



Central Sierra Environmental Resource Center
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Visit our website at: www.cserc.org or contact us at: johnb@cserc.org

June 10, 2020

Natalie Rizzi
Tuolumne County Community Development Department
2 South Green Street
Sonora, CA 95370

Comments in response to the Dietrich/Frere/Gardella Project

The following comments are provided on behalf of the Central Sierra Environmental Resource Center (CSERC) in response to Dietrich/Frere/Gardella Project proposed zone change and tentative parcel map.

Rather than delve into a long list of relatively minor points of concern, on behalf of our Center I will focus directly on why CSERC opposes the application as now proposed.

First, while we defer to the local knowledge and site expertise of neighbors who may have legitimate reasons for objections, CSERC DOES NOT OPPOSE THE REQUEST TO DIVIDE THE 137.34 ACRES INTO FOUR PARCELS AND A REMAINDER AS OUTLINED IN THE APPLICATION. Again, to re-state, CSERC does not oppose the proposal to take the 137 acres and create four new parcels and the 42-acre remainder parcel.

Further, we do not oppose the project based on traffic concerns, which we believe will not be significant if there are only a total of five parcels as the outcome of this proposed application. We accept as sufficient the intent to designate 27.47 acres to Open Space zoning to protect oak woodland habitat and riparian habitat on site. Whether that actually is sufficient to minimize significant risk to those oak and riparian habitat resources is not a question that our staff can solidly answer since we have not had an opportunity to personally visit the project site as we often do when there is not a pandemic and visits are not deemed undesirable. But we acknowledge that the mitigation of 20% of the project site being protected with Open Space zoning is a positive proposal.

In addition, CSERC does not see there to be a significant concern over the use of wells and septic systems for the parcels, plus we note that parcel 1 is reportedly served by public water from TUD.

KEY CONCERN AND REASON FOR OPPOSITION

With this application the project proponents are not simply asking for approval to allow this property to create the four parcels and the remainder parcel. They are asking for proposed zoning that would allow a relatively simple future project proposal process to result in County approval for 26.8 acres of

RE-3, 35 acres of RE-5, and 19 acres of Mixed Use. Compared to the existing minimal residential use now on the overall property, APPROVING THE REQUESTED NEW ZONING WOULD BASICALLY ALLOW A SIGNIFICANT LEVEL OF DEVELOPMENT TO GO FORWARD DESPITE THE CLAIM MADE IN THE PROJECT DESCRIPTION THAT "Any future land division will be evaluated through the entitlement process and adjoining property owners will have the chance to comment on the proposal."

BASICALLY, WITH THIS APPLICATION THE PROJECT PROPONENTS WISH TO LOCK IN NEW ZONING THAT WILL ALMOST AUTOMATICALLY ENTITLE THEM TO APPROVAL FOR A FUTURE SUBDIVISION PROJECT OF SPLITTING PARCELS INTO SMALL LOTS THAT WOULD THEN BE CONSISTENT WITH THE RE-3, RE-5, AND MU ZONING DISTRICT DESIGNATIONS.

Yet there is no analysis at all in this project application as to whether there is suitability on this site for 3-acre and 5-acre parcels and Mixed Use development on this generally hilly, sometimes steep, high fuel loading – high fire risk, highly visible scenic site. There are many strong issues tied to such a potential outcome.

CSERC strongly urges the County and the County Planning Commission in particular to reject the application as now proposed with the RE-3, RE-5, and MU zoning requests that are NOT NEEDED to allow the supposed desired outcome of this application – which is to result in four parcels and a remainder parcel.

There is no analysis sufficient to allow the rezoning of portions of this very large property to be changed to RE-3 and RE-5 and MU given that there is no request at this time for any development that is tied to or that needs such small parcel zoning.

Instead, CSERC provides that we believe the County, neighbors, and our Center can accept and support approval of the request to create four parcels and a remainder parcel IF that is tied to designating zoning at this current time of A-10 for Parcel 1, Parcel 1A, Parcel 2, Parcel 3, and the Remainder parcel.

THIS CAN BE A WIN-WIN OUTCOME IF THE APPLICANTS SIMPLY APPLY FOR ZONING that is CONSISTENT WITH THE "4 PARCELS AND A REMAINDER" PROJECT PUT FORWARD FOR APPROVAL, INSTEAD OF ATTEMPTING TO GET A LEG UP ON ADVANCING SOME POTENTIAL FUTURE SUBDIVISION SCENARIO FOR PARCEL 1, PARCEL 2, PARCEL 3, AND THE REMAINDER PARCEL

CSERC urges that the County work with applicants to scale back the intensity of zoning that would be approved by this project's approval - so as to hold off to the future the important consideration (when a specific project may be proposed) of whether to approve zoning that would basically make an intensive subdivision project a "done deal" because the applicants could then claim that the intensive subdivision simply matches the RE-3, RE-5, and MU zoning.



Executive Director, CSERC

From :

Richard Reilley

13030 FIR DRIVE

SONORA, CA. 95370

TO:

TUOLUMNE CO. PLANNING COMMISSION.

RE: AMENDED VESTING TENTATIVE PARCEL MAP ON AGENDA FOR JUNE 17, 2020 @ 6PM

OWNERS: STEPHEN DIETRICH, BONNIE DIETRICH, MONICA FRERE, CHRISTOPHER GARDELLA

MY PUBLIC COMMENT ON THIS AGENDA:

I AM AN ADJOINING PROPERTY OWNER KNOWN ON THE LAND AND STRUCTURE SURVEY MAP FOR THIS MEETING AS ADJOINER 1. I AM THE ONLY ADJOINING PROPERTY IN DETAIL "A" ON TONIGHTS MAP.

I PURCHASED MY PROPERTY FROM THIS FAMILY'S TRUST HEADED BY CHRISTOPHER GARDELLA IN 2017.

I AM IN A CURRENT DISPUTE WITH THIS PURCHASE OF LAND. THEY DID NOT CLEARLY DISCLOSE ON THE PURCHASE CONTRACT OR IN ANY SPECIFIC ADENDUM ON THE CONTRACT THAT DURING ESCROW AND NOT BEFORE, THEY REMOVED A TRIANGE OF MY LAND FOR THE PURPOSE OF THIS MAP PRESENTED TO YOU TONIGHT, AT THE SOUTH EAST CORNER OF MY PROPERTY AND AT THE SOUTH WEST CORNER OF PARCEL 1 ON THEIR AMENDED PARCEL MAP. MY ESCROW CLOSED ON 7-7-17 AND WAS ONLY APPROVED BY YOU A COUPLE OF WEEKS PRIOR MY CLOSE OF ESCROW ON 6-23-2017. PM 58-23 APPLICATION NUMBER 2017006672

ACCORDING TO THE STATEMENT OF TITLE PAGE OF PM 58-21 DATED 5-5-17, I SHOULD HAVE BEEN INCLUDED AS A PARTY HAVING A RECORD INTEREST TITLE IN THE REAL PROPERTY AS I HAD BEEN IN CONTRACT WITH AN OPEN ESCROW SINCE JANUARY 25, 2016, ALMOST 1 ½ YEARS WAITING PATIENTLY FOR THEM TO CLOSE ESCROW "INCLUDING THE TRIANGLE". MY WAY OF FINDING THIS OUT WAS TO SEE WARREN SMITH IN PERSON. I AM SURE HE WILL RECALL ME IN HIS OFFICE IN MAY 5, 2018

I HAVE BEEN TO A MEDIATION HEARING WITH CHRISTOPHER GARDELLA AND STEPHEN DIETRICH WHERE AFTER A SHORT PERIOD OF TIME, THE TWO OF THEM WALKED OUT OF THE MEDIATION HEARING WITH NO RESOLVE. I AM IN THE PROCESS OF A CURRENT CASE WITH THE DEPARTMENT OF REAL ESTATE IN SACRAMENTO HEADED BY INVESTIGATOR JURUSHA WHITE WITH THE DRE, CASE # 420-0116-016. AS SOON AS THE DRE MAKES A FINDING IN THIS CASE I WILL THEN PROCEED AGAINST GARDELLA AND DIETRICH IN ARBITRATION FOR THIS TRIANGLE OF LAND AT THE SOUTH WEST CORNER OF PARCEL 1 IN TONIGHTS MAP.

I DON'T THINK IT IN THE BEST INTEREST OF THE BOARD TO APPROVE SUCH A REQUEST BY THIS FAMILY BEFORE MY DISPUTE OF THE PERTINANT IN QUESTION LAND IS SETTLED IN THE COURTS

THANK YOU FOR HEARING ME TONIGHT, RICHARD REILLEY

RECEIVED

JUN 16 2020

**Community Development
Department**

My public comment on tonight's agenda for June 17, 2020 regarding the amended vesting Tentative parcel map requested by Stephen Dietrich, Elizabeth Dietrich, Monica Frere and Christopher Gardella.

My name is Emerio Torres. I live at 13020 Fir Dr. I am known as adjoiner #2 on proposed map
I am completely against this parcel map change.

The reason being, I have come to know my neighbors Rich & Debbie Reilley of 13030 Fir Dr. (adjoiner#1) very well since they moved into our community. I have seen first hand the damage caused to them by the people who are requesting this map change. It is my belief after countless hours spent with Rich & Debbie, that the people they purchased their property from were very deceitful in their selling practices when it came to 13030 Fir DR. I have seen documents to prove this to my satisfaction.

It is in my opinion that they should not be able to develop any of the property adjacent to the property known as 13030 Fir Dr. Not until all legal matters have been worked out between the two parties.

I believe as they will probably in the near future sell off portions of the approved parcel map amendment to their property, they will continue these immoral selling practices to the next buyers of their properties.

They should be responsible to their past property sales which are not resolved up until now with the Reilley's until they are made whole with their purchase

I know Rich Reilley has reached out on several occasions to resolve this matter with Gardella and Dietrich with no response. I hope it will be resolved for my neighbors thru the arbitration process here in the near future. Until such a time, I believe they should not be granted new freedoms to damage new people in our community.

Thank you very much for listening to my comments tonight.

Sincerely,

Emerio Torres
13020 Fir Drive
Sonora
Please call me direct with any questions
209) 914-7227



6-14-20

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JUN 15 2020

**Community Development
Department**

Natalie Rizzi

From: Matthew Gass <matthewgass@sbcglobal.net>
Sent: Thursday, June 11, 2020 12:00 PM
To: Community Resources Agency; Natalie Rizzi
Cc: Heidi Steelman; Patricia Rittenhouse
Subject: Comments on Proposed Zone Change RZ18-006 Matthew Gass/Heidi Steelman Owners of Directly Adjacent Parcel 19941 Kelly Dr.

This email is to document and reiterate my concerns with the proposed Zoning Change. These comments are to supplement my previous comments submitted August 3, 2018.

Each parcel owner in the Quail Ridge Ranch HOA has paid \$150/yr to a road maintenance fund. This is to cover maintenance on several non county maintained roads in the subdivision. The addition of 10 potential parcels with homes should be required to contribute to the the road maintenance of Kelly Drive and/or to Cabezut. This additional road fund has been required for the HOA members since 2001. Without an adjustment for inflation this amounts to \$2850/parcel (10) to be on par with other residents with access only from Kelley Dr. It is proposed as a condition of the approval to require the land owners to pay into escrow the amount of \$28,500 dollars as a one time road assessment. The money could then be transfer the HOA to be used for the upcoming road repairs or given to the County Road maintenance with the stipulation to provide a one time repair of Kelly and/or the main Feeder county road Cabezut to include overdue needed dig out repairs, culvert cleaning, and resurfacing. I do not wish to have to go to Court in support of the the HOA against the future lot holder for refusal to contribute to a shared ROW access road. It has been my experience that some parcel owners on a shared ROW will not eagerly agree to pay into a road maintenance fund.

There is condition item 11 in the approval for fire hazard reduction. As an adjacent land owner it is currently the conditions there there are large amounts of fuel from dead and fallen trees on the property subject to rezoning. It should be a requirement guaranteed with a bond and inspection by the Fire Marshal or representative from CALFire that all this debris has been removed by some date to be determined by County Officials.

I am willing to show county representatives of the fire loading issues on the parcel viable from my property and share quotes obtained by George Reed with documented issues with Kelly Drive and costing for repairs.

I am not opposed to the rezone if the fire and road issues can be resolved.

Regards,

Matthew Gass P.E.
[Home - Hydro Matthew Gass](#)
209 768-6986 Cell