

DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

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TO: Board of Supervisors Agenda of: February 28, 2012

FROM: Roger Trout,
Development Services Department Director

DATE: February 27, 2012

RE: Z07-0040/TM07-1454/S09-0012/Sundance Subdivision - Findings for Denial

RECEIVED
BOARD OF SUPERVISORS
EL DORADO COUNTY
3:56 pm, Feb 27, 2012

On February 14, 2012, the Board of Supervisors conceptually moved to deny the Sundance Subdivision, and directed staff to come back with proposed findings for denial:

The Board hereby denies Rezone Application Z07-0040, Tentative Map Application TM07-1454, and Special Use Permit Application S09-0012:

1.0 Rezone Z07-0040 Findings

- 1.1 The proposed Rezone Application to change the zoning from Exclusive Agriculture (AE) to Estate Residential (RE-10) is a legislative act which does not require the Board of Supervisors to make findings. However the Board action of February 14, 2012 directed staff to return with findings for denial of the rezone application.
- 1.2 The staff report, including recommendations and conditions, and the proposed Mitigated Negative Declaration, including Initial Study and Mitigation Measures, did not reflect the Board of Supervisors' independent judgment and conclusions on the rezone application. Without limiting its general discretionary legislative authority to determine whether to approve or deny an application for rezoning, the Board concluded, without limitation, that:
- A. There may be significant unavoidable impacts regarding groundwater quality and quantity to support the proposed project;
 - B. There may be a significant unavoidable impact on groundwater quality and quantity for nearby existing residences and lots;
 - With respect to Finding 1.2(A) and 1.2(B), the Board of Supervisors received significant conflicting testimony and concluded that the Mitigated Negative Declaration needs to be rejected. There are currently no viable options to bring public water from the Georgetown Divide Public Utility District to the area without great cost to all parties involved.

STAFF MEMO 02-27-12
10-1327.5A.1

Groundwater is the only option for domestic water for the existing lots and residences in this area. The Board of Supervisors finds that due to the uncertainty in the evidence on the impacts regarding groundwater there is a fair argument that an Environmental Impact Report would be required.

- C. The rezone would not be in the best interest of the surrounding area; and
 - D. The area is very rural in nature and the increase in residential density allowed by the rezone is not appropriate due to the lack of adequate infrastructure and public services.
- 1.3 The Board of Supervisors has considered the proposed Mitigated Negative Declaration, together with the comments received and considered during the public review process, and hereby rejects the proposed Mitigated Negative Declaration for the reasons stated in Finding 1.2. The Rezoning Application is found to be Statutorily Exempt from CEQA pursuant to Section 15270(a) which states that “CEQA does not apply to projects which a public agency rejects or disapproves.”
- 2.0 Tentative Map TM07-1454 Findings**
- 2.1 The Tentative Map Application is found to be Statutorily Exempt from CEQA pursuant to Section 15270(a) which states that “CEQA does not apply to projects which a public agency rejects or disapproves.” The Tentative Map Application is denied by the Board of Supervisors for the same reasons stated in Finding 1.2 and because the application is not consistent with the current zoning of the property.
- 2.2 The Tentative Map Application is inconsistent with the current zoning because it proposes to create 28 single-family residential lots on 289.19 acres. The proposed lots would range in size from 10 to 14.8 acres in size. The current zoning is Exclusive Agriculture (AE) which requires a minimum parcel size of 20 acres (Zoning Ordinance Section 17.36.090.C) and would only allow a maximum of 14 lots. A rezone request to change the zoning to Estate Residential (RE-10) has been denied by the Board of Supervisors and therefore the proposed Tentative Map Application is inconsistent with current zoning.
- 2.3 The Exclusive Agriculture (AE) Zone does allow smaller parcels but only if each parcel meets special criteria established by the County, including meeting the Williamson Act criteria. The application did not include a request to meet the County criteria for meeting Williamson Act criteria for smaller parcel sizes. The Agricultural Commission did find that the property was suitable for grazing livestock, but not for the proposed 10 to 14.8 acre parcel sizes. None of the proposed parcels would meet the County’s Williamson Act Criteria which is attached as Supplemental Information (Section 4.0). The proposed parcels would not meet primary criteria number 1 (capital outlay) or 3 (gross income), and it is very unlikely they would meet secondary criterion (b), (c), or (d). All criterions are required to meet the smaller parcel size provisions. Since the proposed parcels do not meet one or more criterion, the proposed Tentative Map Application is inconsistent with current zoning even if the applicant had requested the smaller parcel size provisions of the AE Zone.

3.0 Special Use Permit S09-0012 Findings

- 3.1 The Special Use Permit Application for a new gate over a road is found to be Statutorily Exempt from CEQA pursuant to Section 15270(a) which states that “CEQA does not apply to projects which a public agency rejects or disapproves.” Upon denial of the rezone and the denial of the Tentative Map, there will be no new road connecting Rattlesnake Bar Road to Pilot Hill Drive. The gate was proposed to reduce through traffic on the local roads that were a result of connecting the two roads with a new road labeled Sundance Subdivision Road A. The Special Use Permit Application is denied because a gate is no longer necessary since the Rezone and Tentative Map Applications have been denied and therefore, no new Sundance Subdivision Road A will be constructed, and therefore there is no reason or requirement to construct a gate.

4.0 Supplemental Information

The current WILLIAMSON ACT / FARMLAND SECURITY ZONE CONTRACTS CRITERIA: (Revised 07/02)

1. Capital outlay of \$45,000
2. Minimum acreage of 20 acres**
3. Gross income of \$2,000 per year for low intensity agriculture and \$13,500 for intensive agriculture.

**Existing parcels between 10 and 20 acres may be considered upon satisfaction of the following six additional criteria.

ADDITIONAL CRITERIA FOR PARCELS BETWEEN 10 AND 20 ACRES

The Agricultural Commission shall determine:

- a. The property has a potential to contribute to the agricultural welfare of the County;
- b. The property scores eighty (80) or higher on the County Procedure for Evaluating the Suitability of Land for Agricultural Use;
- c. The property is, at the time of application, engaged in agricultural use;
- d. The use of the surrounding properties is primarily agricultural in nature;
- e. The parcel sizes of the properties immediately adjacent to the property proposed to be included is at least ten (10) acres and said properties are included within the General Plan designation requiring at least a ten-acre minimum parcel size; and
- f. The parcel was created prior to the adoption of this resolution.

- 5.0 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.