

**COUNTY OF EL DORADO
PLANNING AND BUILDING DEPARTMENT
PLANNING COMMISSION
STAFF REPORT**



Agenda of: December 09, 2021

Staff: Efren Sanchez

GENERAL PLAN AMENDMENT/REZONE

FILE NUMBER: GPA21-0003/Z21-0011

APPLICANT: County of El Dorado

REQUEST: **General Plan Amendment (GPA21-0003/2021 Land Use Map Correction)** to modify the General Plan Land Use Map (*Figure LU-1: Land Use Diagram*): to amend the land use designation of existing parcels in the Cameron Park Area (Assessor Parcel Number (APN)s: 083-465-027, 083-465-028, 083-465-029, 083-465-030, and 083-465-031) from Multifamily Residential (MFR) to High-Density Residential (HDR); to amend the land use designation of two existing parcels in the North Placerville Area (APNs: 050-010-035 and 050-010-038) from Open Space (OS) to Rural Residential (RR); to amend the land use designation of an existing parcel in the Cedar Grove Area (APN: 076-270-039) from Commercial (C) to Medium-Density Residential (MDR); and to **Rezone (Z21-0011/2021 Zoning Map Correction)** 8 parcels as previously mentioned with corresponding Zoning, described below.

LOCATION: Cameron Park Area: APNs 083-465-027, 083-465-028, 083-465-029, 083-465-030, and 083-465-031 are located on the west side of Mira Loma Drive, southwest of the intersection with Perlett Drive in the Cameron Park Area, Supervisorial District IV (Exhibit A1).

North Placerville Area: APNs 050-010-035 and 050-010-038 are located on west side of Bedford Avenue, northwest of the intersection with Bear Rock Road in the Placerville Area, Supervisor District III (Exhibit A2).

Cedar Grove Area: APN 076-270-039 is located on the south side of Pony Express Trail, west of the intersection with Ridgeway Drive in the Cedar Grove Area, Supervisor District III (Exhibit A3).

ENVIRONMENTAL DOCUMENT: California Environmental Quality Act (CEQA) Addendum to the Targeted General Plan Amendment/Zoning Ordinance Update (TGPA/ZOU) Environmental Impact Report (EIR) consistent with Sections 15162 and 15164 of the CEQA Guidelines.

RECOMMENDATION: Staff recommends the Planning Commission (PC) forward a recommendation to the Board of Supervisors (Board) to take the following actions:

1. Approve the CEQA Addendum to the Targeted General Plan Amendment/Zoning Ordinance Update Environmental Impact Report consistent with Sections 15162 and 15164 of the CEQA Guidelines;
2. Approve GPA21-0003 based on the Findings as presented; and
3. Approve Z21-0011 based on the Findings as presented.

EXECUTIVE SUMMARY

The Cameron Park Area general plan amendment and parcel-specific rezone is a County-initiated project component consistent with Tier 1 Priority Project #20 *County-Initiated Rezones* and the *Mira Loma Rezone and GPA* on the 2021-2022 Long Range Planning Priority Matrix approved by the Board on April 13, 2021. No development is proposed as a part of the general plan amendment or parcel-specific rezone. The North Placerville Area general plan amendment and parcel-specific rezone is a County-initiated project component originally from the Title 130 Zoning Ordinance Major Amendments ROI 140-2017 (Resolution of Intent) line item #19; however was removed from the Title 130 Zoning Ordinance Major Amendments Project because it required a General Plan Amendment and further environmental review that was outside the Title 130 Zoning Ordinance Major Amendments CEQA Addendum scope of work. The Cedar Grove Area General Plan Amendment is a County-initiated project component added to this project because of an inconsistency that staff identified where the General Plan Designation and Zoning District for the site do not match. Staff has determined that the proposed project is consistent with land use and zoning designation compatibility, and all other applicable El Dorado County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

BACKGROUND / HISTORY

Cameron Park Area

On October 17, 1995, the Board adopted Ordinance 4391 to change the zoning of APNs 83-465-22, 83-465-27 and 83-465-28 from Limited Multifamily Residential-Planned Development (R2-PD) to One-family Residential (R1). The Board's action included approval of the Negative Declaration, approval of the rezone, and direction to modify the public review draft general plan from Multifamily Residential (MFR) to High-Density Residential (HDR). On November 1, 1995, the Zoning Administrator approved Parcel Map P94-26 resulting in the subdivision of APN 83-465-22 into three separate lots (83-465-29 through-31).

The County General Plan was adopted on July 19, 2004, and the five project parcels were assigned a MFR General Plan land use designation. This land use designation conflicted with the R1 zoning established by Ordinance 4391. On December 15, 2015, the Board approved the Targeted General Plan Amendment/Zoning Ordinance Update (TGPA/ZOU) with Resolution 195-2015. A main purpose of the TGPA/ZOU was to rezone parcels where the zoning was inconsistent with the underlying General Plan land use designation. As a result of the TGPA/ZOU, the five subject parcels were rezoned from R1 to RM in order to be consistent with the MFR General Plan land use designation.

On July 10, 2020, Cook Family Holdings, LLC submitted a Pre-Application PA20-0003 (See Exhibit E) for review by the County to consider a 46-unit multifamily project on APN 083-456-028, one of the five parcels described above. The proposal was evaluated against the current MFR General Plan land use designation and the RM zoning, and determined to be a permissive use. However, subsequently, the residents and neighbors within the Cameron Woods community have challenged the validity of this determination for the proposed project based the on the historic General Plan land use and Zoning related activities on the parcel, as described above. The community contends that the parcels should have a HDR General Plan land use designation and an R1 zoning designation, as proposed in the Board's action of October 17, 1995.

Based on the public sentiment from the Cameron Woods community, on March 9, 2021 the Board voted unanimously to: 1) Initiate a General Plan Amendment to change the General Plan land use designation from MFR to HDR of the subject parcels; and 2) Initiate a Rezone to change the zoning of the parcels from RM to R1 of the subject parcels. Further, on April 13, 2021, the Board incorporated the project in the Long Range Planning (LRP) FY 21-22 Priority Matrix as a Tier 1 priority.

North Placerville Area

On November 15, 2016, Planning Services approved the private initiated request for a boundary lot line adjustment and parcel merge of APNs 050-010-016 and 050-020-014, which reassigned the newly merged lot a new APN (050-010-038). On September 12, 2017, the original APN 050-010-016 was added as a rezone and project component for the Title 130 Zoning Ordinance Major Amendments project under ROI 140-2017 (Resolution of Intent) line item #19. On July 19,

2020, the PC made a recommendation to remove the North Placerville Area rezone component from the Title 130 Zoning Ordinance Major Amendments project, because this action would require a General Plan Amendment and further environmental review outside the project's CEQA Addendum scope of work.

Cedar Grove Area

The Cedar Grove Area parcel (076-270-039) has a General Plan Land Use designation and part of a Zoning district that are inconsistent to each other. Staff has identified that this inconsistency is an issue for the parcels ability for development; therefore, the issue will be addressed as part of this project.

EXISTING CONDITIONS

Cameron Park Area

The project site for the Cameron Park Area (5 parcels) consists of approximately 4.1 acres of which 2.25 is vacant land (083-465-028). The project site consists of hills and gullies and ranges in elevation from approximately 1,340 feet to approximately 1,353 feet above mean sea level. The project site is developed with single family homes except for the vacant lot (083-465-028). The vacant property is characterized by annual grass land on the eastern portion, oak woodland on the west portion, and a drainage easement on the southwest portion of the site forming a gully.

North Placerville Area

The project site for the North Placerville Area (2 parcels) consist of approximately 52.59 acres of which 37.89 acres (050-010-038) is already developed land that will have the potential to add additional residential uses and residential accessory structures if the project is approved. The project site consists of primarily the east slope of Big Canyon Creek where steep topography exists on an average slope of 27.3% grade. The project site range in elevation is from approximately 1,485 feet to approximately 1,997 feet above mean sea level. The project site is adjacent to Big Canyon Creek, which is a perennial water course that runs on the perimeter from northwest to southeast. The project site is primarily undeveloped due to constraints in topography and land use Open Space (OS) designation that does not allow for residential uses. The only development that exists at the 2 parcel project site is a primary dwelling on parcel 050-010-038. The project site is characterized by oak resources located at lower elevations along drainage contours with chaparral biology dominating higher elevations of the property.

Cedar Grove Area

The project site for the Cedar Grove Area (1 parcel) consist of approximately one acre of vacant land (076-270-039). The project site consists of pine tree woodland in elevation from approximately 3,645 feet to approximately to 3,667 feet above mean sea level. The vacant property is characterized with pine tree woodland canopy at the north and south ends with some canopy opening at the center of the property.

PROJECT DESCRIPTION

The project consists of a **General Plan Amendment (GPA21-0003)** to amend the Land Use

Map (*Figure LU-1: Land Use Diagram*) with changes to the land use designations of 8 parcels aimed at clarifying their Land Use Map discrepancies; and **Rezone (Z21-0011)** to change the zoning on these same 8 parcels towards correcting previously documented mapping errors of the Zoning Map. A summary table of the proposed general plan amendment and rezone is outlined below (see Table 1).

Table 1 – Summary Table

APN	Approx. Acreage	Current General Plan Land Use Designation	Current Zoning	Proposed GP Land Use Designation	Proposed Zoning
<i>Cameron Park Area (5 parcels)</i>					
083-465-027	0.84	Multifamily Residential (MFR)	Multi-Unit Residential (RM)	High Density Residential (HDR)	Single-unit Residential (R1)
083-465-028	2.25	MFR	RM	HDR	R1
083-465-029	0.34	MFR	RM	HDR	R1
083-465-030	0.31	MFR	RM	HDR	R1
083-465-031	0.36	MFR	RM	HDR	R1
<i>North Placerville Area (2 parcels)</i>					
050-010-035	14.7	Open Space (OS)	OS	Rural Residential (RR)	Rural Lands (RL-20)
050-010-038	37.89	OS, RR	OS, RL-20	RR	RL-20
<i>Cedar Grove Area (1 parcel)</i>					
076-270-039	1	Commercial (C)	One-acre Residential (R1A)	Medium-Density Residential (MDR)	One-acre Residential (R1A)

STAFF ANALYSIS

Staff has analyzed the proposed project and offers the following information, which is grouped by geographical location for consideration by the Planning Commission and subsequent Board of Supervisors.

Cameron Park Area (5 parcels), APNs: 083-465-027, 083-465-028, 083-465-029, 083-465-030, and 083-465-031:

The subject five parcels in the Cameron Park Area have a current General Plan Land Use Designation of MFR and Zoning of RM, which is inconsistent with the Board’s actions that approved project Z94-19 (rezone) and adopted Ordinance 4391 on October 17, 1995. The Board’s October 17, 1995 hearing documentation indicates that the “Board approved the negative declaration and approved the rezoning by adoption of Ordinance No. 4391 based on the findings of the Planning Commission on 9/14/95; and modified the public review draft general

plan from Multi-Family to High Density Residential for the subject properties.” In 1995, the County was in the final stages of updating the General Plan, and the 1996 General Plan was still a Public Review Draft. The 1996 General Plan Land Use Designation Map omitted in error the Board’s action to modify the subject properties from MFR to HDR. The same error of omission carried forward in the 2004 General Plan. Planning staff is recommending that the General Plan Land Use Map be amended to change the land use designation for the subject parcels from MFR to HDR and that the zoning is changed to R1.

North Placerville Area (2 parcels), APNs: 050-010-035 and 050-010-038:

The North Placerville Area has two parcels that are targeted for a General Plan Amendment and Rezone as part of this project. The consistency of General Plan Designations to Zoning is determined by utilizing the information outlined in General Plan *Table 2-4: General Plan Land Use Designation and Zoning District Consistency Matrix* (See Exhibit F). The first subject parcel in the North Placerville Area (050-010-035) has a current General Plan Land Use Designation of OS and Zoning of Open Space (OS) that makes it consistent. The second subject parcel in the North Placerville Area (050-010-038) has a current General Plan Land Use Designation split between OS and Rural Residential (RR). This second subject parcel has a split zoning of OS and Rural Lands Twenty-Acres (RL-20), which makes it inconsistent with its General Plan Designation. Planning Services historical records indicate that the reason the second parcel received both a split General Plan Land Use Designation and Zoning due to a privately initiated boundary lot line adjustment and parcel merge. The project would fix the split zoning from OS/RL-20 to a simplified RL-20 with approval of the project. Similarly, APN 050-010-035 will need the same General Plan Land Use Designation and zoning reassignment as it is in the process of merging with APN 050-010-038 as part of a separate privately initiated project by the property owner. There are three other parcels that are associated with these North Placerville Area parcels that will maintain their OS zoning (APNs 050-010-021, 050-010-034, and 050-010-037). These vacant parcels will remain undeveloped mainly due to their OS zoning, existing terrain, and topography.

On December 15, 2015, the Board approved the County-initiated TGPA-ZOU. A component of the TGPA-ZOU project included no longer allowing dwellings to be built in Open Space (OS) zones. On September 28, 2016, the property owner and contractor submitted a building permit application for a dwelling with attached garage on APN 050-010-016, which is the predecessor of APN 050-010-038. The building permit was plan checked by Planning Services on October 26, 2016, which resulted in Planning Services issuing a correction letter informing the applicant team that residential uses such as dwellings are not allowed within the OS Zoning and General Plan Designation. This issue of a proposed dwelling on an OS zone was elevated by the applicant team to the Principal Planner and Director who made the determination to allow the permit to proceed. According to notes found in building permit #252280, “...process permit as the intent was clearly expressed by the applicant in 2015 to develop their property under the previous zoning ordinance that allowed residential uses in the OS zone. Consistent with 130.10.040.C.1 per Roger Trout, Director.” In an effort to alleviate the issue, the project applicant submitted a request for a boundary lot line adjustment and merge (BLA16-0045). The idea was to merge the OS zoned parcel with the RL-20 zoned parcel that allows residential uses.

On November 15, 2016, Planning Services approved the request for a boundary lot line adjustment and parcel merge of APNs 050-010-016 and 050-020-014, which reassigned the newly merged lot a new APN (050-010-038). This lot line adjustment and merge did not trigger the need for a General Plan Amendment or Rezone to address the split land use designation and zoning it created, because the County’s Subdivision Ordinance, entitled *Title 120-Subdivisions*, Section 120.53.050.B – Zoning/General Plan Consistency Required. This Subdivision Ordinance Section is not strict on requiring a rezone for lot line adjustments. For instance, the Subdivision Ordinance Section indicated “Existing lots which cross zone boundaries may adjust property lines without rezoning the configured lots, provided the minimum lot size is met within each zone overlying its respective portion of the property.” Subsequently, on December 1, 2016 the certificate of merge was recorded and building permit #252280 was given the okay for finalizing the dwelling and garage through the permit process.

On September 12, 2017, the original APN 050-010-016 was identified in ROI 140-2017 (Resolution of Intent) line item #19, as a project component for the Title 130 Zoning Ordinance Major Amendments project. This was an opportunity to address the OS split zoning; however, the ROI inaccurately classified the existing zoning Recreational Facilities, Low-Intensity (RF-L) instead of OS as indicated below.

North Placerville Area - 1 parcel (ROI 140-2017, Item No. 19, EXHIBIT G)

19.	APN 050-010-16	Rezone from RFL to RE-10 to reflect privately held parcel designated Open Space.
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The North Placerville Area rezone above was a component of the Title 130 Zoning Ordinance Major Amendments project; however, staff realized that the rezone would entail a General Plan Amendment and additional CEQA analysis that was not scoped for the Major Amendments project. The staff report for the Planning Commission Workshop on January 24, 2019, indicated that the North Placerville rezones were removed from the project and cited the following: “As a result of further research, staff identified a few project components that will require General Plan Amendments and further environmental review. The items recommended to be removed and analyzed separately include the following: allowing residential uses in open space zones; the expansion of temporary camping; and parcel rezones within the North Placerville, Pilot Hill, and Texas Hill Reservoir areas. Staff recommends that these items be removed from the project and analyzed separately (Alagozian 2019, page 2).” Both the Planning Commission and the public did not object to the direction staff was moving in regards to the major amendments project. The Planning Commission agreed with the recommendation made by staff of removing the North Placerville rezone component from the Title 130 ZO Major Amendments project (OR17-0002) during the Planning Commission hearing on July 9, 2020.

Cedar Grove Area (1 parcel), APN 076-270-039

The subject parcels in the Cedar Grove Area has a current General Plan Land Use Designation of Commercial (C) and Zoning of One-acre Residential (R1A), which is inconsistent with the information outlined in General Plan *Table 2-4: General Plan Land Use Designation and Zoning District Consistency Matrix* (See Exhibit F). Planning staff is recommending that the General Plan Land Use Map be amended to change the land use designation for the subject parcels from C to Medium Density Residential (MDR), as described in Finding 2.3 below.