



## Legislation Details (With Text)

**File #:** 20-1400      **Version:** 2

**Type:** Agenda Item      **Status:** Approved

**File created:** 10/13/2020      **In control:** Board of Supervisors

**On agenda:** 12/2/2020      **Final action:** 12/2/2020

**Title:** HEARING - To consider the recommendation of the Planning Commission on the Paye project (Rezone Z19-0001/Tentative Parcel Map P19-0001) to request a rezone from Open Space (OS) to Residential Estate Five-Acres (RE-5) and Residential Estate Ten-Acres (RE-10) and a Tentative Parcel Map dividing a 103.6 acre property into four parcels ranging in size from 5.6 acres to 7.1 acres and one 78.4 acre remainder parcel, including an offer to the County for a 1.51 acre parcel containing Wentworth Springs Road County maintained right of way on property identified by Assessor's Parcel Number 061-071-026-000, in the Georgetown Rural Center, submitted by Millennium Planning and Engineering on behalf of Mark Paye, the property owner; and the Planning Commission recommending the Board take the following actions:

- 1) Adopt the Mitigated Negative Declaration based on the Initial Study (Attachment C);
- 2) Adopt the Mitigation Monitoring Reporting Program in accordance with the California Environmental Quality Act Guidelines Section 15074(d), incorporated as Conditions of Approval (Attachment E);
- 3) Approve Rezone Z19-0001 rezoning Assessor's Parcel Number 061-071-026-000 from Open Space to Residential Estate Five-Acres and Residential Estate Ten-Acres based on the Findings as recommended by the Planning Commission (Attachment D);
- 4) Approve Tentative Parcel Map P19-0001, based on the Findings and subject to the Conditions of Approval as recommended by the Planning Commission (Attachments D and E); and
- 5) Adopt Ordinance 5133 for said Rezone. (Attachment B)

(Supervisory District 4) (Cont. 11/10/2020, Item 44)

**FUNDING:** Applicant Fees (General Fund).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2A - Staff Memo 11-17-20, 2. A - Approved Contract Routing Sheet-Rezone Ordinance, 3. B - Rezone Ordinance, 4. C - Mitigated Negative Declaration and Initial Study, 5. D - Findings, 6. E - Conditions of Approval, 7. F - Planning Commission Minute Order 09-24-20, 8. G - Planning Commission Minute Order 01-23-20, 9. H - Notification Map (1,000 ft), 10. Proof of Publication-Mt. Democrat, 11. Proof of Publication-Georgetown Gazette, 12. Public Comment BOS Rcvd 11-3-2020, 13. FINAL Findings, 14. FINAL Conditions of Approval, 15. ADOPTED Mitigated Negative Declaration, 16. APPROVED STAMPED Map, 17. Executed Ordinance 5133, 18. Proof of Publication-Mt. Democrat (Ordinance), 19. Proof of Publication-Georgetown Gazette (Ordinance)

Date	Ver.	Action By	Action	Result
12/2/2020	2	Board of Supervisors	Approved	Pass
11/10/2020	1	Board of Supervisors	Failed	
11/10/2020	1	Board of Supervisors	Continued	Pass

HEARING - To consider the recommendation of the Planning Commission on the Paye project (Rezone Z19-0001/Tentative Parcel Map P19-0001) to request a rezone from Open Space (OS) to Residential Estate Five-Acres (RE-5) and Residential Estate Ten-Acres (RE-10) and a Tentative Parcel Map dividing a 103.6 acre property into four parcels ranging in size from 5.6 acres to 7.1 acres and one 78.4 acre remainder parcel, including an offer to the County for a 1.51 acre parcel containing

Wentworth Springs Road County maintained right of way on property identified by Assessor's Parcel Number 061-071-026-000, in the Georgetown Rural Center, submitted by Millennium Planning and Engineering on behalf of Mark Paye, the property owner; and the Planning Commission recommending the Board take the following actions:

- 1) Adopt the Mitigated Negative Declaration based on the Initial Study (Attachment C);
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  - 3) Approve Rezone Z19-0001 rezoning Assessor's Parcel Number 061-071-026-000 from Open Space to Residential Estate Five-Acres and Residential Estate Ten-Acres based on the Findings as recommended by the Planning Commission (Attachment D);
  - 4) Approve Tentative Parcel Map P19-0001, based on the Findings and subject to the Conditions of Approval as recommended by the Planning Commission (Attachments D and E); and
  - 5) Adopt Ordinance **5133** for said Rezone. (Attachment B)
- (Supervisory District 4) (Cont. 11/10/2020, Item 44)

**FUNDING:** Applicant Fees (General Fund).

#### **DISCUSSION /BACKGROUND**

Request to consider the recommendation of the Planning Commission on the Paye project (Rezone Z19-0001/Tentative Parcel Map P19-0001) involving a rezone from Open Space (OS) to Residential Estate Five-Acres (RE-5) and Residential Estate Ten-Acres (RE-10) and a Tentative Parcel Map dividing a 103.6 acre property into four parcels ranging in size from 5.6 acres to 7.1 acres and one 78.4 acre Remainder Parcel on property identified by Assessor's Parcel Number 061-071-026-000, in the Georgetown Rural Center, submitted by Millennium Planning and Engineering on behalf of Mark Paye, the property owner. At its September 24, 2020 public hearing, the Planning Commission recommended to the Board of Supervisors the following actions: 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; 2) Adopt the Mitigation Monitoring Reporting Program in accordance with California Environmental Quality Act Guidelines Section 15074(d), incorporated as Conditions of Approval; 3) Approve Rezone Z19-0001 based on the Findings as presented; and 4) Approve Tentative Parcel Map P19-0001, based on the Findings (Attachment D) and subject to the Conditions of Approval (Attachment E).

The Planning Commission originally considered the project on January 23, 2020 (Legistar 20-0117, Agenda Item 3). After detailed discussion, the Planning Commission continued this item off-calendar in order to allow additional time for Planning Staff to work with the applicant to address fire safety concerns related to access and possible CEQA "piecemealing" issues as the Initial Study only analyzed impacts to the parcels to be developed not the remainder parcel.

At the time of the hearing, the applicant stated the subject property was incorrectly rezoned to OS during the Targeted General Plan Amendment/Zoning Ordinance Update (TGPA/ZOU), amended their request to rezone the remainder parcel back to the pre-TGPA/ZOU zoning of Residential Estate-10 Acres (RE-10), and it was determined that the TGPA/ZOU rezone was made in error, the remainder parcel zoning could be changed back to the previous zoning of RE-10, thus avoiding the CEQA "piecemealing" issue.

Planning staff conducted historical review of the zoning changes as directed by the Planning Commission. Prior to the 2004 General Plan update, the subject property was originally zoned as RE-10, which was inconsistent with the General Plan Land Use Designation of Open Space (GPOS). A privately-initiated General Plan amendment (A09-0002) was approved by the Board of Supervisors

on March 2, 2010 (Legistar Number 10-0126, Item 18) changing the land use designation from GPOS to Low Density Residential (LDR). However, during the County's TGPA/ZOU effort from 2011 to 2016, the property's zoning designation was inadvertently changed from RE-10 to its current zoning designation of OS resulting in inconsistency with the LDR land use designation. Planning staff was unable to find any reason as to why the zoning designation was changed from RE-10 to OS, other than a mapping error. The conclusion and analysis prepared in the ISMND remain in effect. Planning Staff recommended the Commission find that the TGPA/ZOU zone change from RE-10 to OS was made in error and that the Remainder Parcel may revert to the previous zoning designation of RE-10.

Planning received comments from Georgetown Fire Protection District on September 10, 2020, with updated comments received September 24, 2020 prior to that morning's Planning Commission meeting. This resulted in changes to Conditions of Approval 16 & 17 and a resolution of fire safety concerns. Two public comments were received, which were discussed at the Planning Commission meeting. Following closure of deliberation and public comment, Commissioner Vegna made a motion, with a second by Commissioner Miller, to recommend approval of staff's recommended actions to the Board, including a minor amendment to the Initial Study (Attachment C), replacing the 'El Dorado Fire Protection District with 'Georgetown Fire Protection District' to reflect the correct fire protection district. The motion passed with a 3-1 vote (Attachment F). The Planning Commission's Findings are included as Attachment D.

## **ALTERNATIVES**

The Board may elect to continue the item to a date certain for additional information and future action; Continue the item off-calendar, which would require a new public notice for future consideration and action; or Deny the application. A Denial action would result in a request to have the item be continued to a date certain so that staff can prepare Findings for Denial.

## **PRIOR BOARD ACTION**

N/A

## **OTHER DEPARTMENT/AGENCY INVOLVEMENT**

County Counsel

## **FINANCIAL IMPACT**

All fees for the processing of this project were paid by the Applicant. The creation of three additional parcels that would allow for the future development of three residential units would provide additional property tax revenue for the County.

## **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Clerk to obtain the Chair's signature on the original copy of the Rezone Ordinance.
- 2) Clerk to send one (1) fully executed copy of the Rezone Ordinance to the Planning and Building Department, attention of Julie Saylor.

## **STRATEGIC PLAN COMPONENT**

Economic Development and Good Governance. This project aligns with the Economic Development goals of the County's Strategic Plan as allowing the change of the zoning designation would allow for the development of three additional residential units that would provide property tax revenue. It is also a practice of Good Governance as the project would include needed improvements to a County-maintained roadway, improving vehicular and emergency vehicle access for the public benefit.

**CONTACT**

Tiffany Schmid, Director  
Planning and Building Department