

PC 10/28/10
#8

BECKER RUNKLE LAURIE & NEWMAN
ATTORNEYS AT LAW

10 OCT 21 AM 11:07
RECEIVED
PLANNING DEPARTMENT

263 MAIN STREET, LEVEL 2
PLACERVILLE, CALIFORNIA 95667
(530)295-6400

ROBERT A. LAURIE

FAX (530) 295-6408

October 19, 2010

Mr. Roger Trout
Director
Community Development Department
County of El Dorado
2850 Fairlane Court
Placerville, CA 95667

10 OCT 21 PM 4:15
RECEIVED
PLANNING DEPARTMENT

Re: Sundance Subdivision; TSM Conditions; Z07-0040/TM07-1454

Dear Mr. Trout:

On behalf of the applicant, I wish to offer comment upon certain of the proposed conditions for the above-referenced project.

1. Should the Commission approve the installation of a gate, Condition 20 would need to be deleted.
2. Because the project will not intend through access via Pilot Hill Drive, Condition 25 should be deleted.
3. Because the project will not intend through access via Pilot View Drive, Condition 26 should be modified to delete the requirements for improvements.
4. The Applicant objects to the requirement of granting a public right-of-way for a trail as provided for in Condition 60. The roadway is a private road which is inconsistent with an adjacent public trail system.

5. The Staff Report indicates a requirement for a Special Use Permit for the proposed gate. The Applicant respectfully objects to this requirement as the gate is a function of the development plan. The Applicant does not believe that it is the policy of the Board of Supervisors to require a Special use Permit (SUP) for a gate across a private easement. Nevertheless, I had earlier submitted proposed findings supporting the approval of a SUP in my December 8, 2009 letter to Jason Hade (see attached). Please make such proposed findings available to the Commission for their consideration.

6. The subject property, in its entirety, is located within the boundaries of GDPUD. Evidently, when Parcel No.104-520-03 (now -06) was added to ZoB No. 98135 by the Applicant, such parcel was inadvertently deleted from GDPUD. Action needs to be taken to make that correction.

Thank you for your consideration.

Very truly yours,



ROBERT A. LAURIE

BECKER RUNKLE LAURIE & NEWMAN
ATTORNEYS AT LAW

263 MAIN STREET, LEVEL 2
PLACERVILLE, CALIFORNIA 95667
(530)295-6400

ROBERT A. LAURIE

FAX (530) 295-6408

December 8, 2009

Mr. Jason Hade
Senior Planner
Planning Department
County of El Dorado
2850 Fairlane Court
Placerville, CA 95667

Re: Proposed Conditions for Sundance Subdivision; TM 07-1454

Dear Mr. Hade:

On behalf of the proposed Sundance Subdivision, I hereby offer the following comments regarding the proposed conditions relating to the project:

1. On Page 4 of the Staff Report, there is a reference to the need to have the developer participate in the funding for the maintenance of the off-site roads and refers to the project conditions for details. The project conditions do not reference specific funding other than in Condition 41 which requires the formation of maintenance entities. Accordingly, it would be appropriate to add a sentence in Condition 41 which would read as follows, "The applicant shall participate in the cost of maintaining Pilot Hill Drive to the extent of the project's usage as determined by accepted engineering standards".
2. Should the Commission agree that a gate on the southerly boundary is appropriate to block ingress and egress onto Pilot Hill Drive, the staff would then argue for the need for a Special Use Permit to allow such. Because the gate would appear on the improvement plans, it can reasonably be argued that a Special Use Permit is not required. In addition, the zoning code section cited by staff for requiring a Special use Permit refers to fences, not gates. A fence and a gate are different. It makes sense to bar the utilization of

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Sundance Subdivision

“ fences” across easements, the same is not true of gates. Nevertheless, if a Special Use Permit is required, the following findings are recommended:

- “ 1. The issuance of the Special Use Permit is consistent with the General Plan which promotes the concept of identifiable communities and proper mitigation of traffic impacts.
2. The proposed gate would not be detrimental to the public health, safety and welfare nor injurious to the neighborhood, in that: such gate has been approved by the County Fire District ,the gate would promote public safety by reducing traffic on Pilot Hill Drive and the gate is desired by the neighborhood so as to prohibit additional traffic through an established neighborhood.
3. The proposed gate is permitted with a Special use Permit by El Dorado County Ordinance Code Section 17.14.155E”.

Thank you for your attention to these matters.

Very truly yours,



ROBERT A. LAURIE