mr. Laurie regarding the trail issue and included comments on dedication of easement and prescriptive easements.

Commissioner Mathews stated that he would only vote in favor of the project if there was a gate.

No further discussion was presented.

1st Motion:

Motion: Commissioner Mathews moved, seconded by Commissioner Rain, and carried (3-0), to recommend the Board of Supervisors take the following action: 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), as incorporated in the Conditions of Approval and mitigation measures as presented; 3. Approve Rezone Z07-0040 based on the Findings as presented; 4. Conditionally approve

Tentative Map TM07-1454 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition #1 to include language for a gate; (b) Delete Conditions #20, #25, and #26; (c) Amend Conditions #35 and #48 as identified in DOT's Staff Memo dated October 18, 2010; (d) Amend Condition #38 to include language for a gate with maintenance done by the Home Owners Association (HOA); (e) Add new condition with standard language regarding the approval of the gate construction by the applicable Fire Protection District and CalFire; and (f) Amend Condition #61 as identified in Staff Memo dated September 20, 2010; 5. Approve Special Use Permit S09-0012 based on the Findings identified in Robert Laurie's letter dated December 8, 2009 and based on the movement of the location of the gate as identified; and 6. Approve the following design waiver requests since the appropriate Findings have been made: a. Permit proposed lots 15 and 16 to exceed the 3:1 depth to width lot ratio; and b. Permit a reduction in the shoulder width for proposed Road "B" from 10 feet to two feet as required in the Design and Improvement Standards Manual.

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

Mr. Rivas confirmed that staff would revise the Conditions of Approval, including the project description, to reflect the approval of the gate and its new location in the revised Tentative Map exhibit. At the request of Commissioner Mathews, Mr. Rivas agreed to provide a copy of the new exhibit prior to it going to the Board of Supervisors.

Discussion continued on the issue of the trail.

Mr. Clark stated that the most viable options for them regarding the trail were: (1) Dedicated trail that they would concur upon some location, north to south, with an assessment district established to maintain and operate the trail system; or (2) In-lieu fee, similar to the Quimby Act fee, that would be dedicated for the establishment of trails, either acquisition or development of trails, in another location. Discussion ensued on what type of formula would be used to establish this "in-lieu" fee.

County Counsel Frantz also reiterated the other option offered by Mr. Laurie which was to offer a dedication of the trail only at that time when the trail would link to other trails. Mr. Clark responded that just by dedicating an easement on a trail, he agrees with the principle, but from a practical standpoint, it doesn't develop trails as the easements have to be consistent from lot to lot. County Counsel Frantz stated that the timing has nothing to do with the locational problem as they are separate issues.

Mr. Laurie said that from a practical standpoint, the best remedy for this project is to offer fees, such as an additional Quimby Act allocation fee. He proposed amendment language for Condition #60 to require the developer to pay the additional fee at the equivalent of the Quimby Act fee.

County Counsel Frantz read into the record proposed draft language for Condition #60. Mr. Rivas stated that staff would review it to ensure the wording was appropriate.

2nd Motion:

Motion: Commissioner Mathews moved, seconded by Commissioner Rain, and carried (3-0), to recommend the Board of Supervisors amend Condition #60 with proposed language as identified.

AYES: Heflin, Mathews, Rain

NOES: None

ABSENT: Pratt, Tolhurst