TOWN OF MORAGA
PLANNING COMMISSION MEETING

Moraga Library Meeting Room
1500 St. Mary's Road
Moraga, CA 94556

April 2, 2012

7:00 P.M.

MINUTES

I. CALL TO ORDER

Vice Chair Socolich called the Regular Meeting of the Planning Commission to order at 7:00 P.M.

ROLL CALL

Present: Commissioners Killam, Kline, Obsitnik, Wykle, Socolich
Absent: Commissioner Kuckuk, Chairperson Levenfeld
Staff: Shawna Brekke-Read, Planning Director
Kelly Suronen, Assistant Planner

B. Conflict of Interest

There was no reported Conflict of Interest.

C. Contact with Applicants

Vice Chair Socolich advised that he had recently visited the site with the applicants.

Commissioner Kline reported that he had brief contact with the applicants.

II. PUBLIC COMMENTS

Gordon Nathan, 51 Carr Drive, Moraga, commented on the lack of agendas and packets available to the public for the Hetfield Estates public hearing item and questioned whether or not the meeting could be held absent adequate materials available to the public.

Planning Director Shawna Brekke-Read apologized for the lack of adequate meeting agendas and packets and commented on the limited staff resources available.

III. ADOPTION OF THE CONSENT AGENDA - None

IV. ADOPTION OF THE MEETING AGENDA

On motion by Commissioner Wykle, seconded by Commissioner Kline and carried unanimously to adopt the meeting agenda.

V. PUBLIC HEARINGS

A. Hetfield Estates, CDP 02-05 for Conceptual Development Plan to subdivide 58.2 acres of property into six single-family residential lots ranging in size from 41,826 square feet (0.96 acre) to 59,930 square feet (1.38 acre) plus one remainder 51.45-acre common area parcel.; (MOSO, SBR)

Planning Director Brekke-Read presented the staff report dated April 2, 2012 and advised that the application had originally been filed several years ago and a Draft Environmental Impact Report (DEIR) had been issued in January 2011 with a public hearing held in March 2011. She acknowledged that staff had received numerous comments regarding the scheduling of the item at the start of Spring Break for the Moraga School District (MSD) and apologized stating the item had been scheduled 10 days from when the Final EIR (FEIR) had become available. This was also the first hearing of potentially two additional hearings which would allow for more public comment and it was likely to be continued to a date certain in May. She again apologized for the lack of available staff reports.

Ms.Brekke-Read clarified that the Commission would not be certifying the FEIR at this time, which had become available 10 days ago and included a cover memo and the staff report at that time.

Ms. Brekke-Read stated the project was submitted several years ago to subdivide 58.2 acres of property into six single-family residential lots ranging in size from 41,826 square feet to 59,930 square feet plus one remainder 51.45-acre common area parcel. Required permits included a Conceptual Development Plan (CDP); a General Development Plan (GDP) for a parcel greater than 10 acres in size; a Conditional Use Permit (CUP) to subdivide five or more lots that are zoned OS-M [Open Space - Moraga Open Space Ordinance]; a Precise Development Plan (PDP) to develop a parcel greater than 10 acres in size; a CUP to construct five single-family dwellings in MOSO; a Hillside Development Permit (HDP) to grade or improve hillside land; a Tentative Subdivision Map to subdivide more than four parcels under the Subdivision Map Act; and Design Review for each individual building permit. All of these entitlements would be considered at a later date. The Planning Commission is only considering the CDP and the adequacy of the FEIR at t this time.

Ms. Brekke-Read noted that the staff report provided an overview of the project location, site conditions, background, and a description of the project. The FEIR explores grading and geology, neighborhood compatibility, Moraga Open Space Ordinance (MOSO) and density, public benefit, drainage, creek, trail, trees and screening, traffic and construction traffic, subdivision condition compliance, additional residential development which was an issue raised previously in the public hearings, impacts to Town services, long-term subdivision maintenance, scale, and footprint of the development.

Ms. Brekke-Read asked that the Planning Commission listen to the applicant's proposal, ask questions of the consultants, take public feedback and provide

direction on the bullet point list included on Page 15 of the April 2 staff repot which listed the environmental impacts and whether or not the FEIR had addressed those impacts. Questions on the project as a whole were also sought from the Commission. She recommended that the Planning Commission hold off on the certification of the FEIR until such time as there is a project the Commission could approve.

Carolyn Mills, Mills Associates, introduced Darwin Myers, the Geotechnical Consultant on the EIR and Robert Mills, Mills Associates, the Drainage Consultant. She reported that an Initial Study/Mitigated Negative Declaration (MND) had been prepared by Mills Associates but had been appealed to the Town Council which had determined that a Focused EIR be prepared to focus on four topics: geological and geotechnical issues, hydrology ground water, consistency with MOSO calculations and high risk questions, and consistency with the General Plan. The EIR had addressed those four topics and there had been a public hearing on the DEIR a year ago with comments both verbal and written having been incorporated into the FEIR. Under the California Environmental Quality Act (CEQA), substantive responses must be provided to the comments received on the DEIR. It had been found that many of the comments submitted had not raised any new issues but had raised issues which helped to clarify the information in the FEIR related to geology, soils, drainage, MOSO, and neighborhood compatibility.

Ms. Mills commented that it had also been found that there were numerous comments on the planning process which was outside the scope of the EIR including the bonding and insurance of the developer, protection to existing homeowners, and the Los Encinos project which were not relevant to the environmental impacts of the project to be addressed under CEQA.

The FEIR had not reached any new conclusions to what had been presented in the DEIR. Changes had been made to the DEIR including an errata and mitigation measures dealing with the visual aesthetics relating to the tree screening and the elimination of the California laurel tree which had been listed as one of the trees to be used, the monitoring requirements of newly planted trees, massing and stepping of the homes, and use of the latest version of the California Building Code (CBC) related to pavement and design, along with mitigations on the formation of a Geological Hazards and Abatement District (GHAD). The FEIR included responses to all comments, whether or not they were relevant to the project and more detail on the geotechnical and drainage.

Ms. Mills explained, when asked, that mitigation measures for the trees had been changed that five years rather than ten years would be adequate time for the trees to be stabilized.

Darwin Myers, Myers Associates, Certified Engineering Geologist, subcontractor to Mills Associates for the EIR, explained that there were a number of landslides on the site with a substantial amount of exploration having occurred after the

Town Council required the preparation of a focused EIR. He explained that 50-foot deep borings and exploratory trenches had been performed on the site because of faults across the site and while not an active fault the borings had been performed in response to comments raised by residents that there could be a permeability barrier affecting the ground water. Another 40 test bits had also been performed to determine the distribution of the slides and bedrock pathology on the site and it had been found that there were a series of landslides on the site 15 to 25 feet thick with the upper portion weathered and underneath bedrock. The data had been gathered to support the conclusion that the bedrock was stable with landslide debris above it.

Mr. Myers explained that the more comprehensive way to repair a landslide would be to remove all of the landslide debris above it and rebuild the slope. The Uniform Building Code (UBC) and most grading ordinances allowed an engineered slope to be rebuilt at a 2:1 gradient. The project proposed a gradient of 3:1. The CDP for the repair of the slide indicated that subdrains would be installed to intercept ground water before it reached the fill. He acknowledged that William Cotton, a Geologist retained by the homeowners, had suggested that the slide could go down to the bedrock, deeper than ENGEO Engineering had encountered.

Mr. Myers commented that the exhibits in the FEIR had shown the slide plane hypothesized by Mr. Cotton although the applicant's approach would be to go deeper than the slide and deep enough to remove the slide.

The excavation would be inspected by the engineering geologist for the applicant, the Town's Geologist and the Town's Public Works Department would also monitor the grading and field procedures, and when the developer commenced with the grading the Town's Geologist would meet with the grading contractor and engineering geologist for the developer. He emphasized the significant amount of subsurface data on the site although there would likely be some additional reports. The work performed had been performed to evaluate the geologic hazards and create recommendations for a stable site.

Mr. Myers acknowledged that slope stability remained controversial but in his opinion was straightforward. He introduced the developer's geologist Ray Skinner with ENGEO Engineering who was present in the audience and the Town's Geologist Mitch Wolfe, Cal Engineering and Geology.

Mr. Myers explained, when asked by the Commission, that the borings had not been performed during rainy periods given the need to have access to the site. He acknowledged that the ground water and near surface environment would fluctuate during the seasons and a few seeps had been identified on the site as flowing after a period of time. The slide plane 20 feet below the surface would not fluctuate that much and the worst case could be during the dry season. There had also been some areas in some of the borings with seepage of water into the bedrock and considerable water found along Larch Creek where alluvial deposits had been found and the elevation of the water and the borings corresponded to

the flow line of the water in Larch Creek. He stated that the subdrains would intercept the ground water prior to reaching the engineered fill and the debris benches at the top would be at the boundary between the engineered fill slopes with the 3:1 gradient and the natural hillside above to intercept the water and get it into the drainage system.

Mr. Myers advised that there was a fault on the site and above the fault was sandstone and below claystone shale with poor slope stability characteristics. The data gathered from the test bits had found that slides would be no more than 10 feet thick upslope and could run out onto the debris bench which would require maintenance. How far or fast they run out would depend on the amount of clay in the soils that are sliding. It could go over the debris bench and slide debris could also go onto the face of the 3:1 fill slope which was the reason the debris benches would need to be wide enough to prevent that from occurring.

Mr. Myers explained that some who lived in the area of the site had experienced damage from landslides. With the problems in the area, the landslide repair standards had changed over the years and many things that had been done in the past would not be done today such as placing fill at the head of the landslide and not having enough subdrains.

Mr. Myers stated a GHAD would remove slide debris from areas that threatened improvements and the GHAD would be created with a plan of control to address the hazards on the site; the work inside the boundaries of the GHAD would include monitoring and maintenance although the FEIR had indicated that there were some unknowns with the GHAD. The GHAD would have a specific defined mission with a provision for inspections of the entire site, possibly two to three times a year. If anyone who lived within the GHAD saw any evidence of erosion, cracking, or incipient landsliding they would contact the GHAD Manager who would decide whether or not a boring, immediate corrective action, or something else needed to be addressed during the summer dry season.

Mr. Myers explained that the funding for the GHAD would come from the property owners within the GHAD. While a stand-alone GHAD could be considered he suggested it would be better to join another GHAD to make it larger. It was also possible to join a GHAD in another community. The Town of Moraga would authorize the preparation of GHAD-related documents outlining the duties with funding to support it, and once the subdivision was approved or after the subdivision was graded the developer would be required to pay the annual assessments and would be responsible for maintenance until the site was developed after which the GHAD would take over that responsibility. It was also important during the grading of the project that detailed records be kept and given to the GHAD. The Town of Moraga would hire the GHAD Manager. He noted a number of GHADs and geotechnical firms that functioned as GHAD Managers in Contra Costa County.

Ms. Brekke-Read stated that she was unaware of any GHADs in the Town of Moraga, although there would be a GHAD as part of the Palos Colorados project, when constructed.

Mr. Myers further explained that the budget for the GHAD would include a reserve and it would have to budget for a worst case scenario which was the reason that some GHADs joined together to increase the reserves.

John Wyro, The Wyro Company, 40 Valley Drive, Orinda, the applicant representing the property owners, advised that he had just received the staff report. He acknowledged that this was the first public hearing on the FEIR and he anticipated additional hearings and looked forward to the opportunity to review the concerns and comments in the staff report more directly in the future.

Mr. Wyro spoke to a previous staff report which had indicated that the DEIR had concluded that all potential impacts of the project could be mitigated to a less than significant level which was the same conclusion that Ms. Mills had reached in the earlier Mitigated Negative Declaration. He commented that the project had been studied in depth for six years and he was confident that the focused EIR and geological evaluations would reach the same conclusion. He took the opportunity to introduce the development team present in the audience.

Mr. Wyro explained that the project was the same project approved by the Planning Commission in 2008 and had not changed. The project had been appealed to the Town Council which had directed the preparation of a focused EIR. The project proposed six lots on 58.2 acres, and was an infill development surrounded on four sides by existing residential development. The General Plan and MOSO allowed up to eleven units although fewer units had been proposed. He explained that the plan had been well received by staff and had been approved by the Planning Commission.

Mr. Wyro described extending invitations to the neighbors meet and discuss issues, he described attempting to be a good neighbor, with maintenance, offering landscaping in their rear yards to help screen the site, and suggesting lot line adjustments. The developer had worked out solutions with some of the neighbors on lot line issues and invited others to do the same thing. At the suggestion of the Moraga-Orinda Fire District (MOFD) Board of Directors, the developer had also addressed an emergency vehicle access (EVA) easement to Sanders Ranch which would provide a public benefit to the Town and to Sanders Ranch.

Mr. Wyro commented on the numerous entitlements involved with the project, including design review, and pointed out that there had been misunderstanding with the homes shown in the EIR. He emphasized that the project was a custom lot subdivision and explained that he had offered larger homes in the EIR to show a worst case scenario solely for the purposes of visual impacts. He also recognized that geology was another topic of concern which had led the Town Council to direct the preparation of a focused EIR. He read into the record quotes

from the FEIR regarding the borings and corrective grading which would reduce the potential for landslides on the site, and suggested that the neighbors at Sanders Ranch would be safer as a result of the proposed corrective grading than if the property were left undeveloped.

Mr. Wyro suggested that the GHAD had been addressed and the consultants were present to address any concerns. As to the visual impacts, he noted that there were 18 homes on Sanders Drive which backed onto the project, three of which had no significant tree screening. With the setbacks and screening for most of the homes, the significant views of the vistas, hillsides, and ridges would be well protected with significant screening in place and with additional screening proposed. There would be more than 180 feet of setbacks between the Sanders Drive homes and the setbacks for the proposed homes and the homes in Hetfield Estates would also be front-on with no backyard-to-backyard which would offer greater privacy.

Mr. Wyro spoke to comments regarding the Los Encinos development and suggested that project had been a victim of the worst housing market since the Depression; the FEIR had been correct that the Los Encinos project was not related to the subject project. The Los Encinos project had been sold to a developer who was responsible to the Town and the Town had not released the bonds for that project with a mechanism in place for the Town to address that eyesore. He commented that he had recently walked the property and it was not visible from Larch Avenue other than as green hills and retaining walls. The existing graffiti was not visible unless one was walking along the street. He recognized and acknowledged that conditions of approval would be imposed on the Hetfield Estates development to ensure that any issues were resolved through bonding until the Town accepted the subdivision.

Mr. Wyro stated that the FEIR had stated that the Hetfield Estates proposal was consistent with the General Plan; all findings could be made under MOSO for project approval, environmental impacts could be reduced to a less than significant level, and no variance had been requested or required. He emphasized that the project had taken over six years and had been costly for six lots and with 56 geological observations. The project had been well studied and subject to further study. He encouraged all Commissioners to visit the site, emphasized that the developer had made all effort to be a good neighbor, and would be providing more information relative to the staff report. He welcomed questions from the Planning Commission.

Commissioner Killam inquired of the number of trees to be removed and whether or not an arborist report had been provided, to which Ms. Brekke-Read explained that this would depend on the size of the project to be approved by the Commission. She recommended that an arborist report be prepared sooner rather than later and presented a map the applicant had provided showing the limits of grading relative to vegetation.

Bob Rourke, RMR Design Group, 1130 Burnett Avenue, Suite A, Concord, described the existing tree coverage and brush on the site.

Mr. Rourke described the method that had been used to identify the potential area for development and had come up with a grading concept with the absolute minimum removal of trees. The locations of all trees near the perimeter of the grading had been surveyed and the grading would be held to the outside edge of the drip line of the trees, with no affect to trees along the entire reach of Larch Creek with the exception of a small few that would have to be removed where a bridge crossing would be required into the project. Most of the trees were small and a large 30-inch Valley oak would be preserved and salvaged. Along the south end the daylight line would not go into the tree areas barely touching the brushy areas and with the submitted CDP for the six lots there would be five small trees that would be removed as part of the landslide repair for Lot 1. With the Preferred Alternative there would be a reduced graded area eliminating Lots 1 and 6, the landslide repair would not be needed, and the only trees to be removed would be for the bridge crossing.

In response to Commissioner Killam as to the size of the homes and the length of time to build the homes, Mr. Wyro advised that the size of the homes would be determined at Design Review depending on the lot size the homes would not be built until the process had been finished likely into the next year, depending on whether or not the market would support the building of the six lots. He reiterated that the impacts to the Los Encinos development had been a result of the real estate market and the economy, and emphasized that the project would start and finish in a reasonable period of time depending upon the market.

Commissioner Obsitnik understood that the current owners of Hetfield Estates were no longer the owners of the Los Encinos property but a developer who had chosen not to develop the site.

Mr. Wyro commented that he had recently spoken with the owner of the Los Encinos project who had indicated that as soon as the real estate market was healthy they would be ready to proceed.

Commissioner Obsitnik acknowledged the concerns with respect to the Los Encinos property which had been graded and left vacant for a number of years and questioned whether or not the same would occur with the Hetfield Estates project.

Mr. Wyro acknowledged that it could happen although he expressed doubt in that no developer would commence with a project unless that project could be started and finished given the extent of investment and required infrastructure. He cited the Wilder Group project, as an example, which had taken many years to realize. In Mr. Wyro's opinion, the Los Encinos development was not an eyesore since the grading had repaired the slide and stabilized the hillside whether or not homes had been constructed on the property.

An unidentified speaker noted that his firm had also performed the planning, engineering, and construction staking for the Los Encinos development and commented on the fact that the development had been the victim of the worst plummet in the real estate market when that developer had been ready to submit house designs and plot plans.

Vice Chair Socolich asked what other improvements would be made to the project in addition to the stabilization of the site and the drainage improvements to make the project an asset to the community.

Mr. Wyro advised that they had proposed to develop only 6.75 acres of the 58.2 acre site with over 50 acres of dedicated open space to be protected and preserved in perpetuity. Other public benefits would include a connection to the trail system between Sanders Ranch and the Moraga Trail without crossing private property, and the EVA easement, an issue for the MOFD that would also benefit Sanders Ranch residents.

Commissioner Obsitnik asked the applicant to explain the benefits between a six-lot development and the Environmentally Superior 8-lot Alternative in the FEIR.

Mr. Wyro suggested that the FEIR was more than adequate and well done, and the eight-lot Preferred Alternative project was environmentally superior. The six-lot development would have no environmental impact that could not be reduced to less than a significant level and the project stood on its own. In terms of the economic benefits, he commented that would depend on the conditions of approval for the various alternatives. He added that the six-lot alternative would allow larger homes than the eight-lot alternative which would have advantages in terms of a reduction in improvement costs.

PUBLIC COMMENTS OPENED

Larry Beans, a resident of Carr Drive, Moraga, commented that the project had been a concern from the beginning due to the fact that the former Planning Director had suggested that impacts could not be mitigated to a less than significant level although she had later changed her mind after pressure from the developers. He suggested that the re-pavement of Sanders Drive should be a condition of the project after its completion given the potential damage from construction truck traffic. He pointed out that the Palos Colorados project, which was a much larger project, was not yet built due to the market and he questioned when the time would be right for this development.
Mr. Beans also noted that the Moraga Country Club had cut 60 lots for decades which had never been built with the exception of one lot. As to the GHAD, he suggested it would result in a more expensive home. He recommended that the GHAD be financed by the developers and not by the homeowners.

Edy Schwartz, 22 Hetfield Place, Moraga, also commented that the former Planning Director had suggested that the project was not buildable and the many projects in Moraga proposed on lands that are prone to landslides. She hoped

that the developer would ensure that future homes would be sized to be compatible with the existing neighborhoods. She cited homes on Sanders Drive which had been built in the 1960's, and were much smaller in size, and expressed concern that if larger homes were constructed they would be out-of-scale with the surrounding area.

Shivaun Wraith, 19 Hetfield Place, Moraga, referenced the applicant's comment that the Los Encinos site was not in a poor condition and disagreed since many residents in the area had been devastated with the impacts to the value of their properties as a result of the large undeveloped lots. She also questioned whether or not there would be additional costs to the Town if the Town Engineer was required to monitor the grading at the site on a daily basis.

Roger Poynts, 147 Donald Drive, Moraga, asked the Vice Chair to ask the geologists present if the information they had to date was superior to the information that had been provided two years ago when the Planning Commission had first certified the EIR.

Nelson Wilkerson, 1140 Sanders Drive, Moraga, asked how many Commissioners had actually seen the condition of the Los Encinos property.

Gordon Nathan, 51 Carr Drive, Moraga, referenced the applicant's comment that no developer would start construction of a project unless they knew they could finish, which led him to question whether or not the Commission had personally viewed the Los Encinos property. While he understood that the project was an infill project, he explained that the existing neighbors had purchased their properties years ago and would likely be opposed to the property being developed with flag lots. He also spoke to the issue of neighborhood compatibility and expressed concern with the potential Floor Area Ratio (FAR) of the proposed new units.

Malcolm Cooper, 1160 Sanders Drive, Moraga, commented that he had several friends who resided on Larch Avenue and would not agree with the applicant's characterization of the current state of disrepair of the Los Encinos property, or the tree screening with trees that had died, were dying, or were non-existent on that property.

Mr. Cooper noted that the subject land had previously been designated as High Risk Agricultural, a zoning designation in place for years, and he questioned how it had been changed to allow development. He disagreed that the issues with respect to the Los Encinos project had no correlation to the Hetfield Estates project. He clarified that the geologist retained by the neighbors, William Cotton, had not completely agreed with the scope of work in the FEIR as suggested by the applicant and that Mr. Cotton had supported a bucket auger method. He added that the Sanders Ranch Homeowners Association (HOA) had no interest in funding an EVA. In addition, there was access to the entire trail network via private property which had been allowed for many years and the current lessee of that land had no plans to change that arrangement. He stated that the project

did not comply with the General Plan, and that the project was not in the spirit of MOSO. He disagreed with the applicant's description that the property was boxed in on four sides with existing development because one side was a ridgeline.

Tim Meltzer, 6 Willow Spring Lane, Moraga, was uncertain what staff report was being discussed since he had received a staff report from the Town's website with a recommendation to only consider the FEIR with no action to be taken. The public notification had suggested that the CDP would be under consideration and he expressed his hope that would not be acted upon but allow public comment. He asked that those who were out of town due to Spring Break be allowed to comment on the proposal. He advised that he had written comments he would provide to staff for the record. He understood that geology and supplemental geology work had been performed although he suggested that bore holes had not gone down to the deepest landslides. He wanted assurance there would not be any significant environmental.

Mr. Meltzer stated that Mr. Cotton, a geologist who had also been involved with the Three Gorges Dam in China, had suggested that certain methods had not been conducted, likely because of the costs, leading to concerns that the project could become similar to the Los Encinos development. He also understood that only after the CUP and CDP approval and after the grading had been completed would design review occur on the proposed size of the homes which could mean that the homes would not be compatible with the existing neighborhoods.

Mr. Meltzer commented that the EVA easement would run through a narrow location of the open space back to Sanders Ranch although the Sanders Ranch HOA had no interest in funding such work and the MOFD would not do the work. He disagreed that the EVA would be a significant community benefit.

Mr. Meltzer also expressed his hope that the Commission would consider all of the points he had raised and take all concerns into consideration. He added that the Town Council had rejected the MND and asked that more work be done and he questioned whether or not more work had been done in that regard. Given the history of the Los Encinos project and the area of Hetfield Place, and given that in 2008 the Planning Department had suggested the property was high risk, he urged that all factors be considered. He went on to comment that the developer had not considered four homes, six homes in a smaller footprint, or other alternatives. He emphasized that the former Planning Director had determined that the property was high risk and that only two homes could be built. As such, he suggested that only two homes be built. Given the concerns in the neighborhood and the issues raised by the project, he emphasized that more critical thinking and work up front was required to ensure that the project did not end up like Los Encinos.

Jennifer Koziel, 1132 Sanders Drive, Moraga, offered a group letter to the Commission on another issue - the change in the tree monitoring program from ten years to five years - and presented it to the Commission. She also spoke to

the fact that there were other residents who would have liked to appear before the Commission but were unable to do so due to the Spring Break. She added that another group letter listing a number of concerns had been provided to Town staff and dropped off at the Town Offices on this date. She emphasized that the overall Moraga Trail was accessible through an estimated ten feet of private property and that the Hetfield Estates property was visible from her home.

Bob Ellerbeck, 1164 Sanders Drive, Moraga, echoed the comments and noted that although the applicant had indicated that the project had taken six years for six lots, there was a reason the project had taken so long given the numerous issues involved. He commented on the spirit of the community around the subject site unique to the Town of Moraga and which the Planning Commission should consider, spoke to the number of neighbors who had spent their time and money on experts to ensure that the project was the right project which had not occurred for Los Encinos, and explained that was a catalyst for the neighbors to ensure that the Hetfield Estates project was acceptable.

Mr. Ellerbeck was proud of the community's response to the project and suggested that Los Encinos was an eyesore with no guarantee that the same would not occur with the Hetfield Estates property. He did not see the EVA as a benefit to the community noting that when Sanders Ranch had been built an EVA was not provided because the street was not capable of managing emergency vehicles. He agreed that there were many residents who were not present because of Spring Break and stated it was the responsibility of the Commission to ensure that those unable to attend had the opportunity to address the Commission.

Jane Ellerbeck, 1164 Sanders Drive, Moraga, asked that before any approval the specific number of construction trucks be identified and the specific amount of dirt in tons that would be driven or removed from the project be identified. She also commented that the GHAD would not be created or provide funding until such time as the homes had been sold with the owner/developer responsible for maintenance leading to concerns that the same situation could occur as had occurred at Los Encinos.

PUBLIC COMMENTS CLOSED

Commissioner Kline pointed out that the approval of the FEIR and the CDP process went together and that the CDP included the ability to add conditions in response to residents' concerns. He also understood the intention of the developer to remove the dirt on site and repack it back in an engineered fashion, with no dirt to be hauled in or out of the site.

Vice Chair Socolich also added that the FAR requirements for the size of the homes could be added as a condition of approval to ensure compatibility with the neighborhood. He asked the geologist to respond to the question of whether the current geological data was better than the data previously provided.

Mr. Myers acknowledged that there was more data now than in the past and that there had been earlier borings by ENGEO but not a great deal. There were eight 50-foot deep core borings performed and a good recovery of the core achieved. He described the recovery process whereby samples had been collected and in most cases approaching a 100 percent recovery with some places where in some borings there had been some core not collected. The geologists who were interested had been invited to view the core and formulate their own opinions on the success of the exploration program. While in the field he, the geologist for the applicant, the Town's geologist, and the neighbors had met to discuss the placement of the boring, testing, and trenching and it was left in the field that ENGEO would proceed with the core borings and if the recovery was not sufficient they would proceed with auger borings.

Mr. Myers stated it was possible that the Town may later require additional borings, if necessary. The cores taken would provide information on the landslide slide planes, the rock immediately below the slide plane, possibly a subsidiary slide plane, and then the rock becomes fresher with increasing depth. He reiterated that he had been present in the field when the borings had been performed and the other geologists had been present.

Mr. Myers stated that in working in this area and viewing the cut slopes and bore hole data, it was not uncommon to see shear plains in rock that was not related to sliding. He agreed with the comments that there is poor slope stability with slides throughout the Lamorinda area requiring a conservative design. He noted that Mr. Cotton was of the opinion that the most superior method for doing a boring is a large diameter boring. ENGEO was of the opinion that there were advantages to core borings and it was expected there could be a lot of ground water on the site, and with ground water in the boring there would be a lot of caving. He explained that each method generated very pertinent data.

Commissioner Kline inquired of the depth of the rock shearing that Mr. Cotton Mr. Myers noted an exhibit in the FEIR had shown the depth of the slide plane which was very weak material overlying bedrock and Mr. Cotton was of the opinion there could be sliding within the bedrock itself and that the slide may be at a depth of 35 or 40 feet. There was also an exhibit on Page 83 to 85 of the FEIR illustrating that issue. He noted that the sections indicated that the depth varied and a deep spot was in the order of 25 feet which had been anticipated. It was possible they may want to go deeper until one could see clear bedrock features to satisfy everyone that they were through the slide. The worse case depth was in the order of 30 to 35 feet and had been identified in the FEIR as hypothetical. He referred to another exhibit on Page 80 of the FEIR showing a prospective drawing based on the grading plan which had not shown any pads.

Vice Chair Socolich emphasized the importance of having the grading monitored during the grading operations to establish the base of the trenches.

In response to Commissioner Obsitnik as to the depth of the average slides, Mr. Myers commented that the slides ranged from an average of 25 feet deep and

higher on the hillside to only 10 to 15 feet deep. He reiterated that the data that had been collected had more than doubled with a limited number of borings performed by previous consultants. ENGEO, performed a detailed mapping of slides and seeps. It had always been indicated that this was an early stage of the project with more data to be developed and the Town Council had directed that additional data be provided now, not as a condition of approval of an application. He advised that there had been no new drillings since March 2011 to the present.

Ray Skinner, ENGEO, Geotechnical, Environmental and Hydrological, Consultants for the applicant, noted that the depths of the borings varied a bit from 40 to 70 feet and where ENGEO had drilled in the map slides they had hit very clear slide planes, with obvious sheerings and signs of sliding.

ENGEO had not found features that appeared to be slide planes in the rock, and although Mr. Cotton believed there was some with shearing in the rock that could be slide related, the borings went well past the 30 to 35 feet depth and there was that dual slide plane situation shown on the cross sections showing the worst case scenario. Mr. Skinner explained that the core recovery was a tool that was five feet long to allow cutting of five feet of core and in most cases when brought to the surface there had been five feet of sample. No core had been lost from the critical zones where the samples had gone from highly weathered to less weathered rock.

Mr. Skinner commented that oftentimes it was helpful to perform the down hole type of bucket auger method as recommended by Mr. Cotton. The intent was not to spend the money and not have useful information. ENGEO suspected there was ground water roughly at creek level although it was not found to be rapid seepage but clay and silt stones, with the water moving slowly and if there was caving of the bore hole no one would be able to see anything and no one could go down there. There was the reason ENGEO suggested a down hole method would not be as successful and was satisfied with the conventional continuous boring method that had been utilized.

Commissioner Wykle stated that he had reviewed his comments from the March 2011 Planning Commission meeting as to the compatibility of the project with the General Plan and the neighborhood. He referenced Appendix E of the General Plan, the MOSO Ordinance, and acknowledged the public testimony that the General Plan and MOSO spoke of the preservation of open space. He also referenced the Summary Table in the Final EIR, Page CNRV-20 4.5, which had shown that the proposed project may be in conflict with the Town's policies, the tree removal and mitigating factors, a construction fence and a tree replacement program, and commented that the General Plan required the Town do everything it could to the maximum extent possible to preserve open space. As such he asked staff to clarify the prior zoning of the property as High Risk Agriculture.

Ms. Brekke-Read clarified that the property was zoned MOSO with one permitted use, Agriculture. Specified uses allowed with a CUP, one being single-family

residences with a sliding density of one dwelling unit per 20 acres and one dwelling unit per 5 acres. MOSO set forth criteria and also set forth design guidelines and how that density would be applied.

Commissioner Wykle commented that the FEIR had shown the actual amount of grading for the six-unit project would be 180,200 cubic yards and while it would not all be removed from the site, it would be moved on a currently undisturbed hillside with semi-trailers that hauled approximately 19 cubic yards with 9,474 semi-truckloads of dirt being moved on the site which he did not see could be mitigated to less than a significant level.

Vice Chair Socolich understood that none of the materials would be removed from the site and the material would be re-compacted on the site, to which Mr. Myers acknowledged that the movement of dirt would be stockpiled on the site over one summer grading season with corrective grading to occur. He pointed out that the applicant's map and Page 80 of the FEIR illustrated the extent of the grading.

Commissioner Wykle commented that the rendering in the FEIR should be modified with views from all angles, and from Hetfield Place from different directions with views from some of the debris benches along Sanders Drive. He reiterated his opinion that the movement of that much soil from an undisturbed hillside could not be mitigated. As to the requirements of MOSO and some of the slope calculations for the eight-lot alternative, he noted that some of the average slopes were in the 19 point range within one percentage point of a no-development alternative for a couple of the lots. He again questioned compliance with the General Plan, compliance with MOSO, and whether or not the project was in a High Risk Area. He maintained the area was still High Risk since the area could be adversely impacted by a landslide even with the mitigation that had been described given that the area was prone to landslides. In addition, the area served as a natural drainage way or swale with a natural drainage basin of 50 acres, the site was within 50 feet of a known dormant or active fault, and the property had regular or intermittent springs or adverse ground water conditions.

Commissioner Wykle emphasized the need to address the General Plan compatibility of the project whether for six- or eight-lots, or a smaller development could be considered.

Commissioner Kline was not yet convinced that a public benefit would result if the project was approved.

Vice Chair Socolich pointed out that approximately 90 percent of the property would remain open space with some trails set aside, all public benefits, although whether or not they were sufficient remained to be seen. He also understood that the developer would repair the slides, which was also a public benefit. He clarified with the EIR Consultant that the FEIR had been based on the six-lot project and asked what changes would occur with the eight-lot alternative.

Ms. Mills advised that the FEIR had responded to the proposed six-lot project with the eight lots as an alternative. Pursuant to CEQA regulations, they did not have to go into the level of detail as the proposed project for an eight-lot development given that it had been identified as an alternative with a summary of the potential impacts. She commented that the slide down to the south end would be avoided with the eight-lot alternative along with the springs and the seeps, and the north end to Lot 1 would avoid slide areas as well as springs. The lots would be more consistent in size with the neighborhood as well. She referenced Figure 5-1 for the eight-lot development as shown in the FEIR showing that Lot 6 and part of Lot 1 and Lot 5 of the proposed six-lot project would be eliminated. This alternative would also reduce the amount of grading to be performed although improvements such as debris benches would still be required.

Vice Chair Socolich commented that a reduction in the size of the lots could result in larger homes that were not compatible with the neighborhood which is something he did not support. While conditions could be imposed, he suggested the economics for developing a few pads would not add up.

Commissioner Obsitnik understood that this was the first hearing on the FEIR and that many comments received either through the public testimony and correspondence had been related to environmental issues and some on issues that could be addressed in the CDP. He suggested that the issue with the slides could be addressed in the FEIR and with the new data there was confidence from the applicants that nothing would go wrong. He was uncertain there was further information that would make that issue less probable, and to reach that question the Commission must determine if the site would be a safe place. Currently, the site was not safe given the existing slide behavior.

Commissioner Obsitnik addressed the concerns from the public that the project not end up like the undeveloped Los Encinos project, he stated while not an issue in the FEIR, suggested it could be discussed under the merits of the project as a whole or possibly conditions imposed in the CDP. He was uncertain that anything could be done to mitigate the project from what had happened to the Los Encinos project. He noted that concerns with lot size and FAR were not environmental concerns and would be addressed through the CDP. He suggested that there remained uncertainty with the FEIR before even considering a CDP but he was uncertain that even with additional data collected the Commission could make a decision on the FEIR. The Commission had also not yet discussed the riparian habitat or impacts to wildlife.

Vice Chair Socolich emphasized that the proposed grading would include monitoring and other details as outlines by the geologists. He was uncertain that additional data would provide additional safety.

Vice Chair Socolich was also uncertain how the Commission could address the community's concerns with the potential for empty lots and he was uncertain that

the Town could condition that lots not sit vacant for a period of time. He would have to accept that the stabilization plan as part of the FEIR and the technical analyses performed to date would stabilize and provide a safer site. He suggested that the issue was the number of lots and whether the six-lot proposal or the eight-lot alternative should be considered. The project could be brought into compliance with the eight-lot configuration to help mitigate potential issues and bring the lots down in size to be compatible with existing neighborhoods on the north side of the site, which was a concept he supported.

Ms. Brekke-Read explained that any development proposed in Moraga would require the submittal of a soils report as part of the development application which would be forwarded to the Town's Geologist to provide recommendations to the Town. In many cases, more information was required and the geologist would advise when sufficient information had been provided.

Mitch Wolfe, Cal Engineering, 180 Olympic Boulevard, Suite 100, Walnut Creek, Consultant for the Town of Moraga, explained that the neighbors' geologist Mr. Cotton's preferred method of evaluating a landslide was to drill a hole in the ground, send a geologist down, and have a direct look at the situation where the depth was the best way to evaluate a landslide. There were other methods to conduct the evaluation such as the continuous core method and Mr. Cotton's correspondence acknowledged that the continuous core method was the standard of practice for evaluating landslides. A meeting had been held and a certain number of core borings had been agreed to be performed with all of the geologists invited to review the data and with a determination made by Mr. Skinner. Mr. Cotton had not completely agreed with that interpretation and because of that had recommended the method of continuous core boring.

Mr. Wolfe stated that Mr. Cotton was of the opinion that some indications in the materials found below the soil rock content may indicate of sliding and there could be deeper sliding. As such, there was a disagreement amongst the consultants whether or not adequate substantive exploration had been performed. While he acknowledged there could be additional data collected he stated it would be a matter of interpreting the data.

Mr. Wolfe stated that he had reviewed the core borings. In his opinion, considering the preponderance of evidence in the core borings, the highest landslide probability was as Mr. Skinner had interpreted, at the soil rock interface, and the features visible were deeper in the bedrock and could be related to sliding but were more likely related to the tectonic regime where located and related to the mountain building and faulting process, and as a result there was a debate in the interpretation.

Mr. Wolfe commented that the FEIR included cross sections for drilling with two scenarios; the scenario described by Mr. Skinner and another scenario that the sliding was in the 30- to 35-foot depth range and it was a matter of how deep to go, with the difference being the cost to the developer, the length of time it would take to do the project, and the volume of material to be removed although the

grading would remain the same. Another way to consider the situation was if the down hole auger method was not performed, he noted that Mr. Skinner would be monitoring the excavation on site and he [Mr. Wolfe] would also be monitoring the excavation and would review what was visible in the excavations to verify that all sliding had been removed in accordance with the conditions of the project. The Commission could take the position that there was sufficient data now given that the vast majority of the information suggested an earth flow type sliding in the bedrock slide to be verified at the time of construction, or the Commission could require additional data now to ensure with absolute certainty that all information was available prior to construction.

Commissioner Kline questioned why there was so much uncertainty. Mr. Wolfe explained that it was the interpretation of what was seen in the bedrock. He reiterated the testimony made by Mr. Myers and Mr. Cotton's opinion, the differences in interpretation, and he reiterated his own opinion on this issue.

Ms. Brekke-Read asked the Planning Commission whether or not the FEIR addressed the comments in the DEIR.

Commissioner Kline acknowledged that the FEIR had addressed the comments in the DEIR although correspondence advised that residents still had concerns, some of which were not issues in the EIR. He could support certification of the FEIR.

Commissioner Killam agreed that the issues raised in the DEIR had been addressed and completed in the FEIR.

Commissioner Obsitnik also agreed with the exception of the ambiguity between the drilling depth, the core and the slide, and he was uncertain that collecting more data would necessarily help in that area. He asked if the GHAD was part of the FEIR, to which Ms. Brekke-Read advised that the GHAD was a mitigation measure in the FEIR.

Commissioner Obsitnik pointed out that the financial feasibility of the GHAD remained an issue and he remained concerned with the fact that some of the lots went up to 19 percent as related to MOSO although he recognized that anything below 20 percent was still a viable area to develop.

Vice Chair Socolich supported the certification of the FEIR and suggested that even with more data that may not change anything. He emphasized that the excavation would be monitored willingly and diligently and if a situation that had not been identified was found action would be taken to make corrections. He asked if the certification of the FEIR would allow the project to be changed from the six-lot project to the eight-lot alternative.

Ms. Brekke-Read did not recommend the certification of the FEIR at this time. If the Commission was considering the eight-lot alternative or a different project or

conditions that changed the project, the consultants would have to determine what if any additional information was needed in the FEIR to allow certification.

Ms. Mills deferred to the CEQA legal expert although she advised that an EIR may be certified without approving a project.

Commissioner Killam wanted to see certain conditions be established in the project and asked where that would occur in the process.

Ms. Brekke-Read explained that changes to the mitigation measures would occur in that section of the FEIR and in the Mitigation Monitoring Program in the FEIR itself. If there were additional conditions, they would be conditions of approval for the CDP.

Commissioner Wykle pointed out that the Commission had yet to discuss his concerns with the 180,000 cubic yards of soil movement. He sought a resolution in the biological section of the FEIR.

Ms. Mills described the area of earth movement as scrubby grass area, noted that the common wildlife would disappear during that activity although the wildlife would return as addressed in the appendix to the biological study of the original Initial Study. She commented that the construction impacts would occur over the summer season from April 15 to October 15, with all earth movement retained on site and with no truck traffic moving dirt off-site. This impact would be temporary and it would be difficult to impose a quantitative number in terms of the severity of the impact.
Commissioner Wykle suggested that the activity would not be at a less than significant level even if temporary during one construction season.

Ms. Mills suggested that one way to address that concern would be to provide mitigation by grading a certain portion of the site at a time, replacing the dirt, and then proceeding to the next area to minimize the amount of dirt being moved. However, that could also turn out to be a significant unavoidable impact for which overriding considerations could be adopted by the Planning Commission.

An unidentified speaker commented that there were contractors who specialized in earth movement; he anticipated the contractors would prepare the area at the west end by removing slide debris and creating a place for the fill, stockpiling it at the east end, and moving the dirt from east to west at one time and in a leap-frogging fashion stockpiling it. The fill was moisture conditioned and if wet it would be dried out or mixed with dry material. The same slide debris would be recompacted with subdrains pursuant to the required methods and the work would be tightly controlled, measuring the moisture content and the density of the fill as it goes in.

Ms. Brekke-Read explained that a mitigation measure or condition of approval to address the depth of the repair could be to either go as deep as necessary to repair the slide, to be verified by the Town's Geologist and the grading

inspections, or to require PC. The auger method be performed to provide more information prior to the start of grading. Or could require auger work now.

Vice Chair Socolich understood that the FEIR required monitoring during the excavation and grading process and if necessary the excavation may be modified to address any problems that were encountered. He was comfortable with the requirements contained in the environmental report as stated with diligent monitoring during the excavation work.

Commissioner Obsitnik understood the confusion as the difference in opinion in the interpretation of the core and boring findings. Given the number of geologists involved, one for the applicant, the Town, and the residents, he suggested there were going to be differences of opinion.

Commissioner Killam agreed that it made sense not to have to require a lot of additional work particularly if monitoring the work at any rate.

Commissioner Wykle was also comfortable with that requirement although he asked of the location of the fault on the site, and besides the setback what else could be done to mitigate the risks of the fault line.

Mr. Wolfe identified the fault location on a geologic map and explained that it was in the steeper part of the slope and around the tree line. A setback is the standard mitigation measure used in the State for active faults. While this fault had not been zoned by the State as active, when the fault trenching was performed the site conditions were not adequate to fully determine the age of the fault. The maximum mitigation measure however, would be to set back 75 feet on the uphill side and 50 feet on the downhill side of this type of fault if it was considered to be active. In this case, the consultant had taken an ultra-conservative approach and had treated the fault as an active fault, and no habitable structures would be developed on either side of the 75- and 50-foot setback zones.

Ms. Brekke-Read asked the Commission whether or not further mitigation measures should be considered or timing in proposed mitigation measures that should be addressed or revised based on the impacts in the FEIR. The Commission offered no additional comments on that issue.

Ms. Brekke-Read asked if the Commission desired more information from the applicant, for example tree removal proposed to accommodate the bridge or whether or not the project should be for six or eight lots.

Commissioner Killam wanted to know the size and details for the homes, the amount of reserves in the GHAD when formed, and whether or not the developer would have to provide those reserves.

Ms. Brekke-Read asked the Commission whether or not a building envelope should be specified in the CDP or if it should be addressed in the GDP.

Vice Chair Socolich added that the Commission should also discuss whether or not an HOA or a Joint Management Agreement should be created. He asked how that would be addressed.

Ms. Brekke-Read noted that a Joint Management Agreement would be part of the GHAD and would be for the protection of the homeowners. Additional information on GHADs could be provided. The GHAD would be required prior to the recordation of the Final Map and before a grading permit was issued.

Mr. Myers explained that there were many issues about the GHAD that could not be answered at this time although staff may be able to provide some background information in the future. The GHAD was a requirement imposed on the project.

An unidentified speaker representing the applicant advised that a GHAD expert could be at the next Commission meeting to provide further details on the GHAD which the Commission agreed would be beneficial.

Ms. Brekke-Read asked the Commission to provide direction on the scale of the development itself.

Commissioner Obsitnik referenced the concerns raised about safety, concerns related to the economics, and the recognition that if Los Encinos were built today it would likely not be a part of the discussion. Given the condition of that property it had been called into question for Hetfield Estates. He added that Rancho Laguna II and Palos Colorados had previously been approved and would also impact the economic viability of the Hetfield Estates development. He suggested that one way to address the neighbors' concerns with the economic situation would be to provide some information on market viability and comparables showing the time between grading and the actual development of homes. Such information would also help to address the questions related to size and the number of lots.

Vice Chair Socolich suggested that a time scale was also important to be provided to show the current market conditions and a time scale for the site development and the pouring of the first foundation.

Commissioner Wykle suggested that additional three-dimensional renderings of the average size of the homes from different angles would also be helpful for the Commission and the public to see whether or not it would be compatible with the existing neighborhoods.

Vice Chair Socolich acknowledged at this time correspondence that had been received about a prior study of Larch Creek which contained mitigation measure recommendations to be made to the creek to allow it to flow better and should be part of this project. He asked staff to respond.

Ms. Brekke-Read advised that a study of Larch Creek had been prepared in 1988 and had recommended moving the creek into a culvert. The Town's 2002 General Plan called for the restoration and preservation of creeks in their natural habitat and restoring creeks from concrete culverts, the opposite of the 1988 report.

Bob Mills, Mills Associates, clarified that the creek would not be disturbed with the exception of the construction of a discharge pipe and an outfall energy dissipater from the underground detention basin as part of the storm water control plan. With that one exception, the creek itself would remain as is. The bridge would be designed with weight on two abutments on either end and there would not be a center pier from the bridge. There could be some disturbance at the top of the banks where the bridge crossed but nothing in the creek itself. Insufficient capacity downstream from the proposed development limited the capacity of the creek with a lot of growth in the channel.

Mr. Mills noted that the distance from the site to Moraga Creek was a couple of miles and under Camino Pablo. The study had also recommended that a third pipe be installed under the street which had been done and which was the only part of the report that had been completed.

An unidentified speaker explained that the area in the KCA Study had been a highly constricted area running north to south from Camino Pablo up to Sanders Drive which was a trapezoidal ditch, heavily overgrown, and in the back yards of existing private homes past the primary constriction that was being discussed and downstream from the project site. A study had been performed of the 100-year flood in the creek and it had been found that the existing creek channel had capacity beyond a normal 100-year flood, and to the extent of flooding in neighbors' rear yards it was likely it was backwater from debris constrictions downstream of the project site. He added that post development flows would be detained to less than 100-year pre-development levels and was not a large overcompensation but a 10 to 15 percent reduction for predevelopment flows. The County's standard for drainage of this size was a 10-year storm design and the applicant had voluntarily increased it to a 100-year storm level. He noted that there were physical limits as to how long the pipe could be made.

Mr. Mills commented that the hydrograph in the report had identified three inches of rainfall per day for three days in two consecutive years, which would be nine inches of precipitation. A 100-year storm of the same duration of 72 hours would produce 13 inches of precipitation. He suggested that the basis provided was adequate and would be able to accommodate the storms under discussion.

Ms. Brekke-Read asked the Commission to discuss the six-lot project and the eight- and eleven-lot alternatives as contained in the FEIR. She acknowledged that a five-lot alternative had also been raised as a possibility by staff as shown in the staff report although no concept had been proposed.

Bob Rourke explained that initially the eight-lot plan had not shown walls at the rear and subsequently the EIR had a mitigation measure with three- to four-foot high walls at the back of the pad areas with drainage behind them to intercept drainage coming off. There would be no walls with the eight-lot plan other than the walls supporting the bridge.

Mr. Myers commented that if there was a wall with a drainage ditch behind that wall it was possible that the GHAD would require an easement to maintain that 3:1 slope and the ditch. Ditches were most likely to be maintained by the homeowners who would want to plant landscaping and gazebos and low three- to four-foot high walls were intended to intersect the water before it reached the pad.

Vice Chair Socolich and Commissioner Kline asked for smaller lots and smaller footprints, smaller than the six-lot project, and wanted more information on an option smaller than the six-lot plan.

Commissioner Kline agreed that the lots should not be smaller than the lots on Sanders Drive and it had been established that a building area of 20,000 square feet and an FAR of .2 would allow the upper limit of the homes at 4,000 square feet in size. He was more concerned with the size of the homes than he was the size of the lots though.

Ms. Brekke-Read recommended that she and the applicant work together to address that request. She asked if the eight-lot alternative represented what Commissioners were seeking.

Commissioner Kline commented that if the eight-lot alternative resulted in a smaller grading area that would be acceptable since smaller lots would lead to generally smaller homes compatible with the existing neighborhood.

Vice Chair Socolich liked the idea of a smaller footprint whether for eight lots or less or whatever the end result. He commented that one of the values of a smaller footprint would result in less dirt turned over and staying out of the slide area.

Commissioner Obsitnik expressed concern with the Commission stepping outside its boundaries and designing the project based on the information at hand at this time. While he agreed with the need to ensure that the project was compatible with the neighborhood, he could not prescribe at this time what that meant for density, lot size, or the number of homes, or whether a 4,000 or 5,000 square foot home designed well would be appropriate at this time.

Commissioner Wykle agreed with a limit to the grading area.

Ms. Brekke-Read asked the Commission if it was considering the limits of grading shown with the eight-lot alternative reduced lot size, or constricting it more than that.

Vice Chair Socolich emphasized that based on what he was hearing Commissioners desired a reduced footprint.

Ms. Brekke-Read pointed out that the number of lots would have to be identified as part of the action for the CDP. At this time, she asked the Commission what it needed in order to assist in that decision.

Commissioner Killam suggested that the homes not be too different from the other homes in the neighborhood.

Vice Chair Socolich agreed that compatibility was the key.

Commissioner Wykle remained concerned with the issue of special findings for one unit per 20 acres. He referenced the criteria in the High Risk designation noting that Goal 5 in the General Plan was one of the special findings that must be made. He acknowledged that the FEIR had addressed the findings related to the High Risk area. He commented that if the Town's Geologist found that the risks from slides had been mitigated, the High Risk with geology was addressed. The Commission must find that the project was also compliant with the goals and policies of the General Plan.

Ms. Brekke-Read commented that given the hour, and the detail remaining to be discussed, the Commission may decide to continue the public hearing to its next meeting. She would prefer the Commission clarify what it needed in order to proceed.

Mr. Wyro stated that he had been taking notes on the discussion and would like to return to the Commission with a plan to address the issues that had been raised. He understood that the item would be continued to the first meeting in May.

Ms. Brekke-Read advised that in order to meet the timeline for the first meeting in May she would need information back from the applicant by April 20.

Mr. Wyro affirmed that he could meet that schedule.

Ms. Brekke-Read recommended that the public hearing be continued to the Planning Commission meeting of May 7.

Vice Chair Socolich requested copies of comment letters prior to the posted Commission meeting.

Ms. Brekke-Read suggested that staff could mail out postcards to the public advising of the date when the item would next be considered as soon as the applicant submitted revised materials.

Commissioner Obsitnik recommended that the item could be continued to a date certain and if the Commission determined the information was still not adequate the item could be further continued.

As to whether or not the environmental consultants should be present at the next meeting, Ms. Mills advised that she was not planning to make any changes to the FEIR based on the comments received so far although she would contact staff to determine whether or not the EIR consultants should be present at the next meeting of the Commission. She affirmed, when asked, that any discussion on a smaller footprint would not impact the FEIR.

The Commission asked that the geologists be present at the next meeting.

On motion by Commissioner Killam, seconded by Commissioner Kline and carried unanimously to continue Hetfield Estates, CDP 02-05 to a date certain of May 7, 2012.

VI. ROUTINE & OTHER MATTERS

There were no routine and other matters.

VII. REPORTS

A. Planning Commission

There were no Commission reports.

B. Staff

Ms. Brekke-Read again apologized that the applicant had not received the staff report for the Hetfield Estates public hearing item until this evening. She otherwise reported that she had been polling Commissioners about a meeting date for the Signature Homes project at the former bowling alley site and while she was uncertain when the item would be scheduled, Commissioners would be notified when a firm date had been determined.

VIII. ADJOURNMENT

On motion by Commissioner Obsitnik, seconded by Commissioner Kline and carried unanimously to adjourn the Planning Commission meeting at 10:53 P.M.

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Secretary of the Planning Commission