

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

### **11. REZONE/TENTATIVE SUBDIVISION MAP/PLANNED DEVELOPMENT**

**Z06-0005/TM06-1408/PD06-0006** submitted by ALTO, LLC/GARY SPARKS to rezone from Exclusive Agriculture (AE) to Estate Residential Five-Acre, with a Planned Development Overlay (RE-5-PD); and a tentative subdivision map to create 23 single-family lots ranging in size from 78,147 square feet to 120,291 square feet (1.79 to 2.76 acres) and three open space lots totaling 25.40 acres. The property, identified by Assessor's Parcel Number 126-100-19, consisting of 81.61 acres, is located approximately 3,000 feet northeast of the intersection of Malcolm Dixon Road and Salmon Falls Road, in the El Dorado Hills area, Supervisorial District IV. (Mitigated negative declaration prepared)

Michael Baron presented the item to the Commission with a recommendation of approval to the Board of Supervisors. Mr. Baron explained that this project had been heard previously with direction to return with a traffic circulation plan. In October 2008, it was continued off-calendar and was to be brought back with the La Canada project. However, that project has been placed on an indefinite hold; therefore, the Alto project is moving forward alone.

Mr. Baron informed the Commission of the following changes: Modifications to the staff report and conditions of approval as identified in staff's memo dated March 5, 2009; and a new exhibit ("X") being provided titled "Salmon Falls/Green Valley Circulation Plan".

Sam Neasham, applicant's agent, indicated that condition #37 required some minor modifications. County Counsel Paula Frantz concurred and stated that County Counsel and DOT had already reviewed and approved the revised language and it should have been included in staff's memo.

Olga Sciorelli/CTA, applicant's agent, explained that the project will fix the "S" curve, create two "T" intersections, and punch through to Green Valley Road. These improvements will decrease the existing traffic level by 30% even at full build-out, which would include the four pending projects. Ms. Sciorelli also informed the Commission that several workshops had been held with the neighbors, with their concerns being the septic fields and the open space/public benefit.

Gary Dickerson expressed concern on the adverse effect to oak trees from the leach lines.

Bill Welty, Arroyo Vista CSD, stated that the neighbors are not against the project, but have the following concerns: septic tanks, density bonus, and the financial burden and liability to Arroyo Vista CSD regarding condition #37.

Terri Howe said that the access road would be running through her property, which is heavily-treed and her well is there. She inquired as to why not punching out at Salmon Falls Road instead of Malcolm Dixon Road. Ms. Howe also said that the residents were never given the opportunity to review the option regarding the fire access road location.

Garland Gagnon, adjacent property owner, felt that the density bonus was causing the houses to be placed next to the existing property lines. He stated that as a result, he could have two houses within 30 feet of his property line and if they are 2-3 story houses, he would lose his view. Mr. Gagnon also expressed concern regarding the septic system and disagreed with Environmental Health's approval of the leach line location as the soil is not good in the winter time.

Vern Miller stated that the following issues need to be addressed: gated community vs public benefit; sewer vs septic; and all traffic being placed on Malcolm-Dixon Road instead of using other alternatives.

Paul Sayed expressed the following concerns: (1) project is proposing septic, yet other developments in area will be sewer; (2) open space density bonus; (3) cumulative effects of all proposed projects has not been addressed; and (4) granny flats have not been considered.

Mr. Neasham made the following responses to public comment received:

- Emergency Vehicle Access (EVA) road: Easement location was on record when the Arroyo Vista map was planned. The project already has the required two points of access without this road. This would be a public benefit as it provides an alternative public escape route in the event of an emergency. This road is to accommodate the Fire Department's request.
- Malcolm-Dixon Road Improvements: Increases public benefit and will decrease current traffic levels.
- Open Space: Their proposal is "hand-in-glove" with the Board's General Plan policy.
- Public Water: Had offered to stub by the EVA road for neighbors' fire suppression.

When Commissioner Heflin inquired as to why 30 foot setbacks for lots adjacent to existing houses, Mr. Neasham stated that to vary the setbacks on different lots would create different inequitable classes of property owners.

Commissioner Tolhurst stated that the main issue the neighbors have is that they don't want the development by them. Although he sympathizes with them, the property owner has the right to develop the land and the issues being brought to them are no longer relevant.

Ms. Frantz informed the Commission that they do have the ability to cluster the development to make the project better and to vary the setbacks. This would not be inequitable to the General Plan.

There was significant discussion between CTA and the Commission regarding formula utilizing setback distance and proposed building height in order to determine building location. The primary focus was the lots adjacent to the existing houses on the eastern side.

In response to Commissioner Rain's inquiry on Arroyo Vista CSD being responsible to improve EVA road, Ms. Frantz stated that since Alto already has met the required two access points, the EVA is providing an opportunity that if Arroyo Vista CSD wished to have a secondary access

that Alto has agreed to connect to it. However, if Arroyo Vista CSD chooses not to utilize it, then there is no point in Alto improving the road.

Chair Mathews stated that although he understands the neighbors' concerns, he doesn't agree with them and feels that this is a good project.

Commissioner Pratt stated that based on the arguments presented to them from Dave Croseriol and Ms. Sciorelli regarding the 30 foot setbacks and the correlation of the building height and placement, with 50 feet being the maximum setback in a maximum situation, he requested that the minimum rear setback on the eastern property line of the project be 50 feet. Ms. Frantz clarified that the 50 foot rear setback would then have a maximum building height of 45 feet.

No further discussion was presented.

**Motion: Commissioner Mathews moved, seconded by Commissioner Heflin, and carried (4-0), to recommend the Board of Supervisors take the following action: 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) incorporated as conditions of approval proposed by staff; 3. Approve Z06-0005 based on the findings proposed by staff; 4. Approve Planned Development application PD06-0006 adopting the Development Plan as the official Development Plan based on the findings proposed by staff, subject to the conditions as modified; and 5. Approve Tentative Subdivision TM06-1408 based on the findings proposed by staff, subject to the conditions as modified, to include: (a) changes identified in staff's memo dated March 5, 2009; (b) language modification to condition #37; and (c) a new condition stating a 50 foot minimum rear setback on eastern property line of the project.**

**AYES: Rain, Pratt, Heflin, Mathews**

**NOES: None**

**ABSENT: Tolhurst**

*[Clerk's Note: Commissioner Tolhurst left his seat on the Commission at 2:36pm]*