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TO: Planning Commission Agenda of: September 24, 2020

FROM: Evan Mattes, Senior Planner

DATE: August 31, 2020 Legistar No.: 20-0117

RE: Z19-0001/P19-0001/Paye Rezone and Parcel Map

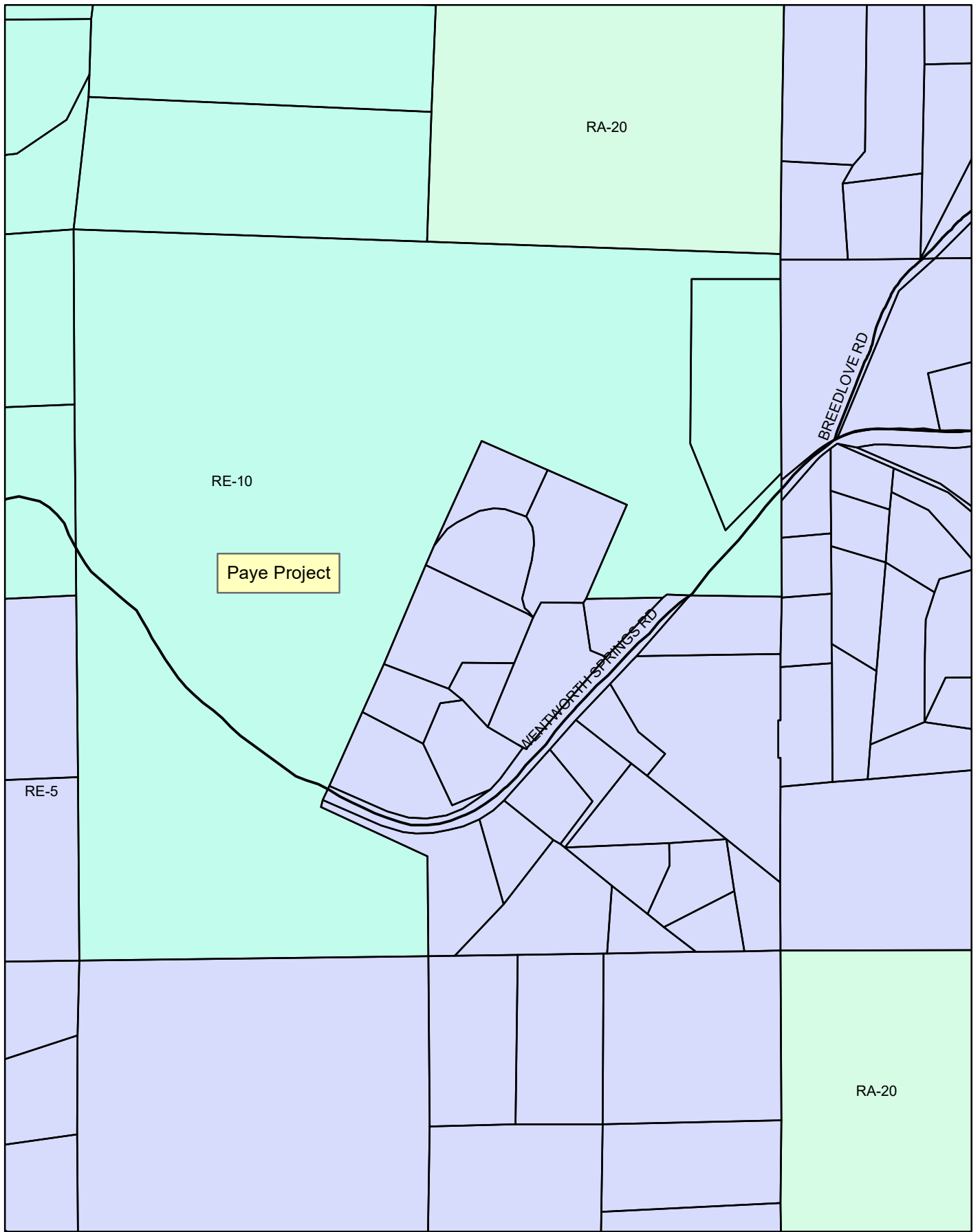
The Paye project was originally heard by the Planning Commission on January 23, 2020 (Legistar Number 20-0117, Item 3) proposing a Rezone and Tentative Parcel Map to create four residential parcels ranging in size from 5.6 to 7.1 acres, and one 78.4 remainder parcel, including an offer of dedication to the County for 1.51 acres containing Wentworth Springs Road, a County maintained right of way. All residential parcels will be located south of Wentworth Springs Road, with the 78.4 acre remainder parcel being located north of Wentworth Springs Road. The project would rezone the subject property from an Open Space (OS) zoning designation to a Residential Estate-5 Acres (RE-5) zoning designation. At the meeting, concerns arose regarding the adequacy of the environmental analysis (Initial Study) in support of the proposed Mitigated Negative Declaration for the project. The Initial Study Mitigated Negative Declaration (ISMND) only addressed impacts associated with residential Parcels 1 through 4 (portion of the property south of Wentworth Springs Road). Potential impacts resulting from the rezone of the remainder parcel from OS to RE-5 were not considered in the ISMND, thus creating a possible CEQA “piecemealing” issue.

The applicant has claimed that the subject property was incorrectly rezoned to OS during the Targeted General Plan Amendment/Zoning Ordinance Update (TGPA/ZOU), and has amended their request to rezone the remainder parcel back to the pre-TGPA/ZOU zoning of Residential Estate-10 Acres (RE-10) (Attachment A). If it is determined that the TGPA/ZOU rezone was made in error, the remainder parcel zoning could be changed back to the previous zoning of RE-10, thus avoiding the CEQA “piecemealing” issue. The Planning Commission (Commission) directed Planning Staff to research whether the parcel was rezoned incorrectly during the TGPA/ZOU and approved off-calendar continuance of the project.

Planning staff conducted historical review of the zoning changes as directed by the Commission. Prior to the 2004 General Plan update, the subject property was originally zoned as RE-10 which was inconsistent with the General Plan Land Use Designation of Open Space (GPOS). A privately initiated General Plan amendment (A09-0002) was approved by the Board of Supervisors on March 2, 2010 (Legistar Number 10-0126, Item 18) changing the land use designation from OS to Low Density Residential (LDR). However, during the County's TGPA/ZOU effort from 2011 to 2016, the property's zoning designation was inadvertently changed from RE-10 to its current zoning designation of OS resulting in inconsistency with the LDR land use designation. Planning staff was unable to find any reason as to why the zoning designation was changed from RE-10 to OS, other than a mapping error. As such, Planning Staff has determined that the TGPA/ZOU zone change from RE-10 to OS was made in error.

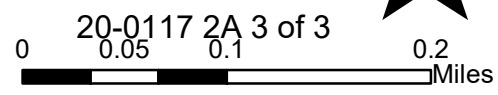
Pursuant to Section 130.10.030.D.5 of the El Dorado County Zoning Ordinance, where a zone boundary appears to be in error, the Planning and Building Director (Director) may make the correction based on historical data, prior zoning maps, clear legislative intent and other available information. Where the record is unclear, the zoning shall be reviewed by the Commission to determine if the map is in error. If, after review of the record, the Commission finds that the map is in error, they shall direct the Director to correct said error by revising the official maps accordingly within 30 days of the Commission's review. The change in zoning would not impact the prepared ISMND. The conclusion and analysis prepared in the ISMND remains in effect. Planning Staff is recommending that the Commission find that the TGPA/ZOU zone change from RE-10 to OS was made in error and that the remainder parcel may revert to the previous zoning designation of RE-10.

Attachment APre-2015 Zoning Map



Z19-0001/P19-0001/Paye Parcel Map
 Pre-2015 Zoning
 Attachment A

N



- RA-20
- RE-10
- RE-5