

**DIABLO MUNICIPAL ADVISORY COUNCIL  
BOARD OF DIRECTORS  
MINUTES  
TELECONFERENCE VIA THE APPLICATION ZOOM  
WEDNESDAY, JULY 1, 2020 7:30 p.m.**

**CALL TO ORDER:** President Ray Brant called the meeting to order at 7:30 p.m.

**ROLL CALL:** Secretary Jeff Eorio called the roll as follows:

**Directors present:** Brant, Urbelis, Becker, Eorio, Isom

**Directors absent:**

Director Brant welcomed Directors and the general public and stated that in response to the Governor's Executive Order N-33-20 the District would be using teleconferencing (via Zoom) to conduct the Regular Board Meeting.

**COMMENTS FROM THE AUDIENCE:** None

**ACTION ITEMS:**

Director Eorio presented neighbors' concerns and questions concerning the tree removal permit and water detention basin permit identified in the Department of Conservation and Development County Zoning Administration Staff Report for County File #CV19-0107 & TP19-0058 (the Property-property located at corner of Calle Los Callados and Avenida Nueva) slated for a public hearing on Monday July 6<sup>th</sup>. See *Attachment A* for a summary of those concerns and questions.

Todd Vitzthum, neighbor and individual with an option to financially participate in the project, presented to the Board the engineering work that had gone into addressing the drainage issues impacting the Property and the adjacent neighbors. He explained that his proposed water detention basin and drainage system is a vast improvement over what exists today and what is currently approved as part of the existing land use permit on the Property. Furthermore, Mr. Vitzthum stated that less water will flow through the existing drainage system and into the East Branch of the Green Valley Creek as a result of his proposed water detention basin and drainage system plan. Mr. Vitzthum stated that he is building his family home on one of the downstream properties impacted by this proposed drainage system and pointed out that it is in his personal interest to make sure that the proposed drainage system is the best possible option. Mr. Vitzthum offered to provide residents and Board members a tour of the Property and answer any questions and/or concerns.

The Board thanked Mr. Vitzthum for taking the time to attend tonight's meeting and addressing the Board's concerns and questions. The Board acknowledged that the County, not Mr. Vitzthum, was at fault for providing fewer than 4 business days for neighbors to review the notice and understand the impact of the water detention basin. And while the Board was sympathetic to Mr. Vitzthum's desire to move forward with the hearing on July 6<sup>th</sup>, the Board felt it was important to provide neighbors with an adequate amount of time to review the project in advance of the hearing.

On a motion of Director Eorio and second by Director Urbelis, the Board directed the General Manager to contact the County planner regarding County File #CV19-0107 & TP19-0058 (property located at corner of Calle Los Callados and Avenida Nueva), and request a delay of the July 6<sup>th</sup> hearing date by 14 days to allow neighbors time to study the impact of the water detention basin on the adjacent properties and East Branch of the Green Valley Creek.

The motion was unanimously approved by the Directors.

**CALL OF NEXT MEETING/ADJOURNMENT:**

The President called the next meeting for August 11<sup>th</sup> . There will be *no* July meeting.

The format of the next meeting is unknown at this time so please check the website for updates. There being no further business, the President adjourned the meeting at 8:30 p.m.

Diablo Community Services District by

Kathy Torru, General Manager

## **Attachment A**

### **Questions regarding Public Hearing on July 6, 2020**

#### **CCC File #CV10-0107 & TP 19-0059**

The Diablo Community Services District/Diablo Municipal Advisory Committee should have received this application for review prior to a public hearing. There are many implications that the District/Committee needs to weigh on and this should have been brought through the proper channels prior to a public hearing.

Per the DCD County Zoning Administrator's Staff Report, it is recommended that 9 Valley Oak trees be removed. It is nearly impossible to identify the impacted trees as most of the tree #'s have been scratched off their tags for some reason so we cannot exactly tell which trees are to be removed, so all trees need to be re-tagged as soon as possible so the community understands which trees are impacted. Additionally, why are all 9 trees recommended for removal when only 3 are within the proposed detention basin and the other 6 seem to be very healthy and any storm drain proposed within the area of these 6 trees can easily accommodate the proposed storm drain without the removal of these 6 Valley Oaks.

It appears that the existing concrete swale (on adjacent property) that eventually connects to a concrete catch basin on another adjacent property is all off the applicant's property. Has the applicant received permission to utilize privately held storm drains from all affected property owners downstream from the applicant's property to the outfall assumed to be on the East Branch of Green Valley Creek?

The adjacent property owner (Burman) has an existing concrete swale that then connects to a concrete catch basin on another property owner's property (Hamilton), has the applicant contacted either property owner for permission to access their storm drain or their property? If not, why not?

Has the existing storm drain been videoed to see if it has the capacity and the structural integrity to handle the new run off from beginning to end, from the applicant's property to the outflow on the East Branch of Green Valley Creek? If not, why not?

Who would be responsible for any downstream failures of the existing storm drain system into the future, the affected property owner or all of the impacted property owners? How would this be assured? There should be a maintenance agreement put in place for such an eventuality. The DCSD/DMAC does not assume responsibility for any private storm drains in Diablo.

Regarding the detention basin proposed on the south west parcel, will it be designed per current GSI standards? Will all three parcels drain to this new detention basin? The staff report states that the owner of parcel A will be responsible for the maintenance of the retention basin. Why just one property owner when all three properties benefit? Why not make all three parcels be jointly responsible for the ongoing and into perpetuity the maintenance of this detention basin? How will the maintenance of this retention basin be accomplished, through assessments of an HOA or assessment district? Who will monitor the successful maintenance of this detention basin, CCC Flood Control or another public agency (not the DCSD/DMAS) or will this be left to the property owners to figure out? In a default situation, will CCC Vector Control or Flood Control step in? What is the process.

Homeowners want the construction access to be off of La Cadena as Calle Lose Callados is very narrow and on the route to the Country Club and the US Post Office, in the section designated as "construction access" and should be directed to a street with very little traffic, i.e. La Cadena.

This application should be withdrawn until such time the applicant can assure the District/DMAC that the concerns we have are addressed in a satisfactory manner.