

**FROM THE MINUTES OF AUGUST 14, 2008**

**11. REZONE/TENTATIVE SUBDIVISION MAP/PLANNED DEVELOPMENT/  
SPECIAL USE PERMIT**

**Z07-0032/TM07-1447/PD07-0019/S08-0014** submitted by STEVE and TINA FARREN (Agent: Lebeck Young Engineering) to rezone property from Estate Residential Five-Acre (RE-5) to Estate Residential Five-Acre Planned Development (RE-5-PD), to create 12 single-family lots ranging in size from 1 to 7.2 acres and one (1) open space lot totaling 15.4 acres. The property, identified by Assessor's Parcel Number 126-100-11, consisting of 35.19 acres, is located on the east side of Salmon Falls Road approximately 1,700 feet north of the intersection with Green Valley Road, in the **El Dorado Hills area**, Supervisorial District IV. (Mitigated negative declaration prepared)\* (continued from the July 24, 2008 meeting)

Paula Frantz stated that a letter was received from Gary Lacy, an attorney retained by John McDougal, an adjoining property owner, requesting a continuance for approximately one (1) month. Therefore, the first issue at hand was for the Commission to determine if a continuance should be granted. Chair Pro Tem Machado requested public comment on the issue of a continuance.

David Trapani, representative from the Law Offices of Gary Lacy, stated they were recently retained by the neighbor due to issues regarding setbacks from the creek and the discrepancy over whether the creek is intermittent or perennial. Their office would like the opportunity to review documents and had spoken with the applicant's attorney regarding a continuance, which they had declined.

Bob Laurie, applicant's representative, objected to the proposed continuance as the applicant has been in discussion with the neighbors for the past 8-12 months.

Vern Miller, Scott Blaze, and an unidentified individual, requested that the item be continued so that it could be heard together with the Alto project.

Cheryl McDougal requested a continuance and disputed the claim that there had been discussions between the applicant and the neighbors.

Eileen Crawford of DOT stated that the Alto project's applicants were tasked to create a map of the area with the proposed roads and it is not available yet. Bobbie Lebeck, applicant's engineer, created a map that was made available this morning and reviewed by Ms. Crawford.

Paula Frantz stated that since the people in the area had not had the opportunity to see the map, as was suggested at the July 24, 2008 meeting, that it should perhaps be continued.

Mr. Laurie stated that there were no new issues being presented by opposing counsel and that DOT is under the view that this project can be handled independently as it is small in size and is not part of the problem with circulation.

It was unanimously agreed to hear the item today.

Michael Baron presented the item to the Commission and stated that staff has received numerous public comment on the project ranging from location of the roads, private entry gate, no public benefit of open space and the additional lots allowed by utilizing density bonus. Staff recommended conditional approval to the Board for Z07-0032, TM07-1447, PD07-0019, but denial of S08-0017.

Discussion ensued between the Commission and County Counsel on the definition of public benefit of open space, what constitutes a bonified benefit and if it needs to be accessible to the general public.

José Henríquez, LAFCO Executive Officer, stated he didn't have time to comment on the Mitigated Negative Declaration (MND), therefore, he had sent a letter to the Commission, dated August 6, 2008, stating LAFCO's concerns. In summary, from the letter, the concerns of the MND are water service, wastewater service, inaccurate statements regarding the parcel's need to annex into the El Dorado Hills County Water District for fire protection services, and that there is no discussion on the project's impacts to the El Dorado Hills Community Services District. If these concerns are not addressed in the MND and the Planning Commission and the Board of Supervisors approves this project, LAFCO would have to require the applicant to provide a new Environmental Review document.

Mr. Laurie indicated that this project was deemed complete a year ago and since then they have been addressing staff inquiries and answering questions raised by staff and the public. In regards to various issues, Mr. Laurie made the following responses: (1) Creek: It is a mute point whether the creek is seasonal or perennial as the proposed setbacks meet the higher standards; (2) Access to the project would be through the development; (3) Access gate: Would agree to continue this item off-calendar; (4) The length of the cul-de-sac is a new issue; (5) LAFCO issue: Would not object to LAFCO's decision to require another Environmental Review document; (6) Oak trees: Any impact would be handled during the Building permit process; and (7) Open Space: Agrees with County Counsel that open space does not need to be accessible to the general public.

Ms. Lebeck stated the applicant had wanted to protect the natural resources and therefore utilized "clustering". The proposed one (1) acre parcels are consistent with the surrounding parcels and that the County had stated that there was to be no further encroachment to Salmon Falls Road. She also stated that Foothill Associates was obtained to conduct various surveys on the property.

Jim O'Camb with the Fire Protection District, stated that the dead-end road had been his primary issue with the project. However, an agreement had been reached, based on what the codes allow. These new condition changes were identified and discussed with the Commission.

Art Marinaccio felt that the LAFCO comments need to be put in context when going through the findings. He also felt that the public benefit of open space is being appropriately interpreted.

Kyle Fields distributed photographs emphasizing his concern with the flooding issue and whether this issue has been reviewed or studied.

Frank Pazdurek had sent each Commissioner a CD packet containing a multitude of information and briefed the audience on what it contained in regards to the issues with the creek, roads, etc.

Cheryl McDougal stated that staff had advised them to not hire an attorney until the Board of Supervisors hearing, which is why an attorney was retained at such a late date. She also stated that they had hired a Biologist which deemed the creek as perennial. Ms. McDougal inquired why an area currently having unauthorized access wasn't reviewed as a possible access location to the project. She also said that they were not re-noticed for this continued item nor were the minutes from the last meeting available on-line prior to the meeting.

Terry Halk said that Malcom-Dixon Road is treacherous during the winter and that the projects proposed in this community are not being reviewed as a "whole".

Vern Miller expressed concern on the bonus density provision. He felt that once the threshold has been passed, there are no guidelines in place. He indicated that the project feels like a mini Serrano due to the gated smaller lots.

Scott Blaze said that Malcom-Dixon Road has no substantial turnouts and public safety is a concern, therefore, all projects by Malcom-Dixon Road should be reviewed together and flow studies should be conducted by DOT. Mr. Blaze also stated that when he purchased his property in 2000, he was aware that the surrounding property zoned RE-5 could only be split down to five (5) acres. The proposed project will place three (3) one (1) acre parcels along his property line.

Barbara Shaw said she is against the bonus density and wants the access to the project to come from Green Valley Road and Salmon Falls Road.

Doreen Barton requested clarification on the easement for the fire trucks. She also was concerned about the bonus density and that Malcom-Dixon Road would not be able to handle any more traffic. Ms. Barton requested that this project be postponed until issues were resolved.

Paul Sayegh stated he was concerned on the following issues: the general development of all property in this community; this project funneling to Malcom-Dixon Road; no maps available for review; no public meetings; bonus density and a gated community; and that CEQA laws are not being following since individual projects are being heard separately instead of as a whole.

Delores Knapp requested that the whole area be considered instead of just this one application.

Mr. Laurie responded to the public comments by stating that he was in disagreement with LAFCO's comments and that the 2004 General Plan did consider this area as a whole due to the land use designation it was given. Ms. Lebeck also stated that the wetlands exhibit was provided to the County in May and that a traffic study that was conducted for the area deemed it sufficient.

Ms. Frantz informed the Commission that by hearing this project separate from other projects in the area, it would not be considered "piecemealing" because parcels owned by separate owners are reviewed individually.

Commissioner Knight felt that the designation of the creek should be resolved.

Ms. Crawford explained that DOT has stated that there is not to be access from Salmon Falls Road because the site is not optimum and there were other safer viable entrances to the project.

There was no further input.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION BASED ON THE INITIAL STUDY PREPARED BY STAFF; ADOPT THE MITIGATION MONITORING PROGRAM IN ACCORDANCE WITH CEQA GUIDELINES, SECTION 15074(D); APPROVE DESIGN WAIVER REQUESTS 1 AND 3; DENY DESIGN WAIVER REQUEST 2; DENY S08-0014 AS THE REQUIRED FINDINGS CANNOT BE MADE; AND APPROVE Z07-0032/TM07-1447/PD07-0019 WITH THE ADDITIONAL FIRE DEPARTMENT CONDITIONS, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.