

**FROM THE PLANNING COMMISSION MINUTES OF MAY 28, 2009**

**7. REZONE/PLANNED DEVELOPMENT/TENTATIVE MAP**

b. **Z07-0033/PD07-0020/TM07-1448/McCann Subdivision** submitted by MICHAEL, ROBYNN, and JOSHUA MCCANN to rezone from Planned Agricultural 20-Acre (PA-20) to One-Family Residential-Planned Development (R1-PD) and Open Space-Planned Development (OS-PD); Development Plan and Tentative Subdivision Map to subdivide parcel into 72 single-family residential parcels ranging in size from 6,002 to 16,809 square feet and one 7.5 acre open space lot; and design waivers have been requested for the following: (a) Allow Lots 17, 18, 20, 21, 48, 50, 51, and 52 to have less than the required lot widths; (b) Allow flag-shaped lots on Lots 17, 18, and 51; and (c) Allow sidewalks to be reduced from six feet to four feet in width. The property, identified by Assessor's Parcel Number 331-420-12, consisting of 24.3 acres, is located approximately 1,600 feet east of the intersection of Truscott Lane and Union Mine Road, in the El Dorado area, Supervisorial District III. (Mitigated negative declaration prepared)\*  
*[continued from 3/12/09 & 4/23/09 meetings]*

Tom Dougherty presented the item to the Commission with a recommendation to the Board of Supervisors for approval of the project, but denial of design waivers (a) and (b). He distributed an EID facility improvement letter map and a staff memo dated May 28, 2009, requesting additional language be added to condition #16.e. In addition, staff was requesting modification to condition #13 to change reference of General Services Facilities Department to Development Services Department. Mr. Dougherty indicated that two letters of concern were received on this project; Mother Lode Union School District and El Dorado Union High School District. Commissioner Pratt inquired on the boundaries of the Zone of Benefit and the traffic impact analysis. Eileen Crawford/DOT responded that the boundaries of the Zone of Benefit were only for this project and that the applicant would pay their fair share for the road improvements and it would be considered a TIM fee contribution. Commissioner Pratt also inquired on the installation of traffic signals and secondary access in regards to Solstice Circle. It was also determined that the Staff Report contained a typo when making reference to Hwy 50 when it should have been Hwy 49.

In response to Commissioner Pratt's announcement that the earlier referenced El Dorado Union High School District letter was not in the agenda packet, staff distributed copies for the Commission's review.

Commissioner Heflin inquired if Koki Lane was also blocked to bikes and pedestrians since it is blocked for vehicle traffic and there is a school nearby. Ms. Crawford responded that sidewalks and bike paths are being provided up to the school area.

Chair Mathews questioned staff on the opening presentation comments regarding open space. It was clarified that those comments were in relation to the recommendation for denial of two design waivers.

Robynn McCann, applicant, spoke in opposition of staff's recommendation for the denial of two of the design waivers. She stated that the requests were not for an increase in density, but as an

effort to work within slopes/topography and also have open space. She is asking for the discretion of the Commission to approve the design waivers.

Art Marinaccio stated that the Planned Agriculture zoning for that area had no purpose except that it had been requested by the property owner. He also indicated that it has been a long-range plan for contiguous access for that area.

Larry Patterson, a contiguous owner, stated that the area has been planned for high density for a long time. He also said that the merits of this project are: provides traffic circulation for autos, pedestrians, and bikes; consistent with General Plan land use and policies; out of all the pending projects in the area, is the most stand-alone; and the local economic stimulus of the project is needed in the community.

Commissioner Pratt voiced concerns over the clarity of the Zone of Benefit and would like to see more detail on this issue, particularly regarding Truscott Lane. He also inquired over who owns the open space. Ms. Crawford explained that this was a unique situation in that there is an Offer of Dedication from the school district to the County, which includes the berm. The County will take over the responsibility of the agreements the school district had with other property owners. She also indicated that Truscott Lane would be a public road that was not in the County-maintained system. Significant discussion ensued regarding the Zone of Benefit and the enforcement of regular laws on Truscott Lane.

County Counsel Paula Frantz stated that in regards to condition #16.e, a private entity cannot be required to maintain an area that is owned by the County. A brief recess was requested to seek comment from Pete Feild, County's Right-of-Way Program Manager, who negotiated the Offer of Dedication. When it was discovered that Mr. Feild was currently on vacation, it was suggested to continue the item since many of the questions centered on his area of expertise.

No further discussion was presented.

**Motion: Commissioner Pratt moved, seconded by Commissioner Mathews, and unanimously carried (5-0), to continue the item to the June 25, 2009, meeting and for staff to provide the following: (1) Clarification of Truscott Lane; (2) Clarification on conditions #16.e and #24; and (3) Provide any documentation explaining Zone of Benefit.**

**AYES: Rain, Heflin, Tolhurst, Pratt, Mathews**  
**NOES: None**