

## **FROM THE MINUTES OF FEBRUARY 22, 2007**

### **10. REZONE (Public Hearing)**

**Z06-0024** submitted by JAMES LOSCH to rezone property from Commercial-Design Review District (C-DC) to Limited Multifamily Residential-Community Design Review District (R2-DC). The property, identified by Assessor's Parcel Number 097-020-42, consisting of 5.18 acres, is located on the west side of Carlson Way, 400 feet south of the intersection with Pleasant Valley Road, in the **Diamond Springs area.** (Supervisory District III) (Negative declaration prepared)

Paula Frantz, County Counsel, said there was an advertising mistake on this project when it was previously heard by the Commission, so the Commission will be hearing this application again today. This will be a completely new hearing.

Staff: Shawna Purvines recommended approval, suggesting deletion of Finding 1.4 as the County can no longer find that a project has a de minimis impact. There will be further review by staff when a project is submitted on this property. It would only come before the Planning Commission if staff's decision is appealed.

Jim Losch said the mitigation fees in District III have gone up very high. At this point, they have no project. His clients have no idea what they will be doing. When a project comes in, a traffic study will have to be completed.

Commissioner Mathews asked if the subject property is for sale. Mr. Losch does not know.

A property owner directly below the parcel in question said all the construction on the subject property has flooded her property and three other parcels. Her well has been destroyed by the flooding. The reservoir that was originally in this area has been filled with debris. They flood every year now. If the property is changed to residential there will be more homes and they feel additional flooding. Mr. Losch said any development on this property would have to pipe any drainage down to Pleasant Valley Road. There was no further input.

**MOTION: COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER MAC CREADY AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, MATHEWS, AND KNIGHT; ABSENT – COMMISSIONER TOLHURST, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, AND APPROVE Z06-0024 REZONING ASSESSOR'S PARCEL NUMBER 097-020-42 FROM COMMERCIAL-DESIGN CONTROL (C-DC) TO LIMITED MULTIFAMILY RESIDENTIAL-COMMUNITY DESIGN REVIEW (R2-DC) BASED ON THE FINDINGS AS MODIFIED.**

## **Findings**

### **1.0 CEQA FINDING**

- 1.1 The County has considered the negative declaration together with the comments received and considered during the public hearing process. The negative declaration reflects the independent judgment of the County and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The proposed project could not have a significant effect on the environment.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.
- ~~1.4 The project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5 5/91 is applicable.~~

### **2.0 LEGISLATIVE FINDINGS**

- 2.1 The proposed use is consistent with the policies in the El Dorado County General Plan, as adopted on July 19, 2004, as discussed in the General Plan section of this staff report.
- 2.2 The rezone is found to comply with the requirements of Chapter 17.06, and the proposed project is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.
- 2.3 The site is physically suitable for multifamily development at a density of 5 to 20 dwelling units per acre.