

FROM THE PLANNING COMMISSION MINUTES OF JULY 23, 2009

9. REZONE/TENTATIVE MAP/SPECIAL USE PERMIT

Z06-0027/TM06-1421/S08-0028/Diamante Estates submitted by DIAMANTE DEVELOPMENT, LLC to rezone from Exclusive Agriculture (AE) to Estate Residential 5-Acre (RE-5); a tentative map to create 19 single-family lots ranging in size from 5 acres to 9.9 acres, and one 2.2 acre open space lot; and special use permit request to allow gated access on the northern boundary of the subdivision as well as the proposed access onto Malcolm Dixon Road. The property, identified by Assessor's Parcel Number 126-100-24, consisting of 113.1 acres, is located approximately 0.3 miles northeast of the intersection of Malcolm Dixon Road and Salmon Falls Road, in the El Dorado Hills area, Supervisorial District IV. (Mitigated negative declaration prepared)*

Mike Baron presented the item to the Commission with a recommendation of approval to the Board of Supervisors. He also informed the Commission that the table column headings in the environmental document indicating the type of impact were missing and it was the Commission's discretion if the document was not clear and needed to be corrected and re-circulated for 30 days prior to any action being taken. Mr. Baron also requested language modification to Condition #21.

Commissioner Heflin requested that action be taken first regarding the environmental document.

County Counsel Paula Frantz stated that CEQA requires that the environmental document be clear and useable by the public. She reviewed each sub-section of the document and each one had text summarizing the significance of impact and since there is no requirement for the check boxes, it was truly a judgment call by the Commission. County Counsel Frantz summarized that if the Commission felt the missing headers confused the public, they should direct staff to re-circulate a revised document. However, if they considered the text adequate, then they could determine that the environmental document was fine as presented.

Chair Mathews requested staff to respond to certain points listed in the submitted letter from Steve and Terry Auch regarding the environmental document.

Robert Holderness, applicant's agent, stated that the landowner was available for questions.

Andrea Mayer/Andrea Mayer Consulting, applicant's representative, conducted a PowerPoint presentation on the proposed project.

Eileen Crawford/DOT, in response to Chair Mathews' inquiry regarding who was responsible for creating the connector onto Green Valley Road, explained that an area of benefit had been set up. The improvements to Malcolm-Dixon Road and the connection to Green Valley Road will be done by whoever is first and the area of benefit allows the other developments to reimburse their fair share of the cost. All the projects in that area will have the same area of benefit condition to build. Ms. Crawford also stated that since a County-maintained road was involved, an area of

benefit condition was utilized instead of a zone of benefit. In addition, this project is considered a standalone since it already has the required two access points.

Mr. Holderness stated that the issue of the missing table headers in the environmental document should not be an impediment in moving forward since there was still the opportunity to rectify the problem prior to it being heard by the Board.

Ms. Mayer requested that the middle sentence in Condition #51 be struck as it relates to obtaining points of access and as already stated by Ms. Crawford, this project is a standalone project in that it already has the two points of access.

Scott Blaze, resident, stated that although this project is an example of a development done responsibly, he is still concerned about the cumulative effect of all the projects in the area. He also stated that the residents in the area are confused by the environmental document and requested that it be corrected and re-circulated for 30 days for public review and comment.

Paul Sayegh said that there has been a warmer reception to this project than the other projects as it sticks more to the theme of the area. He requested that the environmental document be re-circulated and voiced the following concerns regarding it: (1) Does not comply with CEQA and General Plan provision 2.2.5.3; (2) Section XIV states project includes 24.41 acres of open space but this is not shown in maps; (3) Cumulative impacts of area projects have not been evaluated per CEQA requirements; (4) Malcolm-Dixon Road is not being improved to 24 feet to meet fire codes; and (5) Significant deer population in area has not been considered. Mr. Sayegh distributed a copy of a letter to the State Water Resources Control Board from the County of El Dorado Board of Supervisors, dated February 3, 2009, regarding "Comments on the AB 885 Onsite Wastewater Treatment Systems (OWTS) Draft Environmental Impact Report (DEIR) and Proposed Regulations". He requested that the Commission deny the environmental document and deny the project until an adequate CEQA document is provided. *(Clerk's Note: Mr. Sayegh provided the Clerk his speaking notes to be placed in the file.)*

Significant discussion ensued between Mr. Sayegh and the Commission regarding the septic issue and analysis/feasibility study.

Mike Gaffey, resident, inquired on the water issues and height restrictions for this project.

In response to Commissioner Pratt's inquiries, Ms. Crawford distributed a map showing the different road widths along Malcolm-Dixon Road. From the project area to the easterly direction, there are 20 – 22 foot widths, which meets the requirements of the fire safe regulations. In regards to the New York Creek/Malcolm-Dixon Road bridge, Ms. Crawford explained that the County has a joint venture with CalTrans in which they conduct bridge inspections throughout the County. At last inspection on the New York Creek/Malcolm-Dixon Road bridge, CalTrans did not recommend any work for that structure. Ms. Crawford also informed the Commission that DOT just put out to bid the contract to do a full overlay on the road.

Commissioner Rain stated that a recent fire incident which caused Malcolm-Dixon Road to be backed-up has him concerned over the road width for fire trucks. Ms. Crawford responded that the new connection to Green Valley Road will provide another exit for the residents and although the current road does meet the fire safe standards in one direction, it does not meet it the full width in the other direction.

Commissioner Rain disagreed with the discussion text listed on page 23 of the environmental document which stated that Station 84 of the El Dorado Hills Fire Department and the El Dorado Hills Satellite Sheriff Station (981 Governors Drive) could be utilized for fire protection and law enforcement services. He indicated that he has been to both locations and have found them not staffed. Walter Jukes/El Dorado Hills Fire Department stated that Station 84 is fully staffed 24/7 but they are called out during the day to do various inspections.

County Counsel Frantz stated that there were two issues regarding the environmental document: (1) Missing table headers; and (2) Paul Sayegh's concerns, which are independent of the header issue.

Mr. Baron indicated that the item, if approved today, could be forwarded to the Board to be heard on September 15, 2009, which would allow time to re-circulate the environmental document. However, staff felt that the various concerns brought up with the environmental document were valid and requested that they be directed to make the changes and bring it back for the Commission's review on September 10, 2009.

Mr. Holderness indicated that he had a scheduling conflict with that date and requested the item be continued to the September 24, 2009, meeting.

No further discussion was presented.

Motion: Commissioner Tolhurst moved, seconded by Commissioner Heflin, and unanimously carried (5-0), to take the following actions: 1. Continue the item to the September 24, 2009, meeting; and 2. Re-circulate the environmental document with the revisions as discussed.

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