

**FROM THE MINUTES OF MAY 24, 2007**

**10. ZONE CHANGE/TENTATIVE PARCEL MAP (Public Hearing)**

**Z06-0028/P06-0024** submitted by SCOTT LEWIS (Agent: Dennis Johnson) to rezone property from Estate Residential Five-acre (RE-5) to One-acre Residential (R1A), and tentative parcel map to create two parcels, Parcel 1 consisting of 6.9 acres and Parcel 2 consisting of 1.1 acres. Two design waivers have been requested: 1. Waiver of the on-site road width improvement for Parcel 1 to 24 feet per Standard Plan 101C; and 2. Waiver of the on-site road width improvement requirement for Parcel 2 to 28 feet per Standard Plan 101B. The property, identified by Assessor's Parcel Number 124-311-17, consisting of 8.22 acres, is located on the south side of Green Valley Road, one-half mile south of the intersection with Green Valley Road and Miller Road, in the **El Dorado Hills area**, Supervisorial District I. (Negative declaration prepared)

Staff: Jonathan Fong recommended of approval to the Board of Supervisors. The rezone is only for the 1.1-acre portion of the parcel. Mr. Fong presented a memo revising Conditions 12 and 13 and adding Condition 14.

Scott Lewis explained his request. He would like to split off 1.1 acres so his in-laws can stay on the property, and he can sell the balance of the parcel. He will be moving out of state. The fire department has stated there is no reason to change any of the roads in the area.

Bob Frew, resident in the area by the 1.1 acres to be split off, said this proposal will impact the deed restrictions on the property. This will be going from a granny flat to an undersized house. Paula Frantz, County Counsel, said the second unit is not relevant to the rezoning of the property. The County does not enforce CC&Rs. Mr. Frew said this should remain a granny flat situation. The CC&Rs have been enforced three times within the last ten years. He believes the road improvements that are proposed should be completed.

Marilyn Hagen said the way the staff report reads the rezoning is for the entire parcel, not just the 1.1 acre parcel being split off. She objects to the rezoning of the entire parcel.

Alice Soon concurred with the comments made by Bob Frew and Marilyn Hagen.

Mr. Lewis said the CC&Rs were written in the 1950s. He did not know there were CC&Rs until he submitted this application. There were no complaints when the granny flat was constructed. There is a lower story to the granny flat that is used for a workshop. If you put in a stairway, the house becomes a 2,400 square foot home. There are several one-acre parcels in this area.

There is no further input.

Mr. Fong said the larger parcel will retain the five-acre zoning. If the property is further split, a new application would have to be filed.

Eileen Crawford, Department of Transportation, explained the off- and on-site improvements.

Commissioner Machado said there are other parcels along Miller Road that are one acre in size. The road would be widened. Commissioner Tolhurst does not see any impact on the neighborhood. There are currently two houses.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER KNIGHT, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, APPROVE Z06-0028 REZONING A PORTION OF ASSESSOR'S PARCEL NUMBER 124-311-17 FROM ESTATE RESIDENTIAL FIVE-ACRE (RE-5) TO ONE-ACRE RESIDENTIAL (R1A) BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE P06-0024 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS AS MODIFIED.

After the above motion and before voting, Gina Hunter said it would be a benefit to the applicant to go to R2A zoning rather than R1A as the road improvements would not be as severe. Ms. Crawford used a copy of the parcel map to explain the proposed road improvements. Mr. Lewis said he has reviewed the two-acre option and would rather go with one-acre zoning. **The above motion was withdrawn.**

MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MATHEWS AND **FAILING** BY THE FOLLOWING VOTE: AYE – COMMISSIONER KNIGHT; NOES – COMMISSIONERS MAC CREADY, MACHADO, MATHEWS, AND TOLHURST, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, APPROVE Z06-0028 REZONING A PORTION OF ASSESSOR'S PARCEL NUMBER 124-311-17 FROM ESTATE RESIDENTIAL FIVE-ACRE (RE-5) TO ONE-ACRE RESIDENTIAL (R1A) BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE P06-0024 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS AS MODIFIED, DELETING THE REQUESTED DESIGN WAIVERS FROM THE REQUEST.

MOTION: COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER KNIGHT AND **FAILING** BY THE FOLLOWING VOTE: AYES – COMMISSIONERS TOLHURST AND KNIGHT; NOES – COMMISSIONERS MAC CREADY, MACHADO, AND MATHEWS, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, APPROVE Z06-0028 REZONING A PORTION OF ASSESSOR'S PARCEL NUMBER 124-311-17 FROM ESTATE RESIDENTIAL FIVE-ACRE (RE-5) TO ONE-ACRE RESIDENTIAL (R1A) BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE P06-0024 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS AS MODIFIED.

MOTION: COMMISSIONER MATHEWS MADE A MOTION TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE

DECLARATION, AS PREPARED, AND APPROVE Z06-0028/P06-0024, REQUIRING THE APPLICANT TO ADHERE TO 101C STANDARDS FOR BOTH THE 1.1 AND 7.12-ACRE PARCELS AND NOT THE 101B STANDARDS. **This motion was withdrawn.**

MOTION: COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER TOLHURST AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS TOLHURST, MAC CREADY, AND KNIGHT; NOES – COMMISSIONERS MACHADO AND MATHEWS, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, APPROVE Z06-0028 REZONING A PORTION OF ASSESSOR’S PARCEL NUMBER 124-311-17 FROM ESTATE RESIDENTIAL FIVE-ACRE (RE-5) TO ONE-ACRE RESIDENTIAL (R1A) BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE P06-0024 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS AS MODIFIED, DENYING THE REQUESTED DESIGN WAIVERS.