

FROM THE MINUTES OF DECEMBER 13, 2007

8. REZONES/PLANNED DEVELOPMENTS/TENTATIVE MAPS (Public Hearing)

c. **Z07-0046/PD07-0032/P07-0015** submitted by BOW ENTERPRISES (c/o James Webb) to rezone property from Commercial (C) to Commercial-Planned Development (C-PD); development plan to allow the creation of five lots with less than the minimum parcel width of 50 feet, each to retain the existing nonconforming single-family residential use; and tentative parcel map creating five commercial parcels ranging in size from 5,429 to 7,122 square feet. The property, identified by Assessor's Parcel Number 043-226-30, consisting of 0.84 acre, is located on the southeast corner of the intersection of Snows Road and Carson Road, in the **Camino area**, Supervisorial District III. (Negative declaration prepared)

Staff: Tom Dougherty recommended approval to the Board of Supervisors.

Robert Laurie briefly explained he request. His clients are prepared to assure that the uses will remain residential.

Lou Oetinger, property owner adjacent to the subject property, commented there is a real parking problem in this area. He urged the Commission to consider parking if it is gong to be increased.

David Brown, Sierra Pacific Industries, said the effluent from these houses goes into their property and into their septic system. There has been no analysis on the effluent that goes onto their property. They would like a study done before this project continues. They are concerned that no one has considered having individual septic systems on the proposed parcels. They do not object to the overall project change to Commercial-Planned Development. There is an absence of parking. The change is not to residential but commercial and should have been assessed on that basis. There will be a loss of employee housing in the area.

Commissioner Machado said this is already zoned Commercial. The request is just to include a planned development. Nothing would change. Mr. Brown said, based on the General Plan, a study needs to be done.

Cathy Toft, Environmental Management, said they have tried to look at this application and asked for additional information from the applicants; but they were not provided with the necessary information, so their department recommended denial of the request. There is no mechanism in place to maintain the septic system. The application cannot demonstrate septic disposal is adequate for the parcel map.

Commissioner Tolhurst said the initial study states when the use changes a planned development application would have to be submitted and the system be evaluated at that time. Pierre Rivas said we are able to go forward with this application because of the planned development overlay. There is no change in the environment. The planned development allows closer scrutiny by the County of any change in use. The application could not have been processed without the application of the planned development overlay.

Edward Knapp, County Counsel, said the property has been zoned Commercial for 40 years. We are actually putting a process in place so any additional environmental impacts can be evaluated. There is a current easement that allows use of the septic system whether there is one or five parcels.

There was no further input.

Mr. Laurie said it is their intent to incur maintenance of common area improvements, and the septic system will be included. They agree this should be included as a condition on the project.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED; APPROVE Z07-0046/PD07-0032, ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED; AND APPROVE P07-0025, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.