

FROM THE PLANNING COMMISSION MINUTES OF JANUARY 14, 2016

Agenda Items

4. 15-1470 Hearing to consider the Piedmont Oak Estates Phase 1 project [General Plan Amendment A15-0001/Rezone Z12-0010/Planned Development PD12-0002/Tentative Subdivision Map TM12-1510]* to request the following: 1) Amend the land use designations within Assessor's Parcel Number 051-550-47; 2) Rezone request; 3) Tentative Subdivision Map creating a Class I subdivision consisting of 62 clustered residential lots, 20 detached single residential lots, and one commercial lot; 4) Development Plan to include 8.01 acres of open space land and modifications to One-Family (R1) Residential Zone District standards; and 5) Design waivers of the Design and Improvement Standards Manual on property identified by Assessor's Parcel Numbers 051-550-40, 051-550-47, 051-550-48 and 051-550-51, consisting of 25.89 acres, located in the Diamond Springs area, submitted by Jim Davies and Terri Chang; and staff recommending the Planning Commission recommend the Board of Supervisors take the following actions:

- 1) Adopt the Mitigated Negative Declaration based on the Initial Study;
 - 2) Adopt the Mitigation Monitoring Reporting Program in accordance with CEQA Guidelines Section 15074(d), incorporated as Conditions of Approval;
 - 3) Approve General Plan Amendment A15-0001 based on the Findings as presented;
 - 4) Approve Rezone Z12-0010 based on the Findings as presented;
 - 5) Approve Development Plan for Phase 1 of Piedmont Oak Estates Tentative Subdivision Map under Planned Development PD12-0002 as the official Development Plan based on the Findings and subject to the Conditions of Approval as presented;
 - 6) Approve Phase 1 of Piedmont Oak Estates Tentative Subdivision Map under Tentative Map TM12-1510 based on the Findings and subject to the Conditions of Approval as presented; and
 - 7) Approve the following Design Waivers based on the El Dorado County Design and Improvement Standards Manual:
 - A) Construction of reduced sidewalk from 6 feet to 4 feet in width; and
 - B) Construction of a sidewalk on one side only, "A" Street from Tentative Map point A-3 to point A-4.
- (Supervisory District 3)

Mel Pabalinas presented the item to the Commission with a recommendation for approval. He conducted a PowerPoint presentation. Mr. Pabalinas requested amending Condition of Approval #13, Table 1, last row to change the road width from 18 feet to 20 feet. He spoke on the public comments received prior to the hearing and referenced the one that was received today and provided to the Commission prior to the start of the item.

Jim Davies, applicant, made the following comments:

- Thanked staff for their assistance with working on the project;
- Project is a nice blend of rural and urban feel;
- Has worked on the project for 25 years;
- Has been to 200+ meetings on this and looked forward to retiring to the project location;

- Since 1986, property was zoned as Planned Development and this project is a very thoroughly planned development;
- Has adapted the project throughout the years based on input received;
- Knew that neighbors are resistant to the small lots, so they were placed in the center of the project with the larger lots on the outside of the development;
- Community garden will be placed in the development based on input received from the public;
- Spoke on need for the rezone request;
- Currently has issues with squatters since the property is vacant;
- Addressed public comment that he did illegal grading, which was in fact brush clearing through a company;
- Has annexed with the Fire Department;
- Cluster lots will largely be two-storied, with the ability to have a one-story, but will be dependent on market demand;
- Price point is \$250,000 - \$300,000 with the larger lots being higher;
- There will be walking trails around the entire development;
- There will be a Design Committee and an HOA;
- Has 3 to 4 traffic reports that were submitted to Transportation and they are within the guidelines with mitigation; and
- All infrastructure will be built prior to the construction of homes for Phase 1, including the secondary access.

Dr. Richard Boylan, Diamond Spring resident, made the following comments:

- Has worked with other Diamond Springs citizens on a Vision Statement;
- Spoke on his opposition to the project;
- Mitigated Negative Declaration is woefully flawed and appears to be written by the developer;
- Project should have an Environmental Impact Report prepared;
- Property has oak woodlands that slope to Weber Creek, which runs into the American River, and it would be impacted by the project;
- General Plan Amendment and Rezone are required for this project;
- Urged denial
- Reducing sidewalk widths are inconsistent with ADA;
- Caltrans letter was not part of the County's analysis as it was just received a few days ago;
- Spoke on the items listed in the Caltrans letter;
- The application is premature as permits identified in the Caltrans letter have not been received;
- Project needs to be re-designed; and
- Agreed to comments listed in Guy and Karen Charlton's letter.

Guy Charlton made the following comments:

- Not opposed to some development, but High Density Residential is inconsistent and incompatible with the area;

- Properties that border the project area are 5+ acres;
- Developer has no concern for the neighbors bordering this project;
- Why cluster homes?
- Number of people living in that area will be significant due to the cluster of homes;
- Questioned the availability of water;
- Drainage off the project property is already a concern;
- Loss of wildlife habitat due to cluster homes;
- Urged Commission to remove the cluster lots; and
- Doesn't fit in the area.

Richard Krek, Diamond Springs-El Dorado Fire Department, made the following comments:

- Road to cluster homes can't be driveway and must be a street that is named and identified as such;
- Infrastructure must be completed, including the fire access road, prior to construction; and
- Has been making comments since 2005 on this project.

Brad Baker made the following comments:

- Bought property that adjoins the project and it had been disclosed to them that homes would be built on the vacant property but that no plans were available and no mention of cluster homes;
- Notification of today's meeting was the first time he has ever heard of the project;
- Was not invited to the Parks & Recreation meeting in November that discussed this project;
- Echoed comments already stated;
- Concerned on noise, traffic and crime;
- After the brush removal done on project's location, there are now a lot of trespassers building fires and going to the creek;
- Have had two meetings with Sheriff D'Agostini as house has been broken into 4-5 times; and
- Project site is listed for sale on the internet for \$5 million and now questions the intent of the developer.

Katy Elder made the following comments:

- Owned property north of project;
- Environmental and planning process is to inform the public of impacts and this process didn't do that;
- Project description is flawed;
- Discrepancies throughout Planning documents regarding the number of lots;
- Small winding road has no ability to be widened yet traffic will increase due to project;
- No traffic mitigation and this area is already at LOS F;
- Since brush removal conducted, there have been two fires with one being 50 feet from her house;
- Referred to letter that she submitted today;

- Will have a wall of homes only 40 feet from her house;
- Area is predominately rural with only 7 homes located on 59 acres;
- Homes will be 10 feet from her boundary line yet fire safe regulations state the distance should be 20 feet;
- Spoke on fire access road;
- Aesthetics: Views from their property will now be homes;
- Drainage: Run-off will go on the neighbors' properties which are located below the project, but issue was not addressed;
- Prior to brush removal, cultural resources recommended to not disturb area due to involvement in Gold Rush area, but after the brush removal, there was now no comment from them;
- Spoke on economic concerns;
- An Environmental Impact Report needs to be done, particularly since property is for sale; and
- Deny project.

Sue Taylor made the following comments:

- Reason project hasn't been approved the last 25 years is because it can't be allowed or accepted as proposed;
- Spoke on fire safe break concerns between the development and surrounding property owners;
- Project would be in the middle of RE-5 property and would be incompatible;
- Caltrans identified a lot of concerns that couldn't be researched due to the late arrival of the letter;
- Need to ensure that the Conditions of Approval can be met;
- Property is already on the market with statements that the Tentative Map is expected to have approval in 2016;
- A lot of fragmenting in this project;
- Spoke on the concerns regarding clustered lots;
- Secondary road is not on applicant's property so can the applicant improve the road?
- Cost of a traffic signal that is conditioned in the project may be cost prohibitive;
- There is not an adequate sewage system for the project; and
- Environmental Impact Report is needed.

Lori Parlin made the following comments:

- Big concerns are being brought up in public testimony;
- Applicant should be working with the public not the County staff;
- Opposed project; and
- Environmental Impact Report is needed.

Ellen Van Dyke made the following comments:

- Great points have been discussed;
- Disagreed with applicant's statement that the project is buffered; and

- Would hope that staff would stand up for the neighbors being impacted by this high density project.

Mr. Davies made the following rebuttal comments:

- Open to working something out with the 7 lots that Ms. Elder spoke about;
- Spoke on existing structure that is also near the development;
- Only rezoning the Open Space lots as the other lots are the same zoning they were when it was bought in 1990;
- Notification of meetings that he attended were done by those committees;
- Spoke on the Black Rice Road Association;
- Listed property on a free commercial website when they couldn't afford the property but there has never been a listing with a broker;
- Property was not developable up to two years ago when Caltrans and Transportation began resolving some of the issues;
- Has unlimited use easement on the road;
- Density of project is limited to 5 units/acre but could increase it if he did affordable housing, but current proposal is for 4 units/acre;
- Other side of project has existing apartments and the project would be a blend to the rural homes;
- Property had not been cleared since 1986 and it had to be done; and
- Trespassers were an issue even before the brush clearing was done.

Chair Stewart closed public comment.

In response to Commissioner Miller's inquiry on how to address the concern on the buffer to the existing homes, Mr. Davies responded that he would remove that row of homes if it was deal killer.

Commissioner Pratt made the following comments:

- Remembered seeing a version of the project years ago;
- Certain spots make sense in the buffering, but not in others;
- No problem with the multi-tier price point but glad there is a Planned Development overlay on the project;
- Row of clustered lots on the south side needs to be moved to the inside of the development;
- Good concept to place cluster lots inside the development with the larger lots on the outside;
- Spoke on sidewalks;
- Need to address traffic and the submitted agency letters; and
- The size of the Negative Declaration was so substantial that it needs to be broken into separate files.

Commissioner Miller stated there were drainage issues and that he was inclined to see an Environmental Impact Report prepared.

Commissioner Heflin spoke on the buffering and the setback problem with cluster lots. He felt the drainage issue could be mitigated.

Commissioner Shinault made the following comments:

- Spoke on buffering and clustered lots;
- Planning needs to determine if an Environmental Impact Report is needed; and
- Going in the right direction but not close.

Chair Stewart made the following comments:

- Concern on the compatibility of land uses and zoning of adjacent land;
- Felt that even 100 feet is too close for buffering;
- Affordable housing is desperately needed for the County, but unsure if it can be done on this property;
- Significant traffic issues that aren't being addressed;
- Water still perplexes him;
- Increase of wetland run-off is an issue; and
- Lot of re-design is needed.

There was no further discussion.

Motion: Commissioner Pratt moved, seconded by Commissioner Heflin, and carried (5-0), to continue the item off-calendar.

AYES: Miller, Shinault, Heflin, Pratt, Stewart

NOES: None