

**Agenda of:** October 13, 2005

**Item No.:** 8.b.

**Staff:** John Heiser

**STAFF REPORT**  
**FINDING OF CONSISTENCY/ABANDONMENT OF EASEMENT**

**APPLICANT:** Sleepy Hollow Owners Association/Michael W. Thomas, President

**REQUEST:** Request for a General Plan Finding of Consistency relative to the vacation of all the public roads thereon within Sleepy Hollow subdivision, Units 1 through 5.

**LOCATION:** Sleepy Hollow subdivision is located within the Rural Center of Rescue, bound by North Shingle Road on the west, Lotus/Green Valley Road intersection to the north, and Shingle Springs Drive to the east. (Exhibit A)

**APN:** Book 69, Pages 10, 24, 25, 26, 27, 30, 31, and 32/Book 319, Pages 30, 31, and 32

**ENVIRONMENTAL DOCUMENT:** Exempt pursuant to Section 15060 of the CEQA Guidelines

**SUMMARY RECOMMENDATION:** Find the abandonment is not consistent with the 2004 General Plan

**BACKGROUND:** Section 65402 of the California Government Code establishes the requirement to make a Finding of Consistency with the locally adopted General Plan for any proposed vacation or abandonment of a public access road and easement. In addition, Section 8313(a) of the Street and Highways Code establishes that *“If the proposed vacation of a street, highway, or public service easement is within an area for which a general plan is adopted by a local agency, the legislative body of the public entity shall consider the general plan prior to vacating the street, highway, or public service easement.”*

**STAFF ANALYSIS**

**Project Description:** Request for a General Plan Finding of Consistency relative to the vacation of private roads within the Sleepy Hollow subdivision.

**Site Description:** The area surrounding Sleepy Hollow subdivision includes variable topography ranging from gentle to moderate slopes. Vegetation includes riparian vegetation along Dry Creek and Tennessee Creek, grasslands, and scattered oak woodlands. The surrounding land uses include single-family residential units on lots ranging from two to five plus acres in size. Sleepy Hollow subdivision consists of 153 lots, 1 fire station, and 1 lake lot for a total of 155 lots. All the lots within Sleepy Hollow receive their main access from Green Valley Road or from North Shingle Road via Tennessee Drive to Rancheria Drive or from Shingle Springs Drive via Neef Lane to Rancheria Drive. The internal subdivision roads are maintained by the homeowners association and include Oakvale Drive, Quail Run Road, Sleepy Hollow Drive, Deerwood Drive, Mossy Glen Court, Starlight Court, and Golden Fawn Trail. Amenities within the subdivision include riding and hiking trails, and a lake. It appears that the internal trail system is for the use of the homeowners and not connected to any public access points along the County Roads nor located near any trail system in the vicinity per the Hiking and Equestrian Trails Master Plan, amended 1990. In addition, located in the north western section of Sleepy Hollow Subdivision are nine parcels that are not apart of the Sleepy Hollow subdivision or homeowners association. However, the nine parcels receive access from either Green Valley Road or Sleepy Hollow Drive. In addition, The El Dorado County Bicycle Transportation Plan, adopted in January 2005, designates Green Valley Road as a proposed Class II bike route.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	R2A	MDR	Single Family Residences
<b>North</b>	R2A/RE-5/AE	LDR/PD	Single Family Residences, Grazing
<b>South</b>	RE-5	LDR	Single Family Residences
<b>East</b>	R2-A/RE-5/RE-10	LDR	Single Family Residences
<b>West</b>	R2A/RE-5/R20,000	LDR/MDR	Single Family Residences

**General Plan:** The 2004 General Plan designates the subject properties as Medium Density Residential (MDR). This General Plan designation establishes areas for detached single family residences with larger lot sizes which will enable limited agricultural land management activities. The characterization of MDR designated land uses include reduced level of infrastructure including roads, water lines, and sewer lines that do not justify higher residential densities and as a transitional land use between the more highly developed and the more rural areas of the County. The maximum allowable density shall be one dwelling unit per 1.0 acre.

There are no specific General Plan policies which apply to the vacation or abandonment of a roadway.

Policy 6.2.3.1: “As a requirement for approving new development, the County must find, based on information provided by the applicant and the responsible fire protection district that, concurrent with development, adequate emergency water flow, fire access, and fire fighting personnel and equipment will be available in accordance with applicable State and local fire district standards.”

Discussion: The area of concern related to this policy is adequate emergency access and when future land divisions occur. In as much, the policy appears to only apply to new development. However, the intention of the policy applies to existing development since the policy is applicable to insuring that development provides adequate emergency access for equipment and personnel. Subsequently, this request for road vacation is unusual since the potential of placing gates across the roads may create the first gated fire station in the County. This issue was raised by the Diamond Springs-El Dorado Fire District in that response time of the volunteer fire personnel could be compromised in accessing to and/or from the fire station within the Subdivision based upon gate locations within the subdivision.

Policy TC-1p: “The County shall encourage street designs for interior streets within new subdivisions that minimize the intrusion of through traffic on pedestrians and residential uses while providing efficient connections between neighborhoods.

Discussion: The concern relative to this policy appears to be reflective upon new subdivisions; however, the focus and intent of the policy applies to existing development as well. The possibility of gating this subdivision would minimize the intrusion of through traffic on pedestrians and residential uses. Based on the proximate location of the internal road system in relation to the surrounding County Roads, it appears that daily vehicle through traffic within the subdivision is fairly low. By analyzing the internal road system, it is not designed as a major thoroughfare nor provides any advantage for through traffic seeking shortcuts to the adjacent County Roads in the area. In addition to the policy, the potential gating of the road system within the subdivision would provide for inefficient connections between the adjacent neighborhoods.

Policy TC-1w: “New streets and improvements to existing rural roads necessitated by new development shall be designed to minimize visual impacts, preserve rural character, and ensure neighborhood quality to the maximum extent possible consistent with the needs of emergency access, on street parking, and vehicular and pedestrian safety.

Discussion: The concern with this policy is that the potential of gating a subdivision is not preserving the rural character but creating a more urbanized area. It also questions the intent of adding future gates in relation to ensuring neighborhood quality to the maximum extent possible consistent with the needs of emergency access. Furthermore, if the subdivision does gate the internal road system, there is no guarantee that pedestrian safety would increase or vehicle speeds would decrease in comparison to a non-gated-community. If the concern is related to reducing vehicle speeds within the subdivision, there are other methods available in lieu of gating the road system that would assist in reducing vehicle speeds. Methods may include, but are not limited to, reducing the road width by striping, adding sidewalks, adding Class I bike lanes, or adding Class II bike lane striping and signage. Adding equestrian trails along the roads or other traffic calming measures assist in reducing vehicle speeds.

In summary, even though there are no specific General Plan policies related to the abandonment of roads, there is however, the intent of the General Plan to integrate a comprehensive circulation system throughout the County. The addition of any gated community and/or roads in subdivisions that access adjacent lands via County roads or County recognized trail systems reduce opportunities of providing a comprehensive circulation system. Furthermore, the concerns raised by the Fire District in response to access to the existing volunteer fire station within Sleepy Hollow, if gated, may reduce emergency response times.

**Zoning:** The subject properties are zoned Single-family Two-acre Residential (R2A). The properties surrounding the subdivision are predominately One-half Acre Residential (R-20,000), Estate Residential Five-acre (RE-5) and Estate Residential Ten-acre (RE-10).

**Agency and Public Comments:** The agencies responding to this request included utility providers, California Highway Patrol, County Sheriffs Department, El Dorado Fire District, and the Rescue School District. The concerns relative to the requested road vacation are emergency access response time to and from within the subdivision, if gated, school bus access, and access by the utility providers (Exhibit B). In addition, at the time of the preparation of this report, staff had not received any comments from the public. New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

### **ENVIRONMENTAL REVIEW**

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15060 of the CEQA Guidelines stating that the activity is not a project defined under Section 15378 of the CEQA Guidelines.

### **RECOMMENDATION**

Staff recommends the Planning Commission find the proposed general vacation of the roadways in the Sleepy Hollow subdivision, Units 1 through 5, is not consistent with the 2004 General Plan.

## **SUPPORT INFORMATION**

### **Attachments to Staff Report:**

Attachment 1 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	Response Letters

# **ATTACHMENT 1** **FINDINGS**

## **FILE NUMBER SA05-0304**

1. The project has been found to be Categorical Exempt from CEQA pursuant to Section 15060 of the CEQA Guidelines stating that the activity is not a project as defined under Section 15378 of the CEQA Guidelines.
2. The proposed use is not consistent with the policies in the El Dorado County General Plan. Planning staff finds that the requested abandonment of the Sleepy Hollow subdivision roads may potentially jeopardize emergency access to private property accessible from Green Valley Road and North Shingle Road and the reduction in a comprehensive circulation system per the goals of the 2004 General Plan.