

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: October 9, 2008
Item No.: 9.b
Staff: Shawna Purvines

**GENERAL PLAN POLICY AMENDMENT
PARCEL SIZE EXCEPTION**

FILE NUMBER: A07-0010 & OR08-0002

APPLICANT: El Dorado County

REQUEST:

- 1) Amend Policies 2.2.1.2, Agricultural Lands; 2.2.1.3, Table 2-2; and 2.2.5.5; and delete policy 2.2.5.12 to provide for more flexibility in utilizing Zoning Ordinance 17.14.120, Parcel Size Exceptions, when subdividing parcels designated Low Density Residential, Rural Residential, Agriculture Lands and Natural Resources.
- 2) Amend Zoning Ordinance 17.14.120 to require a minimum parcel size of 4.5 as required by Title 16.44.120(L) for parcels that are ground water dependent and prohibit parcel size exception when General Plan policies require specific setbacks and buffers to adjoining parcels.

ENVIRONMENTAL DOCUMENT: General Plan EIR/SCH No. 2001082030

SUMMARY RECOMMENDATION: Recommend approval

BACKGROUND:

On May 16, 2007, the Zoning Administrator denied project P06-0027, a tentative parcel map creating two parcels ranging in size from 4.81 to 5.08 acres. Although the request met the provisions of the parcels Zoning designation (Residential Five-acre) and section 17.14.120, the denial was based on the Zoning Administrator's finding that the project did not comply with the required minimum parcel size for the project's Low Density Residential General Plan Land Use Designation. On an Appeal, the Board of Supervisors ultimately approved the project and directed staff to return with a General Plan Amendment that would continue to allow for parcel size exceptions as provided for in the Zoning Ordinance. County Zoning Ordinance, chapter 17.14.120, allows parcels to be subdivided in such a way to create one parcel of lesser size than is required

under General Plan Policies. However, the General Plan does not contain provision to allow for this exception. This amendment would allow for the approval of projects where the provisions of section 17.14.120 apply.

STAFF ANALYSIS

The County's primary regulatory tool for implementing the General Plan is the Zoning Ordinance (County Code Title 17). The Zoning Ordinance identifies varying development standards for each zone district, specifying limitations on parcel sizes, setback dimensions, and uses. The purpose of section 17.14.120 of the Zoning Ordinance is to allow flexibility where the strict adherence of this provision applies. There exist limited cases where the strict application of residential densities to an individual property zoned in an otherwise compatible district would preclude a reasonable division of the property as otherwise permitted by such zoning. An amendment to the General Plan would allow this ordinance to be implemented in those limited cases.

Staff recommends the amendment of four General Plan policies and additional language to Zoning Ordinance, section 17.14.120. Policy 2.2.5.5; Parcel Size Exception, would be modified to include language found in General Plan Policy 2.2.5.12 (this policies would be eliminated), clarifies the correlation with the Zoning Ordinance and eliminates the potential of creating lots smaller than allowed by other policies requiring specific setbacks and buffers to adjoining parcels. Policy 2.2.1.2 would be updated to include a description of allowable density, found in policy 8.1.1.8, for parcels designated Agricultural Lands and Table 2-2 of Policy 2.2.1.3 would be updated to include a footnote clarifying the relationship of policy 5.2.3.5 to the proposed amendments. Zoning Ordinance section 17.14.120 would be updated to include limitation on parcels created of less than 4.5 acres when ground water dependent and eliminates the potential of creating parcels inadequate to meet specific setbacks and buffers, bringing 17.14.120 into conformity with General Plan policies.

ENVIRONMENTAL REVIEW

Estimated levels of development for 2025 and buildout in the General Plan were forecasted using projections based on future population estimates, existing inventory and assumptions as to how that growth would be allocated throughout the County based on various factors and development constraints. Staffs review of parcels that may take advantage of the parcel size exception option has determined that amending the General Plan so as to implement a parcel size exception rule for a subdivision would potential increase the number of residential units by less than 2 percent at buildout. However, after close review of the methodology used in the General Plan EIR it is possible that a majority of the anticipated new parcels created using the exception have already been included in the analysis, thereby rendering the potential increase having a less than significant impact on development and within the review finding of the General Plan EIR.

This amendment merely provides flexibility in General Plan policies to provide for the implementation of the Zoning Ordinance section 17.14.120, which allows for parcel size exceptions necessary for approval of a few projects. This would not cause any additional demand for new housing or raise the potential need for replacement housing. No additional environmental review is necessary pursuant to §15162 of the State CEQA Guidelines.

RECOMMENDATION

1. Find that the proposed policy amendment does not create any new or changed impact from that analyzed in 2004 General Plan EIR; and
2. Recommend the Board of Supervisors approve General Plan Amendment A07-0010, amending policies 2.2.1.2, Agricultural Lands; 2.2.1.3, Table 2-2; and 2.2.5.5; and deleting policy 2.2.5.12, as shown in Attachment 2, based on the findings contained in Attachment 1.
3. Recommend the Board of Supervisors approve Zoning Ordinance Amendment OR08-0002 to 17.14.120, as shown in Attachment 2, based on the findings contained in Attachment 1.

SUPPORT INFORMATION

ATTACHMENTS

Attachment 1 - Findings

Attachment 2 - Proposed text Amendment to General Plan

Attachment 3 - Zoning Ordinance, 17.14.120 proposed text Amendments

Attachment 4 - Planning Commission Resolution of Intention 2008-01

ATTACHMENT 1 FINDINGS

FILE NUMBER A06-0005

1.0 CEQA Findings

- 1.1. The proposed General Plan policy amendment will not create any new or changed environmental impacts from those identified in the 2004 General Plan Environmental Impact Report.
- 1.2. No subsequent EIR is required for the General Plan policy amendment pursuant to §15162 of the State CEQA Guidelines because the proposed amendment is not a substantial change that would cause new significant effects or increase the severity of previously identified effects; substantial changes in the circumstances under which the plan was adopted have not occurred; and there is no new information regarding potential impacts that were not identified during the preparation of the previous EIR.

2.0 General Plan Finding

- 2.1. The proposed policy amendment is consistent with the General Plan Land Use Element goals and objectives in that it will provide for the maintenance of the rural and open character of the County and will distribute growth and development in a manner that maintains the rural character of the County utilizing infrastructure in an efficient, cost-effective manner,.