

## FROM THE PLANNING COMMISSION MINUTES OF MARCH 11, 2010

### **13. REZONE/TENTATIVE MAP**

**Z05-0015/TM05-1401/Malcolm Dixon Road Estates** submitted by OMNI FINANCIAL LLC/MARTIN BOONE to rezone from Exclusive Agriculture (AE) to Estate Residential Five-Acre (RE-5); and a Tentative Map to create 8 residential lots ranging in size from 5.0 acres to 5.6 acres. The property, identified by Assessor's Parcel Number 126-100-23, consisting of 40.6 acres, is located on the north side of Malcolm Dixon Road, approximately one-half mile east of the intersection with Salmon Falls Road, in the El Dorado Hills area, Supervisorial District IV. *[Project Planner: Michael Baron] (Mitigated negative declaration prepared)\* [continued from 2/25/10 meeting]*

Mike Baron presented the item to the Commission with a recommendation of approval to the Board of Supervisors. He referenced a Staff Memo dated March 11, 2010, which was distributed to the Commission that morning that proposed changes to the Staff Report and the environmental checklist. Mr. Baron stated that the proposed changes actually strengthened the environmental document, particularly the water availability, and did not change the conclusions, and it was determined that the document did not need to be re-circulated.

Eileen Crawford/DOT recommended that Condition #47 be deleted since this condition and Condition #46 both referenced turnarounds.

Andrea Mayer/applicant's agent conducted a short PowerPoint presentation that identified the site location, site features, and the project's highlights. She stressed that this project did not seek the density bonus and that they will be contributing to the area of benefit.

Vern Miller/neighbor said that although this project is pretty good, all of the projects in the area should have been heard at the same time. He also felt that this proposed development will be estates, which is not consistent with the surrounding properties. Mr. Miller made additional comments on the following: significant grading done on property; preference to have sewer capability; and road placement.

Paul Sayegh indicated that he didn't have a problem with the project but with the environmental document, which he discussed in detail and provided handouts for reference. He also summarized the issues that were identified in his letter dated March 8, 2010. Mr. Sayegh requested that the revised environmental document be re-circulated with the full 30 day review period.

In response to Chair Rain's request for staff's responses to Mr. Sayegh's comments, Pierre Rivas stated that under CEQA, it was not required to recirculate the environmental document as the changes were not substantive. County Counsel Paula Frantz, in response to Mr. Sayegh's comment that a full 30 day review period was not provided, stated that it is the County's practice to notice a hearing for a date that occurs after the ending of the 30 day review period. The wording Mr. Sayegh is referring to is standard language that is on all notices that references providing written information to the Commission prior to the hearing and does not alter the 30

day comment period. County Counsel Frantz also said that a Negative Declaration can be changed at the hearing at the discretion of the Commission and as long as the impact levels are not changed, a recirculation is not required. However, if the Commission feels the public has been compromised, then they can direct staff to recirculate the environmental document and suggested that the applicant be asked their point of view on this issue. Ms. Mayer indicated that the applicant was not present due to illness and she did not have the authority or expertise to make that type of decision.

Erica Sanchez/LAFCO summarized the contents of their letter dated March 10, 2010, which was submitted to the Commission. There was discussion with the Commission on the reasoning for the request to include additional language into the environmental document. Mr. Rivas indicated that the requested information can be added into Section D of the environmental document.

Commissioner Pratt recommended that the item be continued to the May 13, 2010, meeting to allow time to reconcile the issues and recirculate the environmental document. In regards to LAFCO's request for the inclusion of additional language, he requested that staff make that determination as he is unclear if LAFCO has the authority to direct the County what needs to be included in the environmental document. He also informed staff that before recirculating the environmental document, the cumulative effects should be reviewed. Commissioner Tolhurst added that any items that need closer scrutiny should also be reviewed prior to the recirculation.

In regards to the comments made by the public regarding illegal grading, Mr. Rivas had researched this issue and he stated that it had been determined that grading had been done outside of the permit and the issues were resolved and the case is now closed.

No further discussion was presented.

**Motion: Commissioner Pratt moved, seconded by Commissioner Tolhurst, and carried (5-0), to continue the item to the May 13, 2010, meeting and directed staff to make the identified changes and re-circulate the environmental document.**

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