

FROM THE PLANNING COMMISSION MINUTES OF DECEMBER 13, 2012

11. TENTATIVE MAP

a. TM05-1401-R/Malcolm Dixon Road Subdivision Revision submitted by DIAMANTE DEVELOPMENT (Agent: CTA Engineering & Surveying) for a revision of the approved tentative map to include a phasing plan for financing purposes only, consisting of (a) Phase 1 to include Lot 8; and (b) Phase 2 to include Lots 1 through 7; with (c) Conditions of Approval deferred until Phase 2. 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 0.5 mile east of the intersection with Salmon Falls Road, in the El Dorado Hills area, Supervisorial District 4. [*Project Planner: Lillian MacLeod*] (Negative Declaration Prepared)*

Lillian MacLeod presented the item to the Commission with a recommendation for approval. She referred to the following four Staff Memos: (1) Staff Memo dated 11-20-12 [Conditions #5 & #16]; (2) Staff Memo dated 12-05-12 [Conditions #5 & #14]; (3) Staff Memo dated 12-10-12 [Conditions #73 & #74]; and Staff Memo dated 12-10-12 [Condition #28].

Olga Sciorelli/CTA Engineering & Sureving, applicant's agent, provided a history of the parcel and stated that everything would stay the same (i.e., cost-sharing among all 8 parcels).

Significant discussion ensued regarding Lot #8's inclusion in cost-sharing options and enforceability if lot was sold.

Sam Neasham, representing Alto LLC which is adjacent to project, distributed a handout to the Commission and made the following comments:

- Common practice to require bonds;
- Complimented the Commission in achieving a workable development plan;
- No Development Agreements among the surrounding projects are in place as they are only map conditions;
- This particular project has had difficulties in the past;
- Other lots may never be developed and the Tentative Map could expire;
- By separating out Lot #8, puts Commission in awkward position;
- Lot #8 is a 5 acre parcel containing a very large house and if it was sold, it would go for millions of dollars;
- Many scenarios could occur if there is no "hook" in place;
- Encouraged Commission to adopt something similar to what he was proposing in his handout prior to finalizing the map for Phase 1;
- Tried to work with applicant on a resolution to avoid complications in the future but was met with resistance; and
- Referred to page 2 of handout.

County Counsel Paula Frantz read into the record the Final Map section (66456.1) from the Map Act. She stated that the Commission needs to determine what road improvements (Conditions)

would be required for each Phase and assume that the others don't occur (i.e., impacts of Phase 1 are fully addressed at that time).

Robert Holderness/applicant's agent spoke on the existing house and stated that by having Mr. Neasham speak at today's hearing, Alto LLC was in violation of a court-supervised settlement that is a recorded document. There was discussion between Mr. Neasham and Mr. Holderness on whether or not the settlement agreement had been violated.

Chair Pratt felt that the request before them wasn't really ready yet for the Commission's action but that the applicant was aware of what the issue was. He stated that there are many interdependencies occurring in this area and that the applicant needs to resolve this issue first.

Bill Welty stated that the whole hillside is a complicated area that needs to fit like a jigsaw puzzle. He felt that this request, if approved, would set a slight precedence for the other surrounding developments to come forward with similar phasing plans.

Vern Miller, owner of adjoining property, stated that the current owner inherited the problem and encouraged the Commission to approve the request if the approval of the phasing plan would provide financing to allow the improvements to begin.

Sue Taylor felt that this could set precedence if approved and since the project applicant accepted the original conditions, she is requesting the Commission deny the request as written.

Tara McCann stated that although this is a minor issue, it sets a huge precedence. She didn't support the bond option as it can be a nightmare and difficult to enforce.

Discussion ensued between County Counsel and Ms. Sciorelli on options to resolve issue of separating out Lot #8.

Peter Maurer recommended continuing the item to allow time to review on-site and off-site improvements and the intricacies on ensuring Lot #8 pays a fair share.

Dave Crosariol/CTA Engineering & Surveying agreed with Mr. Maurer. He also stated that the house is fully serviced and already existing, the other 7 lots are part of the Tentative Map with the option of placing a Notice of Restriction on them, and Phasing Plans are common practice.

El Dorado Hills Fire Chief Mike Lilienthal responded to Commissioner Rain's inquiry on fire sprinklers.

Chair Pratt closed Public Comment.

No further discussion was presented.

Motion: Commissioner Heflin moved, seconded by Commissioner Mathews, and carried (5-0), to continue TM05-1401-R to the January 10, 2013 meeting.

AYES: Rain, Shinault, Mathews, Heflin, Pratt

NOES: None