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Title: Development Services and County Council recommending the Board consider adoption (second reading) of Ordinance 4985 rescinding Ordinance 4977 rezoning APNs 327-211-14, 327-211-16, and 327-211-25 from One-Acre Residential (R1A) to General Commercial-Planned Development (CG-PD) and Open Space-Planned Development (OS-PD). (Supervisorial District 3) (Cont'd 10/16/12, Item 45)

Attachments: 1. A-Minutes 01-26-12.pdf, 2. B-Minutes 12-08-11.pdf, 3. C-Minutes 10-13-11.pdf, 4. D-Attachment 1-Findings Conditions.pdf, 5. E-Staff Memo 01-25-12 (Wetland Riparian Habitat).pdf, 6. F-Staff Memo 01-25-12 (Condition #15).pdf, 7. G-Staff Memo 12-19-11.pdf, 8. H-Staff Memo 12-7-11.pdf, 9. I-Staff Report.pdf, 10. J-Agency Comments.pdf, 11. K-Applicant Comments.pdf, 12. L-Public Comments.pdf, 13. M-Staff Memo 02-21-12.pdf, 14. N - Ordinance - Grado Equities VII, LLC 12-0224.pdf, 15. O - Public Comment b.pdf, 16. 2A-Staff Memo 03-27-12 12-0224.pdf, 17. 2B - Memo from S. Kooyman DOT.pdf, 18. 2C-Staff Memo 04-03-12 (2).pdf, 19. 2D - Public Comment 12-0224 4-3-12.pdf, 20. Fully executed Ord 4977.pdf, 21. Findings and Conditions with changes.pdf, 22. 2E - 12-0224 - Notice of Intent to file CEQA Petition.pdf, 23. 3A-Rescission Resolution.pdf, 24. 3B -12-0224 3B Ordinance.pdf, 25. Fully executed Resolution 149-2012.pdf, 26. Fully executed Ordinance 4985.pdf

History (4) Text

Title

Development Services and County Council recommending the Board consider adoption (second reading) of Ordinance 4985 rescinding Ordinance 4977 rezoning APNs 327-211-14, 327-211-16, and 327-211-25 from One-Acre Residential (R1A) to General Commercial-Planned Development (CG-PD) and Open Space-Planned Development (OS-PD). (Supervisorial District 3) (Cont'd 10/16/12, Item 45)

Body

Background

On April 3, 2012, the Board approved the three applications, Rezone Z10-0009, Planned Development PD10-0005, and Parcel Map P10-0012 constituting the Creekside Plaza project. The Creekside Plaza project is a 21,810 square foot commercial development on three parcels totaling 4.1 acres, identified by Assessor's Parcel Numbers 327-211-14, 327-211-16, and 327-211-25, located on the northwest corner of the intersection of Forni Road and Missouri Flat Road, in the Placerville area.

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There was a legal challenge to the adequacy of the Mitigated Negative Declaration certified for the project. The property owner, Grado Equities VII, LLC, agreed to settle the legal challenge by requesting the rescission of the project approvals in order to submit a new application for the project subject to an Environmental Impact Report. However, under Zoning Ordinance Section 17.10.050, a one year time limit is required from the date of final decision by the Board before the applicant can resubmit the application. As the applicant has agreed to resubmit the application and fund the cost of preparing an Environmental Impact Report, the Board will waive the one year limitation.

Contact

Roger Trout, Development Services (5369)/Paula Frantz, County Counsel (5770)

Follow-up for COB

Send 3 copies of Minute Order and Ordinance to Dept.

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RESOLUTION NO. 149-2012

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

WHEREAS, on April 3, 2012, the Board of Supervisors took the following actions, approving Rezone Z10-0009, Planned Development PD10-0005, and Parcel Map P10-0012 (Creekside Plaza):

1. Adopted the Revised Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopted the Mitigation Monitoring Program in accordance with CEQA Guidelines Section 15074(d) incorporating the Mitigation Measures into the Conditions of Approval;
3. Approved Z10-0009 rezoning APNs 327-211-14, 327-211-16, and 327-211-25 from One-Acre Residential (R1A) to General Commercial-Planned Development (CG-PD) and Open Space-Planned Development (OS-PD), and adopted Ordinance 4977 for said rezone;
4. Approved Planned Development PD10-0005, as conditioned;
5. Approved Tentative Parcel Map P10-0012, as conditioned;
6. Found the project consistent with General Plan Policy 7.1.2.1 to allow development and disturbance on slopes of 30 percent or greater gradient;
7. Found the project consistent with General Plan Policy 7.3.3.4 to allow a reduction of the wetland setback from 50 feet to zero, with a portion of the development area within the required setback; and
8. Acknowledged the Planning Commission Finding that the General Vacation of portions of the Forni Road Right-of-Way is consistent with the General Plan in accordance with Government Code Section 65402(a).

WHEREAS, as a result of litigation and the subsequent settlement agreement, on August 23, 2012, the applicant, Grado Equities VII, LLC requested the Board of Supervisors rescind all actions to approve the above referenced project, "Creekside Plaza"; and

WHEREAS, under Zoning Ordinance Section 17.10.050, a one year time limit is required from the date of final decision by the Board of Supervisors before the applicant can resubmit the application; and

WHEREAS, the applicant has agreed to resubmit the application and fund the cost of preparation of an Environmental Impact Report, the Board will waive the one year limitation of Section 17.10.050.

NOW, THEREFORE, BE IT RESOLVED that the County of El Dorado Board of Supervisors hereby takes the following actions, without prejudice:

1. Rescinds the Revised Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Rescinds the Mitigation Monitoring Program in accordance with CEQA Guidelines Section 15074(d) incorporating the Mitigation Measures into the Conditions of Approval;
3. Rescinds approval of Z10-0009 rezoning APNs 327-211-14, 327-211-16, and 327-211-25 from One-Acre Residential (R1A) to General Commercial-Planned Development (CG-PD) and Open Space-Planned Development (OS-PD), and adoption of Ordinance 4977 for said rezone;
4. Rescinds the Planned Development PD10-0005, as conditioned;
5. Rescinds the Tentative Parcel Map P10-0012, as conditioned;
6. Rescinds the finding of consistency with General Plan Policy 7.1.2.1 to allow development and disturbance on slopes of 30 percent or greater gradient;

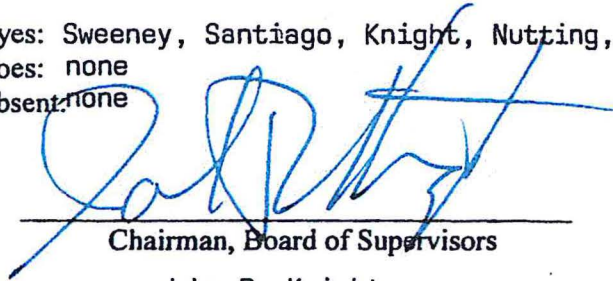
7. Rescinds the finding of consistency with General Plan Policy 7.3.3.4 to allow a reduction of the wetland setback from 50 feet to zero, with a portion of the development area within the required setback;
8. Rescinds acknowledgement of the Planning Commission Finding that the General Vacation of portions of the Forni Road Right-of-Way is consistent with the General Plan in accordance with Government Code Section 65402(a); and
9. Approves Ordinance No. 4985 rezoning APNs 327-211-14, 327-211-16, and 327-211-25 from General Commercial-Planned Development (CG-PD) and Open Space-Planned Development (OS-PD) to One-Acre Residential (R1A).

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 16 day of October, 2012, by the following vote of said Board:

Attest:
Terri Daly
Acting Clerk of the Board of Supervisors

By: 
Deputy Clerk

Ayes: Sweeney, Santiago, Knight, Nutting, Briggs
Noes: none
Absent: none


Chairman, Board of Supervisors

John R. Knight

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ORDINANCE NO. 4985

WHEREAS, on April 3, 2012, the Board of Supervisors ("Board") approved Z10-0009 rezoning APNs 327-211-14, 327-211-16, and 327-211-25 from One-Acre Residential (R1A) to General Commercial-Planned Development (CG-PD) and Open Space-Planned Development (OS-PD);

WHEREAS, there was a legal challenge to the adequacy of the Mitigated Negative Declaration certified for the project;

WHEREAS, the property owner has agreed to settle the legal challenge by requesting the rescission of the project approvals in order to submit a new application for the project subject to an Environmental Impact Report.

THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

RELATED TO REZONING IN THE PLACERVILLE AREA PETITIONED BY GRADO EQUITIES VII, LLC

Section 1. The Official Zoning Map for the Placerville Area is hereby amended to rezone the following described land from General Commercial-Planned Development (CG-PD) and Open Space-Planned Development (OS-PD) to One-Acre Residential (R1A) zone.

Placerville Area

Assessor's Parcel Nos. 327-211-14, 327-211-16, and 327-211-25, being described as being a portion of Section 24, Township 10 North, Range 10 East, MDM, consisting of 4.1 acres.

Section 2. This ordinance shall take effect and shall become effective thirty (30) days following the adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 23 day of October, 2012, by the following vote of said Board:

Ayes: Ron Briggs, James R. Sweeney,
John R. Knight, Raymond J. Nutting

ATTEST
THERESA DALY
Acting Clerk of the Board of Supervisors

By [Signature]
Deputy Clerk

Noes: none
Absent: ~~Norma Santiago~~

[Signature]
Chairman, Board of Supervisors

John R. Knight
APPROVED AS TO FORM
LOUIS B. GREEN
COUNTY COUNSEL

By [Signature]
Deputy County Counsel

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____
ATTEST: THERESA DALY, Acting Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk

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