

FROM THE PLANNING COMMISSION MINUTES OF JANUARY 27, 2011

8. REZONE/PARCEL MAP

Z06-0020/P05-0004/Harrington Business Park submitted by PATRICIA HARRINGTON and MICHAEL QUIGLEY (Agent: Gene E. Thorne & Associates, Inc.) to: 1. Rezone Assessor's Parcel Number 329-280-15 and portions of Assessor's Parcel Number 329-280-16 north of State Route 49/Pleasant Valley Road from Estate Residential/Commercial-Design Community (RE-10/C-DC) to Industrial-Design Community (I-DC); 2. Industrial and commercial tentative parcel map to create seven commercial parcels and 36 industrial parcels, for a total of 43 parcels ranging in size from 0.34 to 10.65 acres; and 3. Design Waiver request for reduction of standard sidewalk width in accordance with DISM Standard Plan 101A (Commercial and Industrial Roadways) from 8 feet to 6 feet. The property, identified by Assessor's Parcel Numbers 329-280-15 and 329-280-16, consisting of 76.59 acres, is located along the north and south side of State Route 49/Pleasant Valley Road, approximately 0.25 mile west of the intersection with Missouri Flat Road, in the El Dorado-Diamond Springs area, Supervisorial District III. [*Project Planner: Mel Pabalinas*] (Mitigated negative declaration prepared)*

Mel Pabalinas presented the item to the Commission with a recommendation of approval to the Board of Supervisors.

Gene Thorne/applicant's agent was in general agreement of the Staff Report with the exception of Conditions #22 (Encroachment Permit), #44 (Parcel Map Improvement Agreement & Security), and #72 (Survey Monuments). In response to Commissioner Mathew's comment that the Army Corps letter had an expired deadline date, Mr. Thorne stated that the date had been extended and that due to the length of the project, many of the various agency letters are from as far back as 2003.

Eileen Crawford/DOT, with the assistance of County Counsel Paula Frantz, read into the record new language for Condition #22. She also recommended that the second to last sentence in Condition #44 be deleted.

Pierre Rivas was able to obtain new wording from Rich Briner/Surveyor's Office for Condition #72 and read that language into the record.

Deanne Johnson stated she owns two parcels near this project but had not received a meeting notice and had not known about this project, but indicated that she had met with Mr. Pabalinas prior to the hearing. She said that the other nearby owners, the Klings, were out of the country and was unaware if they knew about this project. She made the following comments: road usage and privacy would be severely impacted; unaware of this proposed development when they purchased property; questioned the bulldozing of beautiful property and the removal of Heritage Oaks; and would like this property to be rezoned to residential.

Sue Taylor felt that many of her previous comments were not addressed and she had concerns over the density of parcels, setbacks, and how the project will severely change the community.

She requested that the Commission put in their recommendation to the Board of Supervisors the items identified in the Diamond Springs-El Dorado CAC letter.

Frank Bauman, developer of another project in that area, which is located on the other side, is in support of this project and explained that the 3.2 acres, which is covered with trees, has been agreed upon to be left as Open Space to provide a buffer between the two developments and the residences. He explained that he has been in discussion with Mr. Kling for the past 5 ½ years, so he is aware of the development projects.

Kathleen Newell is in opposition of the project as it will affect the rural integrity and bring an urban atmosphere to the area.

Dr. Richard Boylan is in opposition of the project and made the following comments:

- Radical change of nature, feel, and make-up of the community;
- Mitigation measures are not adequate in protecting Heritage Oaks and wetlands, therefore, an EIR is needed;
- Project will destroy the rural and historic feel of Diamond Springs;
- Currently, an effort is in progress to identify this area as a Historic District Corridor and the approval of this project would derail this;
- Project abuts residential neighborhoods and 5 foot setbacks are not adequate; and
- Does not fit the character of the area.

Jamie Butler stated that General Plan policies require 50 foot setbacks from wetlands and that grading must follow the natural contour of the land. She was upset that the Board of Supervisors, Planning Commission and Planning Services were not following the public's desire to keep the County's rural and historic character. She identified Measures B and Y, AB 32 and workshops with SACOG and EDAC which clearly show what the public wants.

Mr. Thorne made the following rebuttal:

- Commercial part of the project is on the south side and it is already zoned as such;
- Property being rezoned to Industrial is located on the north side of Hwy 49 and has had that General Plan land use designation since the 1960s;
- Open Space parcel will be a buffer to nearby residences;
- Current drainage problems were due to buildings being placed in drainage areas and project is being required to ensure area does not overflow;
- Widening of Hwy 49 will occur with or without this project;
- Design Control overlay will require review of all projects and this step is just creating the lots;
- All sites are buildable;
- Mitigation measures are making this project as compatible as possible; and
- Each lot will have its own tree removal plan.

County Counsel Frantz commented that the rezone request is to match the current General Plan land use designation.

Commissioner Mathews said that the area was designated and designed for this type of project and currently there is no historic overlay. He felt that when the buildings are built, they need to reflect the County feel.

Mr. Rivas stated that due to the Design Control, projects would go to the Diamond Springs-El Dorado CAC for review, except if it was along Hwy 50, then the review would be conducted by the Commission.

Commissioner Heflin said that he did not hear evidence to refute staff's recommendation for approval.

Commissioner Pratt made the following comments: wetlands setback is addressed in the conditions; CalTrans has targeted Hwy 49 for multi-lanes for a long time; and views this request as a consistency rezone.

Chair Rain expressed an interest in having historic guideline conditions and discussion ensued between the Commissioners on this issue. County Counsel Frantz explained that it would take a legislative act to place a historic overlay on an area.

Commissioner Mathews felt that since a legislative act would be required, then conditions regarding historic guidelines would not be needed. He also was comfortable with the project since it had a Design Control overlay that would need the Diamond Springs-El Dorado CAC review, instead of just a staff level review.

No further discussion was presented.

Motion: Commissioner Heflin moved, seconded by Commissioner Pratt, and carried (4-0), to recommend the Board of Supervisors take the following action: 1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; 2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the Conditions of Approval and mitigation measures as presented; 3. Approve Rezone Z06-0020 based on the Findings as presented; 4. Approve tentative Parcel Map application P05-0004 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Conditions #22, #44, and #72 as identified; and 5. Approve Design Waiver request for reduction of standard sidewalk width in accordance with Standard Plan 101A (Commercial and Industrial Roadways) from 8 feet to 6 feet.

AYES: Mathews, Pratt, Heflin, Rain

NOES: None

ABSENT: Tolhurst