



# COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room  
2850 Fairlane Court, Placerville, CA 95667  
<http://www.co.el-dorado.ca.us/planning>  
Phone: (530) 621-5355 Fax: (530) 642-0508

Walter Mathews, Chair, District IV  
Alan Tolhurst, First Vice-Chair, District V  
Lou Rain, Second Vice-Chair, District I  
Dave Pratt, District II  
Tom Heflin, District III

Char Tim .....Clerk of the Planning Commission

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## MINUTES

### **Regular Meeting July 23, 2009 – 8:30 A.M.**

#### **1. CALL TO ORDER**

Meeting was called to order at 8:37 a.m. Present: Commissioners Rain, Pratt, Heflin, Mathews, and Tolhurst; Paula Frantz-County Counsel\*; and Char Tim-Clerk of the Planning Commission. [*\*Arrived at 8:58 a.m. and was in attendance at the start of the public hearing portion.*]

#### **2. ADOPTION OF AGENDA**

**Motion: Commissioner Tolhurst moved, seconded by Commissioner Pratt, and unanimously carried (5-0), to adopt the agenda as presented.**

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

#### **3. PLEDGE OF ALLEGIANCE**

**4. CONSENT CALENDAR** (All items on the Consent Calendar are to be approved by one motion unless a Commission member requests separate action on a specific item.)

a. **Minutes:** July 9, 2009

#### **END OF CONSENT CALENDAR**

**Motion: Commissioner Rain moved, seconded by Commissioner Pratt, and unanimously carried (5-0), to approve the Consent Calendar.**

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

5. **DEPARTMENTAL REPORTS AND COMMUNICATIONS**  
**(Development Services, Transportation, County Counsel)**

Pierre Rivas provided a summary of events regarding current planning:

- Z98-0017/Castro: Approved by the Board of Supervisors on July 21, 2009.
- Z07-0027/PD07-0017/TM08-1473/Cameron Hills Subdivision: Approved by the Board of Supervisors on July 21, 2009. The primary issue for this project was the rare plant preservation and on-site mitigation was utilized.

Peter Maurer provided a summary of events regarding long-range planning:

- INRMP Management Plan: In the process of providing a recommendation to the Board of Supervisors regarding the selection of a consultant from the recent Request For Bids.

6. **COMMISSIONERS' REPORTS**

Commissioner Rain stated that he had recently attended an EID-sponsored tour around the County regarding water conservation and had a positive experience that provided him a good perspective of the County.

**9:00 A.M.**

**PUBLIC FORUM/PUBLIC COMMENT** – None

7. **PARCEL MAP**

**P08-0030/Harris** submitted by MARY H. NUGENT to create two parcels of 25 acres and 125 acres. The property, identified by Assessor's Parcel Number 101-030-13, consisting of 150 acres, is located at the intersection of Blair Road and Badger Hill Road, in the Pollock Pines area, Supervisorial District II. (Negative declaration prepared)\*

*(Clerk's Note: Commissioner Heflin recused himself from the item and left his seat on the Commission.)*

Pierre Rivas requested the item be continued to the August 27, 2009, meeting to allow additional time for staff to meet with the applicant, County Counsel, and DOT regarding issues with road improvement requirements listed in the conditions of approval.

Pam Harris, representative, identified that the specific conditions in question were Conditions #13-16 and #19. She stated that this request was for a parcel split and these requirements were not appropriate until the use of the land changed. *(Clerk's Note: Ms. Harris provided the Clerk her speaking notes to be placed in the file.)*

County Counsel Paula Frantz requested that the continuance be to the September meeting due to scheduling conflicts with the August date. John Olsen, representative for Mary Nugent, voiced acceptance to the September continuance and summarized the same rationale used by Ms. Harris in regards to the concerns with certain conditions.

David Combellack, representative for the Blair-Harris Family Trust, echoed Mr. Olsen's comments and stated that the applicant has no intention of developing the property and the intent is to operate "as-is".

County Counsel Frantz explained that the parcel is currently in TPZ and since the Courts have approved the split, the County needs to have findings that allow this.

Commissioner Pratt questioned if it was a 10 year or 20 year rollout of TPZ and felt that this was an important factor since the conditions were going to be reviewed again by staff and the applicant. He also felt that the Land Use Designation was incompatible with TPZ and that the parcel is located in a Community Region, which will make it difficult to get findings for approval. County Counsel Frantz responded that staff is aware of the issue and the County is anticipating high development of that area in the future. In response to the proposed deed restrictions for this project, she stated that they will be exploring all options in order to resolve the issue.

No further discussion was presented.

**Motion: Commissioner Pratt moved, seconded by Commissioner Tolhurst, and carried (4-0), to continue the item to the September 10, 2009, meeting.**

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

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

**Z08-0004/TM08-1466/Blackhawk Estates** submitted by BRUCE WIRTANEN (Agent: Patterson Development) to rezone from Exclusive Agricultural District (AE) to Estate Residential Five-Acre District (RE-5) and Estate Residential Ten-Acre District (RE-10); A tentative map creating 9 lots, ranging in size from 5 acres to 11.5 acres for APN 078-200-71; and the following two Design Waiver requests: (a) Allow the creation of parcels with a length in excess of three times the width for Lots 4 and 5; and (b) Reduction in the required 10 foot shoulder to 2 feet as required in Section III(A)(12) of the Design Improvements Standards Manual. The property, identified by Assessor's Parcel Numbers 078-200-70 and -71, consisting of 77.42 acres, is located on the north and south side of Blackhawk Lane, approximately .25 miles east of the intersection with Mt. Aukum (E16), in the Pleasant Valley area, Supervisorial District II. (Mitigated negative declaration prepared)

Aaron Mount presented the item to the Commission with a recommendation of approval to the Board of Supervisors. He stated that staff was requesting the table in Condition #16 be modified to state "20ft/2ft" under the column titled "Road Width\*/Shoulder Width".

Bruce Wirtanen, applicant, was available for questions.

Commissioner Pratt inquired if these were flagged lots and staff responded that they were not, but there was a design waiver request included regarding the length to width ratio. He also voiced concern over the split Land Use Designation and the split zoning for Lot 7 as this could be a challenge and would like to have it cleaned up. County Counsel Paula Frantz stated that if Lot 7, which is partially in RR and LDR Land Use Designations, was zoned all RE-10, it would be consistent with both Land Use Designations. If the Commission was interested in this type of action, then she recommended that conceptual action be taken today to recommend approval of this project in order to allow staff to return with exhibits to match this action.

Commissioner Tolhurst stated that the map shows Lot 5 leech lines going over the property line of Lot 6, which is not allowed. Mr. Mount stated that staff would speak to the applicant's agent to confirm that it was only a CADD error. County Counsel Frantz stated that a new map would need to be provided without the error.

No further discussion was presented.

**Motion: Commissioner Pratt moved, seconded by Commissioner Heflin, and unanimously carried (5-0), to conceptually 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 presented by staff; (3) Approve Rezone Z08-0004 for APNs 078-200-70 and -71, based on the findings proposed by staff; (4) Approve Tentative Map TM08-1466 for APN 078-200-71, based on the findings proposed by staff, subject to the conditions of approval as modified, to include modification to Condition #16; (5) Approve design waiver requests to: (a) Allow the creation of parcels with a length in excess of three times the width for Lots 4 and 5; and (b) Reduce the required 10 foot shoulder to 2 feet as required in Section III(A)(12) of the Design Improvements Standards Manual; (6) Direct staff to return with revised zoning for Lot 7 with a single zoning and revised exhibits with the changes as directed; and (7) Continue item to the August 27, 2009, meeting.**

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

**NOES: None**

**9. 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 on the northern boundary of the subdivision as well as the proposed access 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. (Mitigated negative declaration prepared)\*

Mike Baron presented the item to the Commission with a recommendation of approval to the Board of Supervisors. He also informed the Commission that the table column headings in the environmental document indicating the type of impact were missing and it was the Commission's discretion if the document was not clear and needed to be corrected and re-circulated for 30 days prior to any action being taken. Mr. Baron also requested language modification to Condition #21.

Commissioner Heflin requested that action be taken first regarding the environmental document.

County Counsel Paula Frantz stated that CEQA requires that the environmental document be clear and useable by the public. She reviewed each sub-section of the document and each one had text summarizing the significance of impact and since there is no requirement for the check boxes, it was truly a judgment call by the Commission. County Counsel Frantz summarized that if the Commission felt the missing headers confused the public, they should direct staff to re-circulate a revised document. However, if they considered the text adequate, then they could determine that the environmental document was fine as presented.

Chair Mathews requested staff to respond to certain points listed in the submitted letter from Steve and Terry Auch regarding the environmental document.

Robert Holderness, applicant's agent, stated that the landowner was available for questions.

Andrea Mayer/Andrea Mayer Consulting, applicant's representative, conducted a PowerPoint presentation on the proposed project.

Eileen Crawford/DOT, in response to Chair Mathews' inquiry regarding who was responsible for creating the connector onto Green Valley Road, explained that an area of benefit had been set up. The improvements to Malcolm-Dixon Road and the connection to Green Valley Road will be done by whoever is first and the area of benefit allows the other developments to reimburse their fair share of the cost. All the projects in that area will have the same area of benefit condition to build. Ms. Crawford also stated that since a County-maintained road was involved, an area of benefit condition was utilized instead of a zone of benefit. In addition, this project is considered a standalone since it already has the required two access points.

Mr. Holderness stated that the issue of the missing table headers in the environmental document should not be an impediment in moving forward since there was still the opportunity to rectify the problem prior to it being heard by the Board.

Ms. Mayer requested that the middle sentence in Condition #51 be struck as it relates to obtaining points of access and as already stated by Ms. Crawford, this project is a standalone project in that it already has the two points of access.

Scott Blaze, resident, stated that although this project is an example of a development done responsibly, he is still concerned about the cumulative effect of all the projects in the area. He also stated that the residents in the area are confused by the environmental document and requested that it be corrected and re-circulated for 30 days for public review and comment.

Paul Sayegh said that there has been a warmer reception to this project than the other projects as it sticks more to the theme of the area. He requested that the environmental document be re-circulated and voiced the following concerns regarding it: (1) Does not comply with CEQA and General Plan provision 2.2.5.3; (2) Section XIV states project includes 24.41 acres of open space but this is not shown in maps; (3) Cumulative impacts of area projects have not been evaluated per CEQA requirements; (4) Malcolm-Dixon Road is not being improved to 24 feet to meet fire codes; and (5) Significant deer population in area has not been considered. Mr. Sayegh distributed a copy of a letter to the State Water Resources Control Board from the County of El Dorado Board of Supervisors, dated February 3, 2009, regarding "Comments on the AB 885 Onsite Wastewater Treatment Systems (OWTS) Draft Environmental Impact Report (DEIR) and Proposed Regulations". He requested that the Commission deny the environmental document and deny the project until an adequate CEQA document is provided. *(Clerk's Note: Mr. Sayegh provided the Clerk his speaking notes to be placed in the file.)*

Significant discussion ensued between Mr. Sayegh and the Commission regarding the septic issue and analysis/feasibility study.

Mike Gaffey, resident, inquired on the water issues and height restrictions for this project.

In response to Commissioner Pratt's inquiries, Ms. Crawford distributed a map showing the different road widths along Malcolm-Dixon Road. From the project area to the easterly direction, there are 20 – 22 foot widths, which meets the requirements of the fire safe regulations. In regards to the New York Creek/Malcolm-Dixon Road bridge, Ms. Crawford explained that the County has a joint venture with CalTrans in which they conduct bridge inspections throughout the County. At last inspection on the New York Creek/Malcolm-Dixon Road bridge, CalTrans did not recommend any work for that structure. Ms. Crawford also informed the Commission that DOT just put out to bid the contract to do a full overlay on the road.

Commissioner Rain stated that a recent fire incident which caused Malcolm-Dixon Road to be backed-up has him concerned over the road width for fire trucks. Ms. Crawford responded that the new connection to Green Valley Road will provide another exit for the residents and although the current road does meet the fire safe standards in one direction, it does not meet it the full width in the other direction.

Commissioner Rain disagreed with the discussion text listed on page 23 of the environmental document which stated that Station 84 of the El Dorado Hills Fire Department and the El Dorado Hills Satellite Sheriff Station (981 Governors Drive) could be utilized for fire protection and law enforcement services. He indicated that he has been to both locations and have found them not staffed. Walter Jukes/El Dorado Hills Fire Department stated that Station 84 is fully staffed 24/7 but they are called out during the day to do various inspections.

County Counsel Frantz stated that there were two issues regarding the environmental document: (1) Missing table headers; and (2) Paul Sayegh's concerns, which are independent of the header issue.

Mr. Baron indicated that the item, if approved today, could be forwarded to the Board to be heard on September 15, 2009, which would allow time to re-circulate the environmental document. However, staff felt that the various concerns brought up with the environmental document were valid and requested that they be directed to make the changes and bring it back for the Commission's review on September 10, 2009.

Mr. Holderness indicated that he had a scheduling conflict with that date and requested the item be continued to the September 24, 2009, meeting.

No further discussion was presented.

**Motion: Commissioner Tolhurst moved, seconded by Commissioner Heflin, and unanimously carried (5-0), to take the following actions: 1. Continue the item to the September 24, 2009, meeting; and 2. Re-circulate the environmental document with the revisions as discussed.**

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

**NOES: None**

**10:00 A.M.**

**10. LAND DEVELOPMENT MANUAL/HIGHWAY DESIGN MANUAL/STANDARD PLANS**

**Adoption of Land Development Manual, Highway Design Manual, and Standard Plans (hereinafter "Manuals").** Section 16.14.010 and 16.16.020 of the El Dorado County Code require all subdivision improvements to be constructed in accordance with the County Design Manual. The proposed Manuals comprehensively incorporate provisions of the 2004 General Plan and 2007 Fire Code, updates to the current Design and Improvement Standards Manual, and includes additional information on development processes. The Manuals include provisions for: Subdivision Development Processes; Road Standards and Typical Sections; Hillside Design Standards; Design Waivers; Secondary Access Provisions; Sidewalk Requirements; Fire Protection Standards; Water and Sewage Disposal Standards; Miscellaneous DOT permits and processes; Grading; Gating of Roads; Surveying Information; and a Reference Chapter. (Negative declaration prepared)\* [continued from 6/11/09 meeting]

*(Clerk's Note: County Counsel David Livingston took Paula Frantz' seat for the remaining portion of the meeting.)*

Roger Trout informed the Commission that he was requesting a continuance to the September 24, 2009, meeting. He stated that the Economic Development Advisory Committee (EDAC) had

requested to review the manuals in their entirety and he would like to work through any differences prior to the Commission taking action. In response to Commissioner Heflin's inquiry on the meeting dates, Mr. Trout indicated that he would provide the meeting schedule to the Commission and stated that each meeting would be devoted to a particular topic.

There was some discussion between Commissioner Pratt, County Counsel and staff regarding the implications of using "may" vs. "shall" and if the manuals could override the General Plan if the latter document stated "may".

Fred Sanford/Environmental Management responded to inquires from Commissioner Pratt regarding water supply and areas that have limitations.

No further discussion was presented.

**Motion: Commissioner Heflin moved, seconded by Commissioner Rain, and unanimously carried (5-0), to continue the item to the September 24, 2009, meeting.**

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

**NOES: None**

**11. ADJOURNMENT**

Meeting adjourned at 11:30 a.m.

APPROVED BY THE COMMISSION

Authenticated and Certified:

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Walter Mathews, Chair