

## **FROM THE PLANNING COMMISSION MINUTES OF MARCH 26, 2009**

### **8. REZONE/TENTATIVE SUBDIVISION MAP**

**Z07-0043/TM07-1458/Miginella** submitted by SHAN NEJATIAN and MARIE MITCHELL (Agent: Gene Thorne and Associates, Inc.) to rezone from Estate Residential Ten-Acre (RE-10) to Three-Acre Residential (R3A); and tentative subdivision map to create eight residential parcels, ranging in size from 3 to 3.5 acres, with the following two Design Waivers: (1) Allow the on-site roads to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within a 50 foot right-of-way; and (2) Allow the off-site improvements to Wolf Creek Road to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within the existing 50-foot right-of-way. The property, identified by Assessor's Parcel Numbers 110-020-30 and -32, consisting of 25.04 acres, is located on the west side of Kaila Way, approximately 600 feet north of the intersection with Salmon Falls Road in the El Dorado Hills area, Supervisorial District I. (Mitigated negative declaration prepared)

Jonathan Fong presented the item to the Commission with a recommendation of approval to the Board of Supervisors. He stated that staff has received public comment on the following two issues: (1) Secondary access from Wolf Creek Road; and (2) Septic wastewater services. Mr. Fong informed the Commission that staff was contacted this morning by the applicant's engineer stating that they would be providing a sewer line extension exhibit showing the length to be closer to 3,000 feet instead of the 2,000 feet as listed in the Staff Report.

Commissioner Heflin inquired on the placement of the financial burden of the additional footage of the sewer line extension and if there were any other projects in the area that would benefit from this extension.

Commissioner Pratt questioned if the parcels located on the west were septic or sewer; with the response being septic.

Gene Thorne, applicant's agent, stated that a recently approved project by the Planning Commission, Lomita Way subdivision, which is located north of the project, had a septic system using the same arguments as being presented today for this project. Mr. Thorne distributed the following to the Commission for review: (1) aerial map; (2) well location map and well production report; and (3) sewer line extension exhibit.

Cathy Toft, Environmental Management/Environmental Health, distributed the County's septic setback standards handout to the Commission. She informed the Commission that septic systems usually last 20 years before needing to be replaced, they work by gravity and the effluent goes approximately 1 ½ inches from the trench.

Jim O'Camb, El Dorado Hills Fire Department, stated that when gates don't function properly, they can't do their jobs, therefore, the Fire Department has very in-depth gate standards. Mr. O'Camb also stated that the project will be required to dismantle an old cistern hydrant and have the water source from EID.

Paul Raveling, El Dorado Hills Citizens Alliance, indicated concern with traffic safety at the Salmon Falls Road and Lake Hills Drive intersection and that this area needs to be re-engineered and re-aligned.

Kent Malonsen, El Dorado Hills CSD, indicated that there were comments on the El Dorado Hills sphere of influence. He also wanted to ensure that the applicant had clarification on the designation of the various fees. Mr. Malonsen stated that trail connectivity is needed.

Peggy Christensen, a 40-year resident, stated that General Plan Policy 5.3.1.7 indicates that these 3 acre lots require a sewer system instead of a septic system and that there is an existing sewer system on a bordering lot. She said that she has a pre-65 surface well which is her only water supply and she is concerned about possible pollution. Ms. Christensen also expressed concern over the limited area for a leach field due to the slope of the parcel and the possible failure of a septic system. She also stated that she would like to see trails connected.

Art Marinaccio informed the Commission that he has been involved with the project/area for 15 years. He provided the following comments: (1) Since there are no other projects on the other side of this project that would need to have sewer extended to, it is not appropriate to require it for this project; (2) CC&Rs require no lots under 3 acres, so sewer requirement is irrelevant; (3) The road was just overlaid by the County, so it is unlikely that it will be torn up; (4) CSD doesn't have the authority to ask for trail connectivity; (5) There is no current public trail; and (6) Parcel map shows that easements were created for all of the parcels on that map. Mr. Marinaccio urged the Commission to approve the map as proposed.

Bahman Fozouni supports the project as it is providing EID water, road improvements to Wolf Creek Road are providing him a secondary access for fire protection, and the project is being developed in a responsible way.

Linda Green, adjacent property owner, is not opposed to the project but to the CEQA policy not being adhered to by the applicant regarding the septic system. She also commented on alternatives to the Wolf Creek secondary access and trail connectivity being provided.

Shan Nejatian, applicant, stated that he was approached by neighbors approximately 10 years ago regarding obtaining water.

Susan Prang ensured that the Commission had received a letter from Gary and Nancy Fletcher and voiced her own similar concerns.

Commissioner Tolhurst, in regards to the sewer system, felt that a lift station would be a serious undertaking and that 3 acres is large enough to support a septic system. Commissioner Heflin agreed.

Chair Mathews felt that the neighbors' issue was not necessarily the septic system, but that a large parcel was being split into 3 acre lots. He felt that the benefits outweigh the negatives in this project.

County Counsel Paula Frantz recommended adding a new condition under the El Dorado Hills CSD regarding payment of fees.

Staff requested stronger language for the finding for the septic system. It was also identified that there was a duplication of the same condition (#53 and #55).

No further discussion was presented.

**Motion: Commissioner Heflin moved, seconded by Commissioner Mathews, 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 CEQA Guidelines, Section 15074 (d) as incorporated in the Conditions of Approval and Mitigation Measures proposed by staff; 3. Approve Rezone Z07-0043 based on the findings proposed by staff; 4. Approve Tentative Subdivision Map Application TM07-1458 based on the findings proposed by staff, subject to the conditions as modified, to include new finding language for septic system, new condition under El Dorado Hills CSD regarding payment of fees, modify condition #52 to reference fire department gate standards and remove duplicated condition #55; and 5. Approve the following design waivers since appropriate findings have been made: (a) To allow the on-site roads to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within a 50 foot right-of-way; (b) To allow the off-site improvements to Wolf Creek Road to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within the existing 50-foot right-of-way.**

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