

FROM THE PLANNING COMMISSION MINUTES OF SEPTEMBER 24, 2009

8. 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 from two encroachments 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. [*Project Planner: Michael Baron*] (Mitigated negative declaration prepared)* (*continued from 7/23/09 meeting with re-noticing*)

Mike Baron presented the item to the Commission and explained that it had been continued from the July 23, 2009, meeting with direction to modify and re-circulate the Environmental Document and minor edits were made to the Staff Report, as identified in underline/strikeout format. Mr. Baron informed the Commission that no public comment had been received since the last meeting.

Robert Holderness/applicant's agent stated that the applicant and the project's consultants were available for any questions.

Vern Miller, adjacent neighbor, complimented the developers on the overall project. He stated that the issue is that there are 5-6 projects for that area that are being considered on an individual basis instead of cumulatively. He also felt that the projects only proceed in the process when it is advantageous to the developer. Mr. Miller expressed the following comments: (1) General Plan states the West Slope is not conducive to septic and there are steams in the area; (2) If public water is being utilized, why isn't public sewer; (3) Opposes the proposed gates as it is a rural community and Malcolm-Dixon Road is utilized by hikers and bicyclists; (4) Road Improvements: Concerned on S curve improvements and location of cross-road; and (5) EID water: Since area to South is having water problems, proposed an easement on his property to bring EID water to the project's surrounding areas.

Cathy Toft/Environmental Management-Environmental Health in response to the Commission's inquiries stated that the soils in the project area have a slow perc rate which is good for filtering out the bacteria and pollutants. She also stated that there are setbacks from streams/creeks for protective measures. Ms. Toft indicated that she had conducted a site visit with the project's consultant, Ron Duncan, and leach field locations had been designated.

Eileen Crawford/DOT stated that the normal process is to conduct a traffic analysis as subdivision applications are received. However, the developers for the multiple projects in this area did work together in preparing a revised plan. Ms. Crawford stated that each project in the area will have an "area of benefit" condition.

Mr. Holderness, in response to comments received, stated the following: (1) Evidence indicates that a septic system will work in the project area; (2) Road Improvements: DOT's conditions will be followed; (3) Sewer System: It is approximately 3,000 linear feet that would be required to extend the line and this would be an extraordinary financial burden; and (4) Gates: This is to prevent a "cut-through" access point.

Commissioner Rain indicated that he felt this was the best project so far for that area. He liked that it was consistent with the surrounding five-acre sites.

No further discussion was presented.

Motion: Commissioner Rain moved, seconded by Commissioner Pratt, and unanimously carried (5-0), to recommend the Board of Supervisors take the following actions: 1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; 2. Adopt the Mitigation Monitoring Program in accordance with Section 15074(d) of the CEQA Guidelines, incorporated as conditions of approval; and 3. Approve Rezone Z06-0027 based on the findings proposed by staff; 4. Approve Tentative Subdivision Map TM06-1421 based on the findings proposed by staff, subject to the conditions of approval presented; and 5. Approve Special Use Permit S08-0028 based on the findings proposed by staff.

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