

## FROM THE PLANNING COMMISSION MINUTES OF OCTOBER 27, 2011

### **8. GENERAL PLAN AMENDMENT/REZONE/PLANNED DEVELOPMENT/TENTATIVE MAP**

**A08-0015/Z08-0039/PD08-0025/TM08-1485/Tilden Park** submitted by REAL RETURNS LLC for the following: 1. General Plan Amendment to change the land use designation from Medium Density Residential (MDR) to High Density Residential (HDR) and Commercial (C); 2. Rezone from One-Acre Residential (R1A) to One-Family Residential-Planned Development (R1-PD), Commercial-Planned Development (C-PD), and Open Space-Planned Development (OS-PD); 3. Planned Development with the intention to allow clustering of lots and allow building within setbacks required for One-Family Residential (R1); 4. Tentative Map and phasing plan to create 14 single family residential lots, ranging in size from 5,151 to 9,590 square feet (total of 2.97 acres), two commercial lots, which would be 3.28 acres and 4.94 acres in size, and two open space lots totaling 35,506 square feet (0.82 acre); and 5. Design Waivers have been requested for the following: (a) The roadway width for Crosswood Drive along the project frontage be reduced from 28 feet to 18 feet from edge of pavement to edge of pavement with type 2 vertical curb, gutter and sidewalk on the project side only; (b) The roadway width for Crosswood Drive offsite from the project to Wild Chaparral Drive be reduced from 28 feet to 18 feet from edge of pavement to edge of pavement with one-foot shoulders; and (c) Frontage improvements, including curb, gutter and sidewalk, along Crosswood Drive be eliminated. The property, identified by Assessor's Parcel Numbers 070-280-59 and 070-280-60, consisting of 12.01 acres, is located approximately 500 feet from the northwest corner of the intersection of Crosswood Drive and Wild Chaparral Drive, in the Shingle Springs area, Supervisorial District 4. [*Project Planner: Shawna Purvines*] (Mitigated negative declaration prepared)\*

Chair Heflin spoke to the audience regarding the rumor that this project was a "done deal" and stated that the comment was made by a receptionist referring to the project having to remain on the agenda despite public request for continuance. He assured them that the Commission did not view this project in that light.

County Counsel Paula Frantz stated that the applicant and the public can request a continuance but once a project has been noticed for a meeting agenda, it cannot be removed without the Commission's action. She also responded to public comment on the meeting notices and stated that State law only requires a 300 foot notification from the project site and a 10 day notice for public meetings. The County actually uses a 500 foot notification and depending on the type of layout of a neighborhood, it is not unusual for one neighbor to be noticed and another one not. However, the County also sends out additional notifications to anyone who has contacted them to request notification on particular projects. County Counsel Frantz also stated that the meeting notice was placed in the paper and sent to the property owners well in advance of the 10 day meeting notice requirement. She indicated that the County has fulfilled their legal obligation.

Chair Heflin and Commissioner Rain both disclosed that each had met separately with the applicant's agent to discuss the project and that this is a common practice.

Chair Heflin opened the floor to the audience for comments only on the request for a continuance.

John Olsen, representing some of the residents, provided the following reasons for a continuance:

- Has not had enough time to review the project as he was just retained last week;
- Significant number of issues with project need to be reviewed, such as environmental, traffic, neighbors, and easement;
- Only a Mitigated Negative Declaration was prepared for a project that contains a General Plan amendment, rezone and design waivers;
- Referenced CalTrans letter dated October 25, 2011 regarding the impact to Ponderosa Road; and
- Requested 3-4 months to address the issues.

Craig Sandberg/applicant's agent objected to the continuance request as the project has had numerous studies done and has been in the pipeline for years with the neighbors being made aware of the project through neighborhood meetings.

Leslie Davis indicated that she was representing seven families that were in opposition to this project. She was requesting 4-6 months to prepare their defense against this project.

Gary Davis/applicant's agent stated he is the Civil Engineer for the project that was started in 2006 and they have tried to involve the neighborhood in the project and felt that they have had ample time to study it.

Hannah Jacobsen, representing the Shingle Springs Neighborhood Association, stated that this had just come to her attention and felt that a 300 foot notification was very unfair. By not allowing the residents time to respond to the developer does not look good and won't look good in the newspaper.

Robert Meyer/resident said that many neighbors live on the dead-end road but are outside the 300 foot notification and they need to be represented at this meeting. He stated that there is no HOA but that there is a small group that pays into a fund to maintain the road.

The Commission made the following comments regarding the continuance request:

- Unreasonable to provide a 6 month continuance and would like to at least begin hearing the project today [Rain];
- Hear project today in order to listen to the specific comments from public on which items they feel need further review [Tolhurst];
- Concerned on late-submittal of CalTrans letter [Mathews]; and
- Hear project today [Heflin].

Shawna Purvines presented the project to the Commission with a recommendation of approval to the Board of Supervisors.

Gary Davis/applicant's agent provided the following comments:

- Project was started in 2006 and has been in the County process since 2008 with all the required studies completed;
- Project fits the land and will provide community enhancement and financial success to the area with useful commercial businesses such as overnight tourist lodging and a restaurant;
- Current vacant land will now provide jobs and an on-going tax base;
- Total avoidance was done regarding the wetlands and research was conducted to identify any endangered plants on the site;
- EID has reviewed and approved the plans in depth for the sewer/water; and
- Parcel is part of the current road maintenance agreement and owners have been paying into the fund.

John Olsen, representing the neighbors, made the following comments:

- Easement on Crosswood Drive: DOT will require a deeded easement and there isn't one and it won't be granted. May become a legal issue if the development proceeds and needs to be resolved prior to being heard by the Board of Supervisors;
- Road Issues: Distributed handouts. One way out on Wild Chaparral Drive with no alternative access for emergencies. Ponderosa Road is already significantly impacted and project will increase the traffic. CalTrans letter indicates an Environmental Impact Report is required and he is in agreement;
- Significant Biological Issues: Wetlands Study is not adequate based on a Mitigated Negative Declaration according to his consultant and an Environmental Impact Report should be required;
- Hydrology: A more detailed review is needed to address the serious drainage issues connected with this area;
- Mitigated Negative Declaration does not provide adequate justification;
- Nice project but wrong location due to issues with traffic, neighborhood and insufficient studies;
- Request that staff be directed to do further review; and
- Staff Report gives perception that US Army Corps of Engineers is not concerned with project when in fact they are watching the project and no final action has been taken.

Eileen Crawford/DOT explained that when a project is submitted, preliminary reports are required but more intensive studies are part of the Conditions of Approval and referenced the Drainage Study (Condition #45) and the Soils Report (Condition #44). In response to the one-way dead-end road concern, she stated that in the 20 year CIP, Project #71365 is to continue Wild Chaparral Drive to Palmer Drive.

Lindsey (?) said that she grew up in the neighborhood and her family still lives there and she has safety concerns for her children due to the increase in traffic that will occur with this project.

Arnold Pierce, an 18 year resident, stated that 15 years ago he was in opposition to the now defunct Sports Central building, which is slated to house a car repair business. He voiced concern on the serious drainage issues in the area and the impact to his property due to the

pending paving project to occur next to the old Sports Central building in combination with this project's paving.

Lindell Price distributed handouts to the Commission and spoke on the positive points of the project. She requested that more refinement occur for the pedestrian and bike lanes.

Robert Meyer, resident and past Surface Waters Specialist and Flood Specialist for California for the USGS for 15 years, stated that the Hydrology Study is a statistical study and he has direct observation of what happens to that area and provided examples. He said that the project will impact the existing problem by adding more water to the area. Mr. Meyer also stated that the Wild Chaparral Drive extension project has been in the plans for a long time and would require going through Federally-owned lands that contain endangered plants. He indicated that this would take time and the residents would have to suffer in the mean time.

Robert Rowland/resident indicated that he has called DOT twice requesting they address the clogged culverts and has been told that they couldn't get to it right then. He is concerned about the safety of the residents that are in the wetlands area. He stressed that there is no HOA and that the only fee is a road association fee to maintain Crosswood Drive.

Sharon Felts, resident in Lily Court, said that there are numerous residents that use Wild Chaparral Drive as their access route and years ago when there was a fire that caused residents to evacuate, it was a mess trying to exit.

Laurel Brent-Bumb, El Dorado County Chamber of Commerce, indicated that the County needs this type of project on a major corridor that will provide retail, hotel, jobs, property tax, and sales tax. She said that it is human nature to fear change but that the mitigation will address the issues and was confident in staff's capabilities to ensure a successful outcome.

Lori Parlin/resident, stated that she has submitted a letter to the Commission and the Mountain Democrat opposing this project. She said that the property is currently zoned adequately for that area and rezoning it is not fair to the surrounding property owners. Ms. Parlin indicated that she doesn't want the project there since there are already vacant commercial buildings on Wild Chaparral Drive and it is very likely that due to the economy the project's buildings will be vacant once built. She also voiced concern that these buildings will attract kids to loiter in the area. Ms. Parlin referenced a current Sheriff's log for the Shingle Springs area that listed 16 thefts where businesses were located.

Chair Heflin explained that the property is located in a Community Region, that the General Plan controls land use, and that the County has indicated they want growth to occur in that area. Private property owners have the right to request changes. County Counsel Frantz added that since 1996 areas have been identified as Community Regions, primarily along the Hwy 50 corridor. She explained the process of what occurs when a General Plan amendment is requested.

Jody Franklin, Director of Tourism with El Dorado County Chamber of Commerce, stated that it is important to make growth responsible and that this is a great project as the County needs more rooms. She encouraged the Commission to recommend approval for the project.

Kathleen Scarry, 28 year resident, described the current road conditions and the impacts that will occur. She stated that the road maintenance agreement is on the title and the road is to be maintained in the same condition it was when the property was purchased. Ms. Scarry is concerned on how the applicant is going to pay into this road fund and what their portion of the ownership of the road was and she inquired as to how the applicant was proposing to keep the road well-maintained.

Mr. Davis provided the following rebuttal comments:

- Staff has rigorously reviewed the numerous studies;
- Hydrology: Has been in this for 35 years and the project will not exacerbate the problem due to the project requirements; and
- US Army Corps of Engineers has been involved with the project for four years and they do not have any concerns due to the total avoidance that is being utilized.

Mr. Sandberg provided the following rebuttal comments:

- Spoke on Crosswood Drive and the right to use the easement;
- Summarized the chain of events;
- Applicant is listed in the road maintenance agreement and has the right to access the road and will continue to help maintain it;
- CalTrans letter raises an issue that has always been apparent; Ponderosa Road interchange needs to be revised;
- Cumulative analysis indicates that eastbound traffic will be at a Level of Service F with or without this project;
- Due to the nature of the project, it will not have “peak” times of high traffic;
- Traffic will not be project-related, but instead cumulative due to the area; and
- Project will more than likely be built in phases.

Commissioner Rain made the following comments:

- Building architecture is done well in trying to recapture the Gold Rush era;
- Neighbors don't want the project and doesn't believe there is anything that could be done to change their minds;
- Encouraged both Counsels to resolve the issues and encouraged the neighbors to negotiate with the developers; and
- Concerned with the Design Waiver request for Crosswood Drive width being reduced to 18 feet.

Commissioner Mathews made the following comments:

- Fourteen residents on road and understand that they have valid arguments on being concerned with the rezoning;
- Concerned with the level of density in that neighborhood;
- Issues with the easement, Level of Service F and a dead-end road;

- Commended the applicant for avoiding the wetlands;
- In favor of putting commercial in the County, but is concerned with this location due to an “island” effect;
- Wants to see validation for a Rezone and General Plan amendment; and
- As it is drawn, is not in favor of the project.

Commissioner Tolhurst made the following comments:

- Questioned the viability of the project due to the failures of several businesses in that area and that the buildings are still vacant and would like to see evidence of viability;
- Site has good visibility from Hwy 50 but is not easily accessible; and
- Wants to provide the applicant and the neighbors adequate time to resolve the issues.

Chair Heflin made the following comments:

- Requested clarification from staff on Design Waiver request for frontage improvements and how it related to the recently approved project next door;
- Project is well thought-out and is appropriate for the property;
- Legitimate preliminary studies have been done and more intensive ones will be required;
- DOT and the Fire Department support the project;
- Mitigated Negative Declaration answered his questions; and
- Is in favor of the project.

Chair Heflin inquired on how to gauge economic viability as it is really a difference of opinion. County Counsel Frantz responded that it is a broader question due to the rezone request for Commercial-Planned Development. It is important to look at the uses allowed and not the specifics as this is a legislative, long-term change.

No further discussion was presented.

**Motion: Commissioner Mathews moved, seconded by Commissioner Rain, and carried (4-0), to continue A08-0015/Z08-0039/PD08-0025/TM08-1485/Tilden Park to the December 8, 2011 meeting.**

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