



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

PLANNING

Michael J. Johnson
Planning Director

MEMORANDUM

TO: Honorable Board of Supervisors
FROM: Michael J. Johnson, Director
Planning Department, Community Development Resource Agency
DATE: January 23, 2007
SUBJECT: PSM20060708) OWENS MAP MODIFICATION - APPEAL

ACTION REQUESTED:

The appellants request a 30 day extension of time for their appeal of the Planning Commission's October 26, 2006 denial of their Subdivision Map Modification proposal (PSM 20060708). The appellants are the applicants for the Subdivision Map Modification and therefore are the only party to act on this request.

The appellants have been working toward a situation that will no longer require them to pursue this map modification request. They have stated that it is their intent is to eventually withdraw the appeal as part of finalizing issues related to their proposal for a Subdivision Map Modification. Because of the appellants' action to resolve this matter and their intent to withdraw the appeal, staff recommends that the Board of Supervisors approve the request for a 30 day extension of time for their appeal. This extension would result in this item (whether as an appeal, or as a request to withdraw their appeal) being placed on agenda for February, 20, 2007.

BACKGROUND:

The appellants/applicants' Subdivision Map Modification proposal includes the request to allow for the reconfiguration of a "Greenbelt Area" easement on their property in the Serene Lakes Subdivision, in order to address the illegal encroachment of a second floor deck into the easement. After opposing testimony and extensive debate of the appellants/applicants' proposal was heard, the Planning Commission denied the Subdivision Modification request at an October 26, 2006 hearing.

On November 6, 2006 the applicants, Bill and Patsy Owens, filed an appeal of the Planning Commission's decision to deny their Subdivision Map Modification request. Since the appeal was filed, the appellants/applicants have been in contact with staff, indicating that they have eliminated the encroachment of the deck into the Greenbelt Area easement, thereby bringing the property into compliance. In addition, they noted they are working with parties to resolve issues related to this matter, and as a part of that resolution their intent is to withdraw their appeal to the Board.

FISCAL IMPACT:

None

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January 4, 2007

Sent Via Facsimile to (530) 745-3080 and US Mail
Crystal Jacobsen, Senior Planner
Placer County Planning Department
3091 County Center Drive, Suite 140
Auburn, CA 95603

Re : *Appeal of Planning Commission Map
Modification Decision on 10/26/06
File No.: PSM 2006 0708*

Dear Ms. Jacobsen:

To follow up on your recent telephone conversations with our client, Bill Owens, this is to request a 30-day extension of the time within which the appeal hearing may be held in this matter. Our clients have completed modification of the rear deck at their home and have eliminated the encroachment into the greenbelt area on their lot. We will be withdrawing the appeal as part of finalizing the settlement of all claims in connection with this matter, a process we expect to complete within the next few weeks.

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Donahue Bates
Blakemore & Mackey
Attorneys at Law

Ms. Jacobsen

Re : File No. PSM 2006 0708

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Thank you for your cooperation. If you have any questions, please feel free to call me or Mr. Owens.

Very truly yours,

DONAHUE BATES
BLAKEMORE & MACKEY

Dictated By The Writer
Signed In His Absence
To Avoid Delay

Stephen J. Mackey

SJM:dd

cc: William and Patsy Owens

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