

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: February 6, 2007
SUBJECT: PSM20060708) OWENS MAP MODIFICATION - APPEAL

ACTION REQUESTED:

The appellants request to withdraw 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 solution that will no longer require them to pursue this map modification request. Because of the appellants' action to resolve this matter, staff recommends that the Board of Supervisors approve their request to withdraw the appeal.

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 Map 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 are requesting to withdraw their appeal to the Board.

FISCAL IMPACT:

None

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January 22, 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 : Withdrawal of Appeal of Planning Commission Map Modification
Decision on 10/26/06
File No. PSM 2006 0708
APN 069-450-033 - Lot 236
8374 Bluff Drive
Serene Lakes Subdivision, Units Nos. 5 & 6

Dear Ms. Jacobsen:

To follow up on your recent telephone conversations with our client, Bill Owens, this is to withdraw the appeal filed in this matter. Our clients have completed modification of the rear deck at their home, eliminated the encroachment into the greenbelt area on their lot, and brought their project entirely into compliance with the approved building and site plans. Consequently, a map modification is no longer requested to address the situation. We are withdrawing this appeal while we continue to finalize the settlement of all claims in connection with this matter, a process that we hope to complete shortly.

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Attorneys at Law

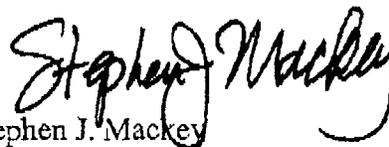
Crystal Jacobsen, Senior Planner
Placer County Planning Department
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We understand that this appeal withdrawal will be a consent calendar item at the Board of Supervisors meeting on 2/6/07. This will also confirm our understanding that, once withdrawn, there is no mechanism available to renew or reinstate this appeal.

Thank you for your assistance. If you have any questions or need further information, please feel free to call me or Mr. Owens.

Very truly yours,

DONAHUE BATES
BLAKEMORE & MACKEY


Stephen J. Mackey

SJM:dd

cc: William and Patsy Owens

