

FROM THE PLANNING COMMISSION MINUTES OF MAY 13, 2010

10. REZONE/TENTATIVE MAP

Z05-0015/TM05-1401/Malcolm Dixon Road Estates submitted by OMNI FINANCIAL LLC/MARTIN BOONE to rezone from Exclusive Agriculture (AE) to Estate Residential Five-Acre (RE-5); and a Tentative Map to create 8 residential lots ranging in size from 5.0 acres to 5.6 acres. The property, identified by Assessor's Parcel Number 126-100-23, consisting of 40.6 acres, is located on the north side of Malcolm Dixon Road, approximately one-half mile east of the intersection with Salmon Falls Road, in the El Dorado Hills area, Supervisorial District IV. *[Project Planner: Michael Baron] (Mitigated negative declaration prepared)* [continued from 2/25/10 & 3/11/10 meetings; item renoticed]*

Mike Baron presented the item to the Commission with a recommendation of approval to the Board of Supervisors.

Pierre Rivas informed the Commission that comments from LAFCO identified an error in the Environmental Checklist. The document incorrectly identified the Department of Forestry and Fire when the correct agency is the El Dorado Hills Fire Department. Mr. Rivas stated that staff would make the necessary narrative changes.

Andrea Mayer/applicant's agent stated that the PowerPoint presentation they provided at the March meeting was set up and available for review if so desired by the Commission. She also indicated that she had reviewed the revised Mitigated Negative Declaration.

Commissioner Heflin inquired on the setback identified in Condition #12 as that had been changed for one of the other projects approved for that area. Commissioner Pratt commented that the viewshed issue should be consistent on how it was resolved with the other project. Mr. Rivas recommended that a non-building setback could be shown on the final map.

Commissioner Pratt indicated that the real impact was Lot 1 due to the building sites. Ms. Mayer stated the applicant would agree to a 50 foot setback for Lot 1 only. Mr. Rivas stated that Condition #1 could be amended to reflect the setback for Lot 1. Discussion ensued between the Commission and Ms. Mayer on if that would apply to all structures or only uninhabitable structures.

Commissioner Pratt commented that he was unclear on LAFCO's authority on directing the County on what can/cannot be included in a project's environmental document. Mr. Rivas responded that he believed LAFCO was interested in an "off-the-shelf" environmental document that they could utilize for the annexation. He stated that a positive result from LAFCO's involvement was meeting that occurred with staff, EID, and LAFCO regarding the water issue.

In response to Chair Rain's inquiry on the 20% grade identified in Condition #10, Brad Ballenger/El Dorado Hills Fire Department provided the reasoning for the condition wording, with concurrence from Eileen Crawford/DOT. Mr. Rivas stated that he confirmed with Ms. Mayer that none of the slopes exceed the 20% grade.

Vern Miller stated that the project was very good but did voice the following concerns:

- Neighbors on right side of project own farm animals and there is concern on “lifestyle change”;
- Poor water system and perhaps too late in process to request a utility easement;
- Traffic circulation;
- Malcolm-Dixon Road was the original Pony Express trail and a re-alignment of this road is not necessary;
- Roads should be re-reviewed prior to any improvements made; and
- Disagreed with majority of letter submitted by Cheryl McDougal as it contained the wrong assumption that the project had Density Bonus.

Chair Rain thought that DOT’s option of re-aligning the “S” curve of Malcolm-Dixon Road was a very good suggestion since the current location is very dangerous.

In response to Commissioner Mathews’ inquiry on Mr. Miller’s comment on the utility easement, Mr. Rivas stated that it was outside the realm of this project.

Commissioner Pratt questioned that since the other projects in the area are now in litigation, were the conditions of this project as solid as possible. He further stated that it appeared that the litigation was only for settlement purposes and not actually requesting particular pieces to be changed in the project. County Counsel Paula Frantz summarized the status of the projects in the area as follows:

- Alto, LLC: County was not involved and a settlement occurred between the applicant and Paul Sayegh;
- Diamante Estates: No litigation;
- Farren: Project denied; and
- LaCanada: Project was sued but an administrative record has not yet been prepared.

In reference to Mr. Sayegh’s letter, Commissioner Pratt wanted to ask a due diligence question. County Counsel Frantz stated that the County has not agreed with Mr. Sayegh’s statement that the individual projects had to be put together as one CEQA review.

No further discussion was presented.

Motion: Commissioner Rain moved, seconded by Commissioner Mathews, and carried (4-0), to recommend the Board of Supervisors take the following actions: 1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff and amended to include narrative modifications based on the e-mail received from LAFCO dated April 21, 2010; 2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines Section 15074(d) incorporated as Conditions of Approval; 3. Approve Rezone Z05-0015 based on the Findings as presented; and 4. Approve Tentative Map TM05-1401 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition #1 to reflect setback for Lot 1.

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