

## Meeting Minutes

Coto de Caza Advisory Planning Committee  
June 6, 2018

### 1. Call to Order/Flag Salute

The meeting was called to order at 6:05 p.m. by Chairman Kallenbaugh. Committee members in attendance: Ameel, Ganish, Kallenbaugh, Ontko, Pearce, Roy. Committee member absent: Dunn. Additional attendees: OC Staff members Kevin Canning, Richard Vuong, Joanna Chang, Ruby Maldonado.

### 2. Approval of Minutes – October, 2017 and April 2018

Minutes of both meetings were approved with two minor changes to October minutes: Correct spelling of Chon Kantikovit and 501(c)3 status for Coto Conservancy.

### 3. New Business

#### A. Planning Application PA 180011, 31992 Violeta. William Nascimento, owner; Larry Christensen, agent

Canning stated that the permit for the adjacent site, which is being graded now, was granted prior to the formation of CPAC. 1,600 cubic yards of dirt from that grading are now stockpiled with a permit on the subject site. He stated that the subject site conforms with all grading criteria for Los Ranchos except for landscaping, which is not possible in all areas of the site due to its proximity to Dove Canyon. He recommend support.

The owner and agent described the project, saying less grading is required than on the adjacent site and they are making all efforts to have the finish project blend smoothly with natural topography.

Roy requested screening of grading operations from the adjacent trail.

Ganish asked what the duration of the grading would be and the applicant answered four to five months.

Ameel asked if the treatment of coastal sage scrub was within County parameters and Canning answered affirmatively.

Pearce asked about the property line adjustment shown on the map. Owner said he granted five feet to the neighboring property so its entry could conform to Los Ranchos aesthetic standards.

Public Comment: Beth Hebner asked how large the home would be. The owner stated 7,500 square feet plus a cabana.

**Samuel (Bob)  
Kallenbaugh**  
*Chair*

**Lucy Dunn**  
*Vice-Chair*

**Laer Pearce**  
*Secretary*

**Gilad Ganish**  
*Member*

**Mike Ameel**  
*Member*

**Richard Roy**  
*Member*

**Diane Ontko**  
*Member*

Motion for approval: Ganish, second Ameal. Unanimous.

**B. Planning Application PA 180013, 31801 Violeta, Clayton Biddle, owner, Todd Voelker, agent**

Canning stated that the additional height requested by the applicant required a Conditional Use Permit but not a variance. With a Conditional Use Permit, the allowed height is up to 45 feet.

Voelker explained how the height is determined, given the slope of the lot, and that the additional height had already been approved by the Los Ranchos Estates HOA Board. He explained that the plan minimizes infrastructure and landscaping changes, but that the Orange County Fire Authority is requiring wider gates. Total grading on the site is estimated at less than 500 cubic yards.

Ameal asked if there is a private well on the site. Voelker said there is, but he is not sure how the water is used.

Roy stated that given the size of the lot and distance from adjoining streets, he supported allowing the requested additional height. Ameal confirmed he agreed with Roy's position.

Pearce asked what would happen if the use permit was not granted. Voelker said indoor/outdoor access from the lower level of the home would be lost. Pearce stated that he supported allowing the additional height in this case for the same reasons stated by Roy and Ameal, but cautioned that more tear-downs and rebuilds would be coming before CPAC in future years, including both custom and tract homes, and the Committee should be cautious about allowing non-conforming uses and granting variances too indiscriminately.

Public Comment: Beth Hebner stated that she is a Los Ranchos Estates resident and supports the owner's request.

Motion for approval: Ganish, second Roy. Unanimous.

**4. County Presentation**

Maldonado updated CPAC on the County's process in updating the Zoning Code, saying particular attention is being paid to emerging issues like sober living homes and short-term rentals. She said the current schedule is for the final draft to be completed in September with Planning Commission and Board of Supervisors approval by year-end.

Chang updated CPAC on the draft Tree Preservation Ordinance, including the sizes of trees that would be covered per the current draft, and regulations regarding removal, replanting, monitoring and fines.

Responding to a question from Ganish, Vuong stated that the ordinance would not apply to other county agencies, like landfills and parks, because they have their own negotiated agreements regarding native trees. Specific Plans within the unincorporated county would be covered. Vuong also stated that CZ Master had submitted a comment letter stating that effective tree protection requirements are incorporated into the community's CC&Rs.

Roy asked how the proposed monitoring periods were established and said that a 10-year monitoring period seemed excessive. Staff stated that slower-growing trees like oaks require 10-year monitoring periods to ensure they become well-established.

Roy stated that it is very difficult to find replacements for some native trees and asked if like-kind replacements were allowed. Staff confirmed this and said the draft ordinance includes like-kind and replacement ratio tables.

Roy asked if hardship exclusions were incorporated. Staff stated there are none in the current draft, but that the application of the ordinance only to lots of 20,000 square feet and larger could eliminate most hardships.

Ganish asked how the process started. Staff stated that an activist group primarily of canyon residents grew out of the approval of the Saddle Crest community plan and has been pushing for the ordinance. Ganish stated it seems like a good idea that could become a nightmare.

Ontko stated that the process seems difficult and expensive. Staff confirmed, noting the need to hire a state-licensed arborist.

Ameel asked where fine revenue would go. Staff stated it would go to a native tree preservation fund.

Pearce stated that the County should consider the differences between natural tree habitat and managed tree habitat within planned communities with Specific Plans, like Coto.

Ganish stated that the ordinance will reduce the value of subject properties and asked for a motion stating the Committee's opposition to the ordinance as drafted. Staff pointed out that the matter is set for hearing on June 13. Roy stated that he would not support such a motion because the ordinance is very complex and CPAC has received only a surface summary. He encouraged CPAC members to send in individual comment letters. Kallenbaugh stated he agreed with Roy's position.

Ganish, stating that the ordinance sounded like a restrictive covenant, moved that CPAC oppose the draft ordinance. Ameel seconded. Ontko said she would need to review the ordinance in more detail before voting for the measure. The measure failed on a tie vote, with Ganish, Ameel and Pearce in favor and Roy, Kallenbaugh and Ontko opposing.

Following the vote, in public comment Coto resident Jim Hicks asked about the draft

ordinance's restrictions on short-term (AirBNB) rentals. Staff stated they would not be allowed in single family residential neighborhoods but would be allowed with a use permit in multi-family neighborhoods. Short-term is defined by the County as 30 days or less.

**5. Coto Projects currently filed**

Canning stated there have been no status changes since the previous report.

**6. Public Comment on Non-Agenda Items**

None.

On a motion from Pearce, second Ontko, the meeting was adjourned.