

Planning Commission

January 22, 2009

Handed out at mtg
PC 1/22/09
#10

Re: Z07-0010/PD07-0006/TM07-1438 Porter Property

The extension of Marble Valley Road from Voltaire Drive to Flying C Road provides primary access for the project to Highway 50 and Cambridge Road. Cameron Estates Community Services District is concerned about the usage of Flying C Road at Beasley Drive to access the redeveloped property. The additional traffic will negatively impact our private roads and the maintenance of our roads.

Cameron Estates Community Services District has been maintaining this portion of Flying C Road for more than 20 years and this road is part of the District.

In addition, CSD was not notified of this proposed development and we want to be notified of issues that affect our roads and our District.

We object to this use of our roads and object to approval of the request of for rezoning until you give us clarification of ownership of the road.

On Flying C Road is a sign stating "end of county maintained road" and next to it is a county sign "CO RD 1019" with an arrow pointing towards Cambridge Rd freeway interchange. This is 60 feet north of the Beasley Drive turnoff and this clearly shows that the portion of Flying C Road is within CECSD boundaries.

Board of Directors
Cameron Estates Community Services District.

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Chrissy Derksen
<cd@95120lifestyle.com>
01/22/2009 09:48 AM

To patricia.kelly@edcgov.us
cc Wilhelm Derksen <wd@95120lifestyle.com>
bcc
Subject Discussion with Eileen Crawford

Pat,

Below is the letter that Wil was planning to read at the Porter hearing today. Thanks for having Eileen Crawford contact me, to review each question. I am writing the answers she gave me, so it can be documented. I have informed Wil that we had the conversation.

Thanks,
Chrissy

Date: January 22, 2009

From: Christine Derksen
Address: 1313 Rimrock Drive, San Jose, CA 95120
Phone: 408.268.3335

The following are questions that I would like addressed. Concerns for the record:

Why is DOT making it necessary for the use of my property for access, when the required access is needed for the approval of the Porter map?

For safety reasons, the road is best to be directly across the street. For future developments, Eileen felt this is best for both Derksen and Porter properties.

Is there an opportunity cost to the Derksen's? We have not been provided expert opinion or review from the County/DOT. If a convict can't afford representation, it is appointed for them. Why are we not appointed representation under these circumstances? We do not have the expertise to make any decisions, or acknowledge the pros and cons of this development, except for hearsay.

We can sit with Eileen anytime and review her development ideas. Marble Valley will be a big road with lots of traffic, after the Parker project is completed, and she would prefer not to have too many roads off of Marble Valley, so that is why she is having one road for shared access.

If Porter decides he doesn't want to do improvements and he files for the map, who pays for the improvements?

No one. The improvements simply will not be made if Porter does not pay for them. The County can not afford to do it themselves.

The Derksen's do not agree to pay for these improvements now or in the future. Do you ensure the Derksen's will not have to pay for the road?

The Derksen's will not have to pay for the road improvements. We have not signed anything. This is strictly a cost to Porter, as it is a map for his development.

Who will be compensating the Derksen's for the use of our property and when? I was told by the County that Porter would pay us for usage rights, but we have not been approached in this regard or seen any offer in writing. (Again, this goes back to the expertise area...)

Porter will make us an offer for land/entry usage. He could try and go through a law suit to take the land, but that would be very expensive and he would have to pay all the legal bills. The result would be the county making a fair assessment of the land and he would have to pay that amount.

I understand that if Porter decides not to take his map to completion after the 36 months, the County will do the improvements and pay for them. I found out yesterday, that this process can be extended to total a 9 year process

(rather than 3 year), via extensions, and then more time for final map.

Landlocked? Do you ensure we will not be landlocked for entry to our parcel from Marble Valley Rd., for the Derksen's, or future owner of our parcel? We need to consider both the option that the current or future owner may simply build a home on the property for the time being, using the existing dirt road entry location, or something similar, prior to the installation of the Beasley Rd. extension, as well as, if the current or future property owner decides to develop.

The Derksen's will not be landlocked under any circumstances.

Will the Beasley Rd. entrance be built/engineered, to continue upwards, as is illustrated on the Porter map that includes the Derksen property feasibility drawing by CTA?

Beasley Rd. will be able to be continue into a road upwards, or a driveway, whichever we need at the time. If a personal residence is desired by the Derksen's or future owner, the driveway can come off of Beasley Rd. entrance if it is built, or Marble Valley Rd. Once Beasley Rd. is built, however, it is preferred to have the driveway, if needed, come off of Beasley, to limit the amount of entries off of Marble Valley, since that will ultimately be a very busy street.

What are the noise implications of the road and the safety aspects?

Eileen does not have any idea of the noise implications, as that is not her area. She suggested Pat would be the one to answer that question.

Are there sidewalks for pedestrians and bicyclists, or are they going to be using our land? If the latter, who is responsible if someone gets hurt? How does someone know if they are trespassing? Will there be a barrier or fence indicating where public property ends and our private property begins? How does this affect the main road, Marble Valley?

There will be sidewalks on Beasley when Parker builds. Porter development will have sidewalks, but he is not required to put a sidewalk on Beasley right now. Eileen planned it this way, because she would like Beasley widened in the future, and sidewalks added at that time. They will have a path or right of way marked for pedestrians and bicyclists. (not sure of the details here. it sounded like it hadn't been quite thought out yet.)

When the road/intersection is built, and dead-ends on our property, can it be extended into a private driveway for a residence?

Yes.

Thanks for answering my questions and concerns,

Christine Derksen

Chrissy Derksen

Executive Editor, Founder

95120 Lifestyle Magazine

Bridging the Community!

Mobile: 408-691-4919

Email: cd@95120Lifestyle.com

Web: www.95120Lifestyle.com