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County of El Dorado

Legislation Details (With Text)

File #:	21-0199 **Version:** 1		
Type:	Agenda Item	**Status:**	Approved
File created:	2/2/2021	**In control:**	Board of Supervisors
On agenda:	3/9/2021	**Final action:**	3/9/2021
Title:	Supervisor Parlin recommending the Board provide direction to staff to initiate a General Plan Amendment and Rezone of subject parcels 083-465-029, 083-465-030, 083-465-031, 083-465-027 and 083-465-028 changing the Land Use designation from Multifamily Residential (MFR) to High-Density Residential (HDR) as approved in the October 17, 1995 Ordinance 4391, and Rezone the subject parcels from Multi-unit Residential (RM) to Single-unit Residential (R1) so that the proposed Land Use designation and Zoning are consistent, as was intended in the December 15, 2015 Targeted General Plan Amendment/Zoning Ordinance Update (TGPA/ZOU). FUNDING: General Fund.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. A - PA20-0003 Mira Loma Worksheet 8-21-2020_Full Packet, 2. B - Complete Application Packet_PA20-0003, 3. C - Ordinance_No._4391_Z94-0018, 4. D - Satellite view of Mira Loma parcels, 5. E - Zoning_Administrator_Hearing_Documents_ZA_11-01-1995_P94-0026, 6. F - Board_of_Supervisors_Conformed_Agenda_10-17-1995 (Item 83)., 7. G - Filed_Notice_of_Determination_Z94-0018, 8. H - Planning_Commission_09-14-1995_Agenda_with_Addendum, 9. I - Complete_Approved_Application_Packet_ZA_11-01-1995_P94-0026 (corner lot -22), 10. J - Planning_Commission_09-14-1995_Minutes, 11. K - Mira Loma Presentation_3-9-21, 12. Public Comment BOS Rcvd 03-04-2021, 13. Public Comment BOS Rcvd 03-05-2021, 14. Public Comment BOS Rcvd 03-08-2021, 15. Public Comment BOS Rcvd 03-09-2021		

Date	Ver.	Action By	Action	Result
3/9/2021	1	Board of Supervisors	Approved	Pass

Supervisor Parlin recommending the Board provide direction to staff to initiate a General Plan Amendment and Rezone of subject parcels 083-465-029, 083-465-030, 083-465-031, 083-465-027 and 083-465-028 changing the Land Use designation from Multifamily Residential (MFR) to High-Density Residential (HDR) as approved in the October 17, 1995 Ordinance 4391, and Rezone the subject parcels from Multi-unit Residential (RM) to Single-unit Residential (R1) so that the proposed Land Use designation and Zoning are consistent, as was intended in the December 15, 2015 Targeted General Plan Amendment/Zoning Ordinance Update (TGPA/ZOU).

FUNDING: General Fund.

DISCUSSION / BACKGROUND

Residents from the Cameron Woods neighborhood have claimed that 5 parcels at the corner of Mira Loma Drive and Perlett Drive were inadvertently rezoned to RM Zoning with the approval of the TGPA/ZOU in Resolution 195-2015 on December 15, 2015. The TGPA/ZOU rezone stemmed from the MFR Land Use designation on the parcels, however the Land Use designation was intended to have been changed to HDR per Ordinance 4391 which was approved by the Board of Supervisors on October 17, 1995. At this time 4 of the 5 subject parcels are developed with single-family homes. As such, residents are asking the County to implement Ordinance 4391 and correct the Land Use

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designation of the 5 subject parcels to HDR as approved in Ordinance 4391, and also reverse the TGPA/ZOU rezone of MFRto R1. The timeline of events pertaining to this situation are as follows:

December 6, 1994 Applications Submitted
P94-26 Application to split APN 83-465-22 into 3 parcels: 83-465-29, 83-465-30, 83-465-31. Approved at the November1,1995 Zoning Administrator Hearing.

Z94-18 Application to rezone APN 83-465-22 (split into 3 parcels 83-465-29, 83-465-30, 83-465-31), 83-465-27 and 83-465-28 from R2-PD multi-family to R1 One-Family Residential.

September 14, 1995 Planning Commission Meeting
El Dorado County Planning Commission Regular Meeting. Item 7.
Z94-18; petition submitted by ROBERT and MAYRE AARON and DAROL B. RASMUSSEN to rezone properties from Limited Multifamily Residential-Planned Development (R2-PD) to One-family Residential (RI) Zone. The properties, identified by Assessor's Parcel Nos. 083-465-22, -27, and -28

Recommended approval to Board of Supervisors.

ON MOTION OF COMMISSIONER MAHACH, SECONDED BY COMMISSIONER NOBLE AND CARRIED BY IBE FOLLOWING VOTE: A YES - COMMISSIONERS MAHACH, NOBLE, MCKEEHAN, AND WOLFENDEN; ABSENT - COMMISSIONER VEIT, IT WAS MOVED TO RECOMMEND THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED; RECOMMEND THE BOARD OF SUPERVISORS MODIFY THE PUBLIC REVIEW DRAFT GENERAL PLAN FROM MULTI-FAMILY TO HIGH DENSITY RESIDENTIAL FOR THE SUBJECT PROPERTIES; AND RECOMMEND THE BOARD OF SUPERVISORS APPROVE Z94-18, REZONING ASSESSOR'S PARCEL NOS. 083-465-22, -27, AND -28 FROM LIMITED MULTIFAMILY RESIDENTIAL-PLANNED DEVELOPMENT (R2-PD) TO ONE-FAMILY RESIDENTIAL (RI), BASED ON THE FINDINGS PROPOSED BY STAFF.

Findings
1. The project is consistent with the Public Review Draft General Plan, as amended; and there is little to no probability the project will be detrimental to or interfere with the future adopted General Plan.
2. The use is compatible with surrounding land uses.
3. The site is physically suitable for the proposed type of development.
4. The proposed zone change is not likely to cause substantial environmental damage.

October 17 1995 Board of Supervisors Meeting
Ordinance 4391 was signed on October 17, 1995 to change APN 83-465-22 (split into 3 parcels 83-465-29, 83-465-30, 83-465-31), 83-465-27 and 83-465-28 from R2-PD multi-family to R1 One-Family Residential.

BOARD ACTIONS: OCT 17 1995 - BOARD APPROVED THE NEGATIVE DECLARATION AND APPROVED THE REZONING BY ADOPTION OF ORDINANCE NO. 4391 BASED ON THE FINDINGS OF THE PLANNING COMMISSION ON 9/14/95; AND MODIFIED THE PUBLIC REVIEW DRAFT GENERAL PLAN FROM MULTI-FAMILY TO HIGH DENSITY RESIDENTIAL FOR THE SUBJECT PROPERTIES.

November 1, 1995 Zoning Administrator
Zoning Administrator hearing to consider 12/6/94 P94-26 Application to split APN 83-465-22 into three lots.
This was approved and resulted in 83-465-22 being split into 83-465-29, 83-465-30, 83-465-31.

December 15, 2015 Board of Supervisors Meeting
The Board of Supervisors approved the TGPA/ZOU with Resolution 195-2015. One purpose of the ZOU was to rezone parcels so that Zoning matched Land Use designation. However, the October 17, 1995 Board Action to modify the public review draft General Plan from Multi-Family to High Density Residential for the subject properties was never done. As such, when the TGPA/ZOU process began, the Land Use designation of the subject parcels was incorrectly designated as Multi-Family while the Zoning had been properly rezoned to R1 One-Family Residential. The approval of the TGPA/ZOU rezoned the parcels to Multi-Family to match the incorrect Multi-Family land use designation.

Pre-Application Review (PA20-0003)
On July 10, 2020, Cook Family Holdings, LLC submitted a Pre-Application PA20-0003 for review by the County to consider a 46-unit multifamily project on APN 083-456-028. The proposal was evaluated against the current General Plan Land Use designation and Zoning. However, since that time, as discussed above, the residents and neighbors within the Cameron Woods community have challenged the validity of the proposal based on the historic General Plan and Zoning related activities on the parcel. In accordance with the site's current General Plan Land Use designation and Zoning, the proposed multifamily project would be permitted by right. Exhibit X includes the pertinent materials related to PA20-0003.

ALTERNATIVES
The alternative to moving forward with the General Plan Amendment and Rezone would be to leave the General Plan Land Use designation and Zoning in place as it exists today. This results in four of the five affected parcels having existing non-conforming residential uses, and would require these property owners to process discretionary conditional use permits to expand their existing uses. Also, it allows for the application of building permits for the proposed multifamily project as outlined in PA20 -0003, which conflicts with the intent the Board first expressed in 1995.

PRIOR BOARD ACTION
10/17/1995 Agenda Item # 83 - Rezone Z94-0018/Mira Loma
12/15/2015 Agenda Item # 11-0356 - Rezone Resolution 195-2015 TGPA/ZOU

OTHER DEPARTMENT / AGENCY INVOLVEMENT
County Counsel, Department of Transportation

FINANCIAL IMPACT
County costs to process the proposed General Plan Amendment and Rezone would be funded by the County's General Fund.

CLERK OF THE BOARD FOLLOW UP ACTIONS
N/A

STRATEGIC PLAN COMPONENT
Good Governance - The project meets the County's Good Governance Strategic Plan Goal by providing the best possible process for making and implementing decisions evaluating this land use and zoning matter.

CONTACT
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Board of Supervisors, County of El Dorado; and

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