



## Legislation Text

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**File #:** 21-0199, **Version:** 1

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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 designation of the 5 subject parcels to HDR as approved in Ordinance 4391, and also reverse the TGPA/ZOU rezone of MFR to 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 November 1, 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 (R1) 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

Rob Peters, Deputy Director of Planning  
Planning and Building Department