

June 23, 2009

Ray Nutting
El Dorado County Supervisor, District 2
Placerville, CA 95667

Re: Pollock Pines School / General Plan Amendment and Rezoning

Dear Supervisor Nutting:

- enclosed
Mr. John Conforti and I submitted an application to have the General Plan amended and the zoning changed on the former Pollock Pines School site, necessary because of mapping errors when the General Plan was adopted. In that application, there was also a Request for a Fee Waiver.

The reason for this request was that the property was given an erroneous General Plan land use designation of "Public Facilities" when the General Plan was adopted. This occurred despite active efforts to address the erroneous land use designation going back to 2001. See Peter Maurer Memorandum dated May 1, 2001, a copy of which is attached. I also wrote letters to Staff and County Counsel pointing out the inappropriate land use designation and requesting it be designated Commercial early into the General Plan adoption process. Despite the fact that a "Public Facility" land use designation could only include "publicly owned lands used for public facilities", the land use was not changed when the General Plan was adopted.

You may recall that there was an attempt by the Board of Supervisors to correct this error prior to the actual adoption of the General Plan; however County Counsel advised against doing do at that point in the General Plan adoption process.

After being unable to get any other relief, we were forced to file an application for a General Plan Amendment and re-zone. We paid \$2,000 at the time of the application, and now have been billed an additional \$2,946.

At the time of the hearing on our request for the general Plan amendment and zoning change, I reiterated the fact that we were requesting a fee waiver and had made such request on the formal application. A copy of the relevant portion of that transcript is enclosed.

Our Application was granted, changing the land use designation from Public Facility to Commercial. The request for the fee waiver was not denied, and although it could be assumed the granting of the Application was intended to include that request, the issue was not specifically addressed.

09-0886.1

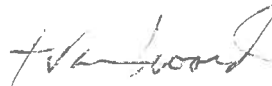
It is frustrating to be billed almost \$5,000 to correct an avoidable and known error when the General Plan was adopted, in addition to the years of unnecessary delays.

We are now pursuing several potential uses which we believe will make the property an asset to the community and contribute to the business development and revenue of the county.

I would respectfully request that application and request for the fee waiver be granted. I know these are difficult times for the County budget; however I believe the fee waiver is appropriate.

Thank you for your anticipated cooperation in addressing this issue.

Sincerely,



Thomas R. Van Noord

Enclosure(s): 2

cc: John Conforti
Revenue Recovery Division
Aaron Mount
file

Transcript

BOARD OF SUPERVISORS MEETING

September 16, 2008

THOMAS R. VAN NOORD addressing the Board:

...

“... One other issue is that we received an itemization for the services... I think you and I have gone over that, and we’re getting close to resolving that. However, in our application request from the Board, we did request a fee waiver. As many of the members are aware, we requested this land use amendment prior to the General Plan litigation. We reiterated that request on numerous occasions. I think at one of the board meetings the board actually attempted on its own to refer to it as a “mapping error” because it never should have been public facilities when the General Plan was adopted; it should have been General Plan commercial at that time; and we’ve had however many years... that’s delay and several thousands of dollars in fees and so forth, so we were requesting a fee waiver for the application. Thank you.”

...

Mr. Van Noord:

Please find the following attached to this letter, a duplication from the email sent by Aaron Mount, Planning Dept. today, June 18, 2009, and a copy of the project agreement that you signed. Hopefully, this will clarify that there is no basis to assume you are eligible for a fee waiver. Please submit payment within ten days. Thank you.

6-18-09 Planning commission email:

No fee waiver was approved. This has been confirmed to him by Planning management.

Here is the BOS motion for the project. *(BOS 9/16/08 Meeting)*

**After hearing public testimony, a motion was made by Supervisor Baumann, seconded by Supervisor Sweeney to adopt the mitigated negative declaration and mitigation monitoring program, based on the initial study as prepared; approve the General Plan Amendment and rezone (AZ06-003) changing the land use designation from Public Facilities (PF) to Commercial (C) for APNs 101-291-03, -04, 05, and -06 consisting of 5.62 acres and rezone the same properties from Limited Multifamily-Design Sierra (R2-DS) to Commercial-Design Sierra (C-DS) based on the findings and subject to conditions as modified; and adopt Ordinance 4786 for said rezone.
Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago**

**Aaron Mount
Associate Planner
El Dorado County
530-621-5355**



EL DORADO COUNTY PLANNING DEPARTMENT

2850 Fairlane Court
Placerville, CA 95667

<http://co.el-dorado.ca.us/planning>

Phone: (530) 621-5355
Fax: (530) 642-0508

MEMORANDUM

DATE: May 1, 2001

TO: Planning Commission

FROM: Peter N. Maurer

SUBJECT: Review of Development of the Pollock Pines School Site for Consistency with Writ

DRAFT

BACKGROUND:

The old Pollock Pines School, located at 6290 Pony Express Trail (APN 101-291-02), has been abandoned for several years. Presently it is zoned R2, Limited Multi-family Residential, and has a general plan land use designation of Public Facilities. The Pollock Pines School District is attempting to sell the property as surplus, and an individual is interested in purchasing the property, with the hopes to develop the site.

There are several impediments in developing the property for almost any use except a school because of the conflict between the zoning and the general plan land use designation. In fact, it appears that under the current restrictions of the Writ of Mandate there may be no way to develop the property without a general plan amendment.

Staff has advised the prospective buyer of the site that we probably cannot process any development application on the parcel, however, he has requested that the Planning Commission review the options to determine if there is any possibility of proceeding with a project prior to adoption of a new general plan. The question before the commission is, can a zone change to commercial be approved given the PF designation, knowing that the public entity which owns the land wants to get rid of it, or alternatively, can a project be approved consistent with the zoning even if it is not a public facility.

DISCUSSION:

The attached letter (Attachment 1) discusses the range of uses the prospective owner is considering. These include outdoor RV storage, mini-storage and potentially office, commercial and/or institutional type uses in a part of the existing structure, and a mobile home park. With

DRAFT

09-0886.5

DRAFTPollock Pines School Site
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the exception of the mobile home park, a church, or private school, commercial zoning of one sort or another would be necessary.

In order to develop the site for either multi-family or commercial, staff has identified the following constraints:

Multifamily Residential – To construct apartments or another multifamily residential project that would be consistent with the current R2 zoning of the site, a design review is required. In order to approve a design review or special use permit under current County practice and policy, a finding of consistency with the general plan is required. However, such uses would not be consistent with the Public Facilities (PF) general plan land use designation. A general plan amendment would be necessary to accomplish that, and then any project would be held up due to the terms of the writ.

Commercial – Any commercial development would require a zone change and possibly a general plan amendment since commercial uses would be inconsistent with the R2 zoning and the PF designation. Although most commercial development is permitted under the terms of the writ, in this case it would not because commercial zoning of the site is not consistent with either the 1996 general plan land use map or the public review draft map.

Surrounding the site, the parcels are predominantly planned for multi-family residential, with the lots fronting Pony Express Trail immediately to the east commercial. (See Exhibit A.) Similarly, the zoning is all R2, except for the commercial lots to the east. (Exhibit B.)

DRAFT

The Public Facilities land use designation includes “only publicly-owned lands used for public facilities.” It should be noted that there are no designated zone districts that are classified as consistent with the land use designation. In fact the PF, Public Facilities designation is not even included on Table 2-4 in the general plan (the zoning consistency matrix.) In reality, sites designated public facility are zoned everything from RA-80 to Industrial. Arguably, any zoning could be considered consistent with this land use designation. However, a use that the site may be put to may not be consistent, based on the definition of the Public Facilities designation.

It appears to staff that this prospective buyer of the school site, like so many other property owners in the County at this time, must simply have to wait until a general plan is adopted. Other than the two options that staff has identified below, any other course of action would require a general plan amendment, which is not possible at this time due to the terms of the writ. However, the Planning Commission may consider other possibilities that staff has not identified.

A. No Action – Find that there is no ability to amend the general plan at this time, and that a use other than a public facility is inconsistent with the general plan.

B. Alternative Zoning – Find that zoning other than R2, Limited Multi-family Residential is consistent with the PF, Public Facilities land use designation, and that the County could process and approve a zone change application to a commercial zone. The Planning Commission would need to make specific findings of fact in support of such action, including conformity with the terms of the writ.

DRAFT

FILE # R2-06-0003
(15210)

EL DORADO COUNTY PLANNING DEPARTMENT

APPLICATION FOR Zone Change & General Plan Amendment

*and fee waiver
(reimbursement)*

ASSESSOR'S PARCEL NO.(s) 101-291-03, 04, 05, 06

PROJECT NAME/REQUEST: (Describe proposed use) Pollock Pines School Property Rezone
and General Plan Amendment

IF SUBDIVISION/PARCEL MAP: Create _____ lots, ranging in size from _____ to _____ acre(s) / SF

IF ZONE CHANGE: From R2-0C to CG-0C IF GENERAL PLAN AMENDMENT: From PF to C

IF TIME EXTENSION, REVISION, CORRECTION: Original approval date _____ Expiration date _____

APPLICANT/AGENT Thomas R. Van Noord

M _____

PI _____

PROPERTY OWNER Thomas R. Van Noord

Mailing Address Same

LIST ADDITIONAL PROPERTY OWNERS ON SEPARATE SHEET IF APPLICABLE

ENGINEER/ARCHITECT N/A

Mailing Address _____

Phone () _____ FAX () _____

LOCATION: The property is located on the S side of Pony Express Trail
N/E/W/S street or road

_____ feet/miles _____ of the intersection with School Street
N/E/W/S major street or road

in the Pollock Pines area. PROPERTY SIZE 80 +/- 5.31 AC
acreage / square footage

X [Signature] Date 6/26/06
signature of property owner or authorized agent

FOR OFFICE USE ONLY

Date 7/18/06 Fee \$ 2,052.00 Receipt # 22858 Rec'd by [Signature] Census 313.02
Zoning R2 GPD PF Supervisor Dist 2 Sec/Twr/Rng 36/11N/12E

- ACTION BY:
- PLANNING COMMISSION
 - ZONING ADMINISTRATOR
 - PLANNING DIRECTOR

ACTION BY BOARD OF SUPERVISORS

Hearing Date _____

Hearing Date _____

Approved Denied (findings and/or conditions attached)

Approved Denied (findings and/or conditions attached)

APPEAL: Approved Denied

Executive Secretary _____

Executive Secretary _____

Revised 07/02)

AZ 06-0003