

**9:33 a.m. Public Hearing on consideration of a mitigated negative declaration based on Initial Study (IS 06-101) for Subdivision (SD 06-14). The project applicant is DAMON FANUCCHI, proposing a 3-lot tentative map for Cobb Vista Subdivision. The project is located at 15375 Stonefield Court in Middletown and further described as APN 014-111-22. (Penelope Shibley)**

- Comm. Butler conducted a site visit and noted that the lots were all level and there are residences to the west and south and vacant property to the east and north. He said proposed parcel A had several large oak trees and a small pine and proposed parcel B had one large oak and parcel C had none. He said utilities and road improvements are all in and a fire hydrant was across from proposed parcel 2.

Comm. Rosenthal also conducted a site visit and concurred with what Comm. Butler had stated and added that the overall neighborhood had a rural atmosphere with an urban density.

Penelope Shibley, provided background information. She explained that in the previous parcel map the developer constructed Stonefield Court and was not required to construct curb, gutter and sidewalks. She added that Public Works recommended curb, gutter and sidewalks and the owner had discussed other options with DPW and they were willing to modify their recommendation to allow an additional seven foot of pavement, which would be a total of 18 feet of pavement on that half of the road. She added that park fees would be required for any of the vacant lots to be recorded.

Todd Mansell, DPW Special Projects Engineer, explained that the roads were being built under parcel map standards and are now being divided further creating much smaller lots and the reason for recommending the frontage improvements was for the on street parking issues. He said after discussing this with staff and the owner the recommendation at this point, would be for an eight foot parking lane in front.

**9:40 a.m. Opened Public Hearing**

Damon Fanucchi, owner of the property, said he was in agreement with Department of Public Works recommendations.

Comm. Butler asked if Mr. Fanucchi had a copy of the Callayomi Water District requirements.

Mr. Fanucchi said he had received a copy of the requirements.

**9:44 a.m. Closed Public Hearing**

Mr. Coel said that this area is within the designated infill area within the Middletown Area Plan and currently there is an application to the north of this site for a major subdivision, which adjoins this property and may be using the same road. He said because of those concerns and trying to have continuity with road improvements and considering the growth potential in this area Community Development had concerns about not requiring the sidewalks in this case.

Comm. Swetnam asked if Mr. Fanucchi if he owned any other lands surrounding the three parcels.

**9:50 a.m. Re-opened Public Hearing**

Mr. Fanucchi referred to the map and showed where his home was located and added that he owned the parcel on the end.

Mr. Coel said the future development to the north would have parcels backing on to Stonefield Court and there will be lots accessing that street.

Comm. Butler pointed out with this additional information did Public Works have any additional comments.

Comm. Swetnam asked Mr. Fanucchi if had an understanding of what he was being asked to do.

Mr. Fanucchi said he preferred to extend the paved area instead of doing the curb, gutter and sidewalks.

There was further discussion on pedestrian friendly curb, gutter and sidewalks, future development in this area, proximity to school locations, and subdivision street standards.

Comm. Rosenthal noted that this area is changing to a higher density and felt that consistency was an important issue.

Comm. Schoux asked who developed the court.

Ms. Shibley said that Mr. Fanucchi created Stonefield Court.

Comm. Swetnam had concerns with off street parking, small lots and if the curb, gutter and sidewalks are required, there would not be an extended paved area for parking and it could create parking congestion on the street.

Mr. Mansell said the typical subdivision street standard is a 10 foot travel lane, 8 foot parking lane, then curb gutter and sidewalks. He said that is the original recommendation for this frontage and added without the sidewalks there still should be a parking lane.

Comm. Swetnam asked if Mr. Mansell was recommending both.

Mr. Mansell said that was their recommendation for this, but had issues with a possibility of an island of sidewalks on the street with no connection to anything.

Dave Hughes, local realtor and resident of Clearlake, spoke on curb, gutter and sidewalks and was opposed to citifying the area.

Mr. Coel stated for the record that the area was designated for five units per acre and was proposed to remain that way with the area plan update for the whole segment along Santa Clara up to Hwy. 175.

There was further discussion on egress to proposed roads.

#### **10:10 a.m. Closed Public Hearing**

Comm. Briggs said he thought it depended upon the flavor of the community as to whether they wanted curbs, gutter and sidewalks everywhere. He said he would like to see that there were decisions made separately for different subdivisions and that not every subdivision had to be exactly the same. He said he did not see a need for curb, gutter and sidewalks in this particular area.

Comm. Schoux said that he concurred with Comm. Briggs and he was not in favor of having curb, gutter and sidewalks.

Comm. Butler said he had mixed emotions because of the size of the lots, but because the area was increasing in density he said leaned more on consistency and concurred with the other two Commissioners at this point.

Comm. Rosenthal said she lives in Middletown and although there are some areas without curb, gutter and sidewalks and she was not pleased with these areas and thought it did not represent the Middletown area well and felt it looked rugged and unkept and thought curb, gutter and sidewalks would clean the area up.

Mr. Bridges said in conversations with the local water district he was informed that the water system was initially installed for a seven lot subdivision and when the subdivider was putting in the water system they planned for the whole project. He thought the Commission should consider what the Department of Public Works recommendation would be had it been a seven lot subdivision.

Comm. Swetnam asked Mr. Mansell if he had any comments.

Mr. Mansell stated that a seven lot subdivision would absolutely have been for a curb, gutter and sidewalk.

**10:16 a.m. Re-opened Public Hearing**

Robert Franklin, resident south of this property commented on the rules of subdivisions and maintaining a rural feel for the area.

Mr. Fanucchi expressed his concerns about the rural feel of the area and his opposition of curb, gutter and sidewalks.

**10:20 a.m. Closed Public Hearing**

Mr. Mansell said that there was a possibility of just doing curb and gutter with the street widening.

Mr. Coel said that staff's position was to incrementally obtain these improvements. He explained that there is a potential precedent setting issue, which was an underlying concern of the department and it was not so much about this project, but the direction of what was going on around it and the direction that the Middletown Area Plan was headed.

Comm. Butler noted that curbs and gutters satisfied his concerns with keeping it neat and orderly and still maintaining an ambiance.

Comm. Rosenthal asked staff where the other locations that required curbs, gutters and sidewalks were.

Mr. Coel said north of Hwy. 175 there are two subdivisions that are required to have curb, gutter and sidewalks.

Comm. Schoux asked if there was a possibility of a bond for the future to put curb, gutter and sidewalks in at a later time.

Mr. Mansell said there is a mechanism for a deferred improvement agreement, but it was set up for rural residential, rural land and not "R1" or "R2" and it would not apply in this case.

Mr. Coel said the main option here would be for reimbursement by future subdividers and would require the current developer to front that expense.

Comm. Swetnam said that fact that the water is in place for the additional three units and the potential to develop parcel four and the subdivision to the north would require curb, gutter and sidewalks and this particular street will not be part of the equestrian process because of the lot sizes, that he supported staff's recommendation on this project and he was in favor of the curb, gutter and sidewalks.

Comm. Rosenthal moved, 2<sup>nd</sup> by Comm. Butler that the Planning Commission find that on the basis of the Initial Study IS 06-101, that the tentative subdivision map for Cobb Vista Subdivision applied for by Damon Fanucchi will not have a significant effect on the environment and, therefore, a mitigated negative declaration shall be issued with the findings listed in the staff report dated January 9, 2007 and in addition this would include as staff has recommended for curb, gutter and sidewalks.

**MITIGATED NEGATIVE DECLARATION 3 Ayes 2 Noes (Comm. Briggs and Schoux)**

Comm. Rosenthal moved, 2<sup>nd</sup> by Comm. Butler that the Planning Commission find that the tentative subdivision map applied for by Damon Fanucchi on property located at 15235 Stonefield Court, Middletown, is in conformity with the provisions of the Subdivision Map Act and Chapter 17 of the Lake County Code and, upon that basis, approve said map subject to the conditions and with the findings listed in the staff report dated January 9, 2007.

**TENTATIVE SUBDIVISION MAP 3 Ayes 2 Noes (Comm. Briggs and Schoux)**

Comm. Swetnam noted that there is a fifteen (15) calendar day appeal period provided by the Lake County Subdivision Ordinance.

**10:33 a.m. Break**

**10:43 a.m. Back to Order**

**10:43 a.m. Public Hearing on consideration of a mitigated negative declaration based on Initial Study (IS 06-93) for Parcel Map (PM 06-28). The project applicant is ROBERT FRANKLIN, proposing a tentative 4-lot parcel map. The project is located at 15235 Rich's Way in Middletown and further described as APN 014-111-24. (Penelope Shibley)**

Comm. Rosenthal conducted a site visit and observed that the parcels abut a paved road, which was in good shape and terminated into a circled turn-around. She said there was an older house and barn at the northwest end of the paved road just beyond the circle. She noted that the area was flat and there was one large oak tree located half way down the south side of the paved road and a newly constructed house on the first parcel of this development. She said the neighborhood has a rural atmosphere with urban density and there were a few larger parcels to the west. She noted that she had ex parte conversations with the applicant who expressed his concerns with the curb, gutter and sidewalk requirements and in a second conversation she explained that she had made a site visit and spoke again about staff's requirements.

Comm. Butler concurred with Comm. Rosenthal's observations and added that the property was gated and locked at the time of his site visit and on proposed parcel one there was a fire hydrant.

Penelope Shibley, Senior Planner, provided background information. She explained that this property was approximately 200 feet south of the previous application heard and staff was recommending curb, gutter and sidewalks along with a central mail facility for this application.

**10:47 a.m. Opened Public Hearing**

Robert Franklin, the applicant shared his opposition to the curb, gutter and sidewalks.

Linda Franklin, stepmother to the applicant also was opposed to the curb, gutter and sidewalk requirements.

There was further discussion on staff's recommendation for sidewalk requirements and the notification to the applicant for this requirement when the application was submitted.

Comm. Schoux shared his concerns with drainage issues on Santa Clara Road. Mr. Mansell said there was a drainage ditch along Santa Clara Road.

There was further discussion on drainage issues on Santa Clara Road.

**11:10 a.m. Closed Public Hearing**