



## Legislation Text

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**File #:** 08-1479, **Version:** 2

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Hearing to consider the following pertaining to 46.23 acres (APN 073-020-43) in the Cool area (District IV); Applicant Susan Marcyan:

- (1) Approve Rezone (Z06-0040) from Residential Agricultural 20-Acre/Planned Development (RA-20-PD) to Estate Residential Ten-Acre (RE-10);
- (2) Approve Parcel Map (P06-0043) creating four parcels ranging in size from 10 to 16.43 acres; and
- (3) Adopt Ordinance **4795** for said rezone. (Cont'd 10/14/08, Item 32)

**RECOMMENDED ACTION:** Planning Commission recommends the Board of Supervisors take the following action: 1. Adopt the mitigated negative declaration and the mitigation monitoring program, based on the initial study prepared by staff; and 2. Approve the Rezone Z06-0040 and Tentative Parcel Map P06-0043, to include new conditions from Environmental Management and Agriculture Department, based on the findings proposed by staff, subject to the conditions as modified.

Background: These applications were considered by the Planning Commission on September 11, 2008, and carried by a 3-2 vote, recommended for approval.

A copy of an e-mail dated September 10, 2008, from Steven Proe was provided to the Commission for review.

Kent Baker, applicant's representative, stated that the rezone request matches the General Plan. He inquired on the timing of road improvements listed in conditions 15-17 and 19 with a request to change those conditions. Eileen Crawford of DOT responded to Mr. Baker's questions and provided explanation as to why she did not support his request to change DOT's conditions.

Cathy Toft of Environmental Management requested that a new condition be added that stated a safe and reliable water source would be available prior to the filing of the map.

Chris Flores of the Agriculture Department addressed a memo from the Agricultural Commission dated February 20, 2007, which recommended denial of this project. Ms. Flores stated that if the project was recommended for approval, they request that a 200 foot agricultural setback be added to parcels adjacent to the agricultural land.

Commissioner MacCready stated that he would be following the Agricultural Commission's recommendation and not support this project.

Commissioner Mathews indicated that he would follow the mandate of his district to protect agriculture and would vote no.

Contact: Lawrence W. Appel (7698)/Pierre Rivas (5841)

