

FROM THE PLANNING COMMISSION MINUTES OF FEBRUARY 25, 2010

10. REZONE/TENTATIVE MAP/SPECIAL USE PERMIT

Z07-0040/TM07-1454/S09-0012/Sundance Subdivision submitted by CHRISTOPHER A. BEAUCHAMP (Agent: Carlton Engineering/Cesar Montes de Oca) to request the following: 1. Rezone from Exclusive Agricultural (AE) to Estate Residential Ten-Acre (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" at 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 as required in the Design and Improvement Standards Manual to two feet. 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 miles east of the intersection with Highway 49, in the Pilot Hill area, Supervisorial District IV. *[Project Planner: Jason Hade]* (Mitigated negative declaration prepared)* *[continued from 1/28/10 meeting]*

Jason Hade presented the item to the Commission with a recommendation of approval with denial of the Special Use Permit to the Board of Supervisors. He said that 22 public comments had been received in opposition to the project with the following concerns stated: traffic, noise, gate, access, ag use, rezoning, well water capacity and the environmental document. Mr. Hade referred to the Staff Memo dated February 28, 2010, recommending the addition of a new condition resulting from comments received from the Georgetown Divide Recreation District (GDRD).

Commissioner Mathews inquired on the surrounding zoning and requested Environmental Management staff to comment on the project.

Fred Sanford/Environmental Management stated that the Department requires proof of water by having a study conducted on 10% of the proposed wells and when the map is finalized, every well will be required to fit within the standards. Cathy Toft/Environmental Management provided detailed information on the tested wells. Mr. Sanford also spoke in detail on fractured well systems.

Commissioner Pratt stated that in the environmental document, under the Hydrology and Water Quality section, it showed a safety factor of 1.7 due to multiple conservative water balance variables. He inquired if that took into consideration anything outside of the project area or included things within the neighborhood. Mr. Hade responded that the information had been provided by the applicant.

Commissioner Heflin inquired on the well permitting process for granny flats.

Commissioner Tolhurst referred to the letter dated February 23, 2010, from the Georgetown Divide Resource Conservation District (GDRCD) recommending denial based on soil types and agricultural issues. Ms. Toft stated she was informed that the GDRCD takes the information

from the Soil Survey and their terminology for shallow soils is to say that there are severe limitations. The soil survey looks in a general area and not a specific area, which is why Environmental Management does the soil testing and reviews the area more in depth when a map is being created. Commissioner Tolhurst also commented that both the Soils Conservation District and the Agricultural Commission recommended denial of the project.

Commissioner Mathews voiced concern on the lateness of the GDRCD sending comments to staff. Mr. Hade responded that in the Technical Advisory Committee meeting, they had identified some concerns, but had not recommended denial at that time.

Bob Laurie/applicant's agent stated that present in the audience were Christopher Beauchamp/applicant, Cesar Montes de Oca/engineer, and Don Olsen/hydrologist. Mr. Laurie indicated that he objected to the requirement for a Special Use Permit for the gate on private property as he believes it is not a County-adopted policy. He stated that he had submitted findings for approval to staff if the Commission chose to support the Special Use Permit for the gate. Mr. Laurie objected to the following Conditions of Approval: #20 (gate is to stop through traffic but allow emergency access); #25 and #39 (if there is no through traffic allowed, then road improvements are not required); and new condition proposed in Staff Memo dated February 8, 2010 as the proposed trail goes through the middle of the project and does not connect to any other existing trails. Mr. Laurie provided history of the project and stated that the issues are: (1) Through traffic; (2) Trail; (3) No commercial sustainability for grazing; and (4) Water supply.

Commissioner Pratt made the following comments:

- Inquired to where the closest tie-ins were for GPUD water supply and the other GDRD trails;
- Felt that the document submitted by applicant for non-sustainability of commercial grazing was superficial due to the numerous waivers stated throughout it;
- Parcel was sustainable as an agricultural use when it was part of a larger area;
- Unsure if other agricultural entities could operate there with the current water discussion;
- A crack in the ground would facilitate more water going into the ground than leaving it in its current state of a hard scabbled structure for drainage; and
- Sympathetic with the issues of the gate and circulation, but unclear if it ties in to any master circulation plan and more discussion would be needed with the Fire Department.

Cesar Montes de Oca/applicant's engineer stated they are proposing two roads and that they agree with DOT's conditions. Discussion ensued between Mr. Montes de Oca and Commissioner Pratt on the proximity of GPUD's water lines to the project and the effects of the elevation changes to water supply.

Don Olsen/applicant's hydrologist had significant discussion with the Commission on the following topics: (1) Process used in calculations; (2) Test wells; (3) 500 foot threshold; (4) Soils; and (5) Agricultural use. In response to Chair Rain's inquiry as to whether the neighbors would have enough water, Mr. Olsen stated that there would not be a significant impact where they would lose their water source due to the project as there is more than enough water for the project and for other neighbors pulling from the same water source as them. Commissioner

Heflin inquired further by asking what would be the situation if there was a drought similar to the 1976-77 drought when there is a potential of 56 residences in the project. Mr. Olsen responded that based on the long-term review of the statistics, it appears that rainfall alone could support what the project is requesting.

Eileen Crawford/DOT stated that in regards to the gate, Pilot View Drive is within a Zone of Benefit, which makes it a public road and gates are not allowed on public roads. In addition, since it is in a Zone of Benefit, through traffic is allowed and road improvements would be required. Ms. Crawford indicated that if the participants agreed to dissolve the Zone of Benefit and go into a Home Owners Association instead, then the road would revert back to a private road. She also stated that the southern part of the project would either have to be included in the existing Zone of Benefit as it cuts through three parcels or a new Zone of Benefit would need to be created for those parcels. Ms. Crawford said that Pilot View Drive as a connector road would resolve a circulation issue.

Gary Baldock/El Dorado County Fire said they do not advocate gates, but if the gate was approved then their developed gate standards would be imposed on the project.

Bill Bennett, Chair of the Advisory Committee of the Zone of Benefit Committee for Pilot View Drive, made the following comments:

- GDRCD's late response was due to the County initially sending request for comments to the wrong RCD;
- In support of the proposed trail by GDRD;
- Possible alternative for emergency access would be Starling Road;
- In support of the gate as it would decrease through traffic
- Traffic study did not take into account the through traffic and the very sharp curves on the road;
- Widening the road to 20 feet would not have a significant impact since many areas of the road are already at 20 feet;
- There is unanimous resident support of dissolving the Zone of Benefit to form a Home Owners Association in order to make Pilot View Road a private road;
- Disagrees with groundwater analysis calculations;
- Surrounding soils have very low to moderately low permeability;
- Commented that all proposed parcels could be allowed Granny Flats, thereby doubling the number of houses;
- Water study analysis did not quantify storage; did not include springs/seeps; did not include records from surrounding existing residences, which have had well failures; and did not review the drought years, which drops the safety factor to less than 1;
- Requests that the parcels are sized larger than what is currently proposed;
- Agricultural Commission recommended to keep it as grazing land; and
- Indicated that although the Pilot View Drive residents are not within GPUD's district, the project is.

Walter Gordon, property owner that abuts project, stated that through traffic is an issue as he is located at the end of the road and is consistently having lost drivers approach his driveway gate

thinking it is the gate access to the campground. He would like to have a sign at the beginning of Pilot View Drive stating that the road did not have through access to the campground. Mr. Gordon commented that Safari Estates, which is a nearby development, has vineyards and many residents have been forced to deepen their wells due to limited water supply. He also indicated that if the gate was approved, he would like it to be a substantial gate (i.e., electronic) since a regular gate with a lock would probably just get cut.

Janice Mills, resident east of the project, stated that she had moved from San Diego specifically because she was constantly attending meetings similar to today's meeting in order to fight to keep a rural atmosphere. She is also concerned about the water issue.

Sue Taylor/Camino resident referred the Commission to the General Plan and read sections from it when voicing her concern regarding the issues of water and ag.

Linnea Marenco/Cool resident stated it was everyone's responsibility to take care of the environment. She stated that she owns grazing land that has been historically grazed for many years, but is having difficulty retaining cattlemen to lease her land due to the high cost of water. She stated that water is not affordable for agricultural use.

Ken Calhoun/Pilot Hill resident wants to maintain the rural lifestyle. He stated that he read the environmental document and various other environmental reports and 81 of 86 reports said no or less than significant impacts, so he is supportive of the project. Mr. Calhoun also made the following comments: (1) If the 28 lots are approved, which is half of the density of the surrounding area, this will still keep the rural atmosphere; (2) Rezone is consistent with area and will have minimal impact; and (3) Number of families has doubled in the area he lives in and his well production has been consistent.

Rob Carey/Camino resident told the Commission that they need to follow the General Plan and he made the following comments in regards to the agricultural aspect of the project: (1) If the rezone is approved, the ag land will be gone forever; (2) Ag land is very limited in the County and all agricultural activities should not be grouped together (i.e., low intensity vs. high intensity); (3) Disagreed with the document submitted on the sustainability for commercial grazing as this may increase in the future; (4) Owner knew he was purchasing ag-zoned land; and (5) Encouraged the Commission to not turn the County into another Roseville.

Marlane Gregoire explained that when she moved into the area, she had a low production well and a water storage tank. She has since had to put in another well which was drilled to over 600 feet. Ms. Gregoire also made the following comments: (1) If it was cost prohibitive for a developer to put in water, then what will happen to residents if their wells dry up; (2) Disagreed with the environmental document as it indicated that there would not be a significant impact in regards to noise; (3) Felt Mr. Laurie's arguments in regards to the trail were a mute point because the road was in a similar situation; (4) If all the trails in the area were connected, then an individual could walk all the way to the Folsom Bridge; and (5) Opposes the project.

Karen Neighbours stated that neighbors are already having to put in second wells and water storage tanks.

Donna Hall/resident indicated that with more residences in the area, the traffic and speed levels will increase and the water levels will drop even more. She also said that during the summer months, the traffic will increase as the road will be used as a connector to the campground.

Robert Cruickshank/resident made the following comments: (1) His well went dry five years ago; (2) In order to widen the road, private property would have to be taken and the road's switchbacks would need to be improved; (3) Traffic speeds are already fast and will increase if there is more traffic; and (4) Wild animals will be displaced.

Chris Beauchamp/applicant stated he had purchased the property in 2002 and had attended numerous meetings with various agencies and neighbors. He said input from the public indicated that water and open space were valued, however, after further investigation and review, it was determined that there wasn't enough support to make these viable. Therefore, the project was redesigned and the proposed development is consistent with the surrounding areas.

During Mr. Laurie's rebuttal, he stated that the GDRCD letter recommending denial is a personal opinion of the district manager since the public hearing process was not followed by this local government district and he commented on the following discussion points voiced by the audience: (1) Gate; (2) Trails; (3) Rural environment; and (4) Water. He concluded by saying that the applicant is not a professional developer, but has done everything to provide all of the correct information to the decision-making body.

Commissioner Tolhurst made the following comments:

- Grazing land is a difficult issue and doesn't see this as being viable;
- Ten acre parcels keep the area in a rural nature and is compatible;
- Sensitive to the cut-through issue;
- Large parcels will be able to locate water; and
- Can't have private road and public trail.

Commissioner Mathews made the following comments:

- Grazing is a gray area but shouldn't be ignored as it maintains and keeps open space;
- Best to keep open space whenever possible;
- Biggest issue is with the road pass-through;
- It would be better if Pilot View Drive dead-ended up small portion of the southern leg as it would help control the traffic flow;
- Concerned with length of dead-end road with a gate on it;
- Not completely in favor of project as it is currently proposed as he would like to see bigger parcels and fewer lots in order to mitigate the neighbors' concerns;
- Project needs to have the least impact to the surrounding neighborhood, especially on the road aspect; and
- Hasn't seen enough proof that a little part of a trail will somehow connect to other trail pieces.

Commissioner Heflin made the following comments:

- Grazing is an concern but it is a bigger county-wide issue that needs to be addressed separately in a workshop;
- Considers a 10 acre parcel a rural parcel;
- Although not anxious to rezone an AE parcel, he does respect a private property owner's right to rezone;
- Would prefer if parcel remained in AE zoning and went to 20 acre lots, but then that would cause financial issues that the land owner;
- Traffic is the primary issue with this project;
- Concerned with traffic impact on the Pilot View Drive area;
- If possible, it would be a better plan to link up with Starling Road in the northern portion of the project and cut off part of the southern portion of the project, link with Pilot View Drive, and get out of the Zone of Benefit; and
- Enough evidence shows that there will be an adequate water supply.

Commissioner Pratt made the following comments:

- Rural development is compatible with neighborhood;
- Clustering should be considered as it would be advantageous as it would provide relief on the road issues;
- Since Fire Department stated that the 24 lots prompted the requirement of two access points, the applicant should explore what the requirements would be if the number of lots were decreased;
- The key to the water issue not only for this project but for the surrounding individually-owned parcels is to understand where the GPUD boundary lines are and to ensure that the assessment of the water capacity is bullet-proof;
- In agreement with Commissioner Heflin's comments on keeping the traffic level down;
- Pilot View Drive residents should start discussing if they want to dissolve the Zone of Benefit as it is an independent, but parallel issue;
- More work needs to be done a on the road piece of this project;
- Wants to have a Plan B for the water issue which can be actualized; and
- Believes that if the trail is necessary then other alternatives for its location should be considered and would like to see something more definitive about the beginning and end of the trail.

Chair Rain made the following comments:

- In agreement with the rest of the Commission that a big concern is the water issue;
- Considers Residential Ten-Acre zoning as rural;
- If ag is not viable, then there is no question and would rather see it maintained then having nothing happening on it;
- After listening to the various reports and analysis on the water issue, is more comfortable than before but is still concerned; and
- Would like to have a discussion on the traffic study with DOT today in order to come up with the viable options to the road concerns.

Ms. Crawford indicated that the applicant should be the one submitting options to the County and that the County is limited by the location of the Zone of Benefit.

County Counsel Paula Frantz suggested that the Zone of Benefit DOT staff be contacted as there may be concern in gating even one end of a Zone of Benefit.

Mr. Laurie agreed that it is the applicant's responsibility to provide suggested solutions to the road issue and does have some in mind that could be included as conditions but would like to research those options further and provide them to the Commission through staff and to the neighborhood so they can analyze them. He indicated they want to accomplish the following: (1) Do not want to impact the roads to the south; and (2) Install a gate.

No further discussion was presented.

Motion: Commissioner Pratt moved, seconded by Commissioner Tolhurst, and carried (5-0), to take the following actions: 1. Continue the item to the April 8, 2010, meeting; 2. Request applicant to return with a revised road plan; and 3. Direct staff to provide a map showing the following: (a) ends of the proposed trail; (b) GPUD service area and the water lines; and (c) GPUD sphere of influence as it relates to this particular area.

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