

FROM THE PLANNING COMMISSION MINUTES OF FEBRUARY 12, 2009

12. GENERAL PLAN AMENDMENT/REZONE/PARCEL MAP/PARCEL MAP AMENDMENT

A07-0017/Z07-0053/P07-0048/P76-0466-C submitted by LORRIE and JERRY STARK (Agent: Carlton Engineering/Ted Woessner) to amend General Plan land use designation for Assessor's Parcel Number 102-070-17 from Rural Residential (RR) to Low Density Residential (LDR); Rezone Assessor's Parcel Number 102-070-17 from Estate Residential Ten-Acre (RE-10) to Estate Residential Five-Acre (RE-5); Tentative parcel map for Assessor's Parcel Number 102-070-17 to create four lots, five acres in size, on a 20 acre site; Amend Parcel Map PM12-119 for Assessor's Parcel Numbers 102-070-29 and ~~107-020-30~~ 102-070-30 to remove a 50-foot non-exclusive road and public utility easement; and to request the following design waivers: (a) Reduction in the required 10 foot shoulder to 2 feet as required in Section III(A)(12) of the Design Improvements Standards Manual; and (b) Allow a hammerhead "T" at road terminus in lieu of a cul-de-sac. The property, identified by Assessor's Parcel Numbers 102-070-17, -29, and ~~107-020-30~~ 102-070-30, consisting of 42 acres, is located on the east side of Deer Valley Road, approximately two miles north of the intersection with Green Valley Road in the Rescue area, Supervisorial District IV. (Mitigated negative declaration prepared)*

Aaron Mount presented the item to the Commission with a recommendation of approval to the Board of Supervisors.

Jim Wilson/Carlton Engineering, the applicant's agent, commented on the last sentence in the Monitoring section for Conditions 2, 3, and 4, which states a letter from the agency shall be provided to Planning Services stating no permit shall be required for the project prior to issuance of grading permits. He stated it is very difficult to get responses from these agencies and it would delay the project. Mr. Wilson also requested that DOT's Condition 22 be removed since the project will not have CC&Rs and this condition would require it to have them just for that one item.

Pierre Rivas stated that staff would be agreeable to the removal of Condition 22. Eileen Crawford/DOT stated it was a standard condition but had no opposition to its removal for this project.

Jeff Little, Sycamore Consulting, stated that per CEQA, if there is no impact, then no mitigation measures are required and, therefore, does not see the need for a condition requiring letters stating that no permit is needed. He agrees with the applicant's agent that the sentences in the three conditions should be removed.

Chair Mathews inquired if there was any other methodology beside the requirement of a letter in order to meet the condition.

Mr. Mount indicated that verification is needed from the agencies and other applicants have not had difficulty in obtaining the letters.

County Counsel Paula Frantz cautioned the Commission that if they wanted to change the mitigation measures as requested by the applicant, then she would recommend a continuance. A possible option would be for them to direct staff to work with the agencies to determine if there is an alternate mitigation besides the requirement of a letter.

Mr. Little stated that there wasn't a problem with the mitigation measure, it was the monitoring component.

Commissioner Rain was not comfortable in the possibility of not having it in writing, as that protects everyone involved.

Mr. Wilson stated that they did not want a continuance, but had just wanted to bring this to the attention of the Commission.

It was noted that a letter of opposition was received.

Colleen O'Brien, resident adjacent to parcel, does not want to be impacted by someone developing close to her property line. She is concerned with a building or fence blocking her views and is particularly concerned about AB885 as her septic is close to the property line.

County Counsel Paula Frantz stated that you cannot condition a General Plan Amendment or Rezone application, but you can find that the application will only be approved if certain conditions were added.

Mr. Wilson stated that there were building sites further down the hill away from Ms. O'Brien. He also indicated that the test sites for the septic were conducted 300 feet from the property line and that the well would be close to the house. He suggested that a condition be placed on the project for a 100 foot rear setback on the eastern side.

Chair Mathews wanted to ensure that it was understood that the only reason the issue of a view was being considered was due to the fact that the application included a General Plan amendment.

No further discussion was presented.

Motion: Commissioner Mathews moved, seconded by Commissioner Rain, and unanimously 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) as incorporated in the Conditions of Approval and Mitigation Measures as proposed by staff; 3. Approve A07-0017 for APN 102-070-17 based on the findings proposed by staff; 4. Approve Z07-0053 for APN 102-070-17 based on the findings proposed by staff; 5. Conditionally approve parcel map application P07-0048 for APN 102-070-17 and conditionally approve map amendment P76-0466-C, amending Parcel Map PM12-119 for APNs 102-070-29 and 102-070-30, based on findings proposed by staff, subject to conditions as modified, which include the removal of Condition 22 and adding a

new condition to include a 100 foot non-building setback from the eastern property line; and 7. Approve the following design waivers since appropriate findings have been made: (a) Reduction in the required 10 foot shoulder to 2 feet as required in Section III(A)(12) of the Design Improvements Standards Manual; and (b) Allow a hammerhead “T” at road terminus in lieu of a cul-de-sac.

[Clerk’s Note: During the motion, it was discovered that APN 102-070-30 was incorrectly listed as APN 107-020-30 in the Staff Report and was changed accordingly, with the motion reflecting the correct APN.]

AYES: MacCready, Heflin, Rain, Mathews

NOES: None

ABSENT: Tolhurst