



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 (RIA).

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