

Agenda of: September 22, 2005

Item No.: 8.a.

Staff: Michael C. Baron

STAFF REPORT - SPECIAL USE PERMIT/FINDING OF CONSISTENCY

FILE NUMBER: S05-0014

APPLICANT: K. Hovnanian Forecast Homes, Inc.

AGENT: Scott Montgomery

REQUEST: Special use permit to allow the installation of three entry gates for an age restricted subdivision, and a finding of consistency for the abandonment of public roads.

LOCATION: On the south side of White Rock Road, at the intersection with Four Seasons Drive, in the El Dorado Hills area. (Exhibit A)

APN: 108-660-09, 108-660-11, 108-650-29, and 108-650-30

ACREAGE: 153 acres

GENERAL PLAN: Adopted Plan (AP) (Exhibit B)

ZONING: Carson Creek Specific Plan (CC6K) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15303 of the CEQA Guidelines

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: The project is located within the Carson Creek Specific Plan area of El Dorado Hills. The parcels where the gates will be located were created in conjunction with the requirements of the Carson Creek Specific Plan.

STAFF ANALYSIS

Project Description: The project consists of three entry gates and landscaping for the age restricted community at the Euer Ranch subdivision (TM96-1317) located within the Carson Creek Specific Plan. Gates will be located on Four Seasons Drive at White Rock Road, Four Seasons Drive at

Carson Crossing, and Ranch Bluff Way at Carson Crossing. The gates would not restrict public access on Carson Crossing Drive. Carson Crossing Drive will be a public road extending from White Rock Road to the south property line of the Euer Ranch subdivision and will serve Phase 2 of the Specific Plan.

Site Description: The project site is located in the El Dorado Hills area near along the western border of El Dorado County. The site has been graded, and homes are currently being constructed in accordance with a previously approved subdivision (Euer Ranch TM96-1317). The El Dorado Hills area is located in the lower foothills of the Sierra Nevada with elevations ranging from approximately 300 to 1,000 feet.

Adjacent Land Uses:

| | Zoning | General Plan | Land Use/Improvements |
|--------------|---------------|---------------------|--------------------------------|
| Site | CC6K | AP | Improved Residential |
| North | R1A | MDR | Improved Residential |
| South | SP-2 | AP | Unimproved Residential |
| East | R&D | RD | Improved/Unimproved Commercial |
| West | RM | MFR/HDR | Improved Residential |

Discussion: The surrounding land uses consist of a mix of improved and unimproved residential and commercial parcels. Private entry gates would not conflict with the surrounding land uses or block the public right-of-ways for pedestrian and bicycle traffic through the gated community.

General Plan: The General Plan designates the subject site as an Adopted Plan (AP). The Carson Creek Specific Plan is subject to a development agreement. The development agreement was adopted by the Board of Supervisors on February 24, 1998. Section 2.2 of the development agreement provides that the rules and regulations, including General Plan Policies, applicable to development within the Specific Plan are those rules and regulations in effect at the time of execution of the development agreement. There are no specific policies in the 1996 and 2004 General Plans, the Carson Creek Specific Plan, or Development Agreement that regulate the construction or design of gates.

Conclusion: As discussed above, staff finds that the project, as proposed/conditioned, is consistent with the Carson Creek Specific Plan and the General Plan, as allowed by the development agreement.

General Plan Lawsuit: On February 5, 1999, Judge Cecily Bond of the Sacramento Superior Court acted to invalidate the Environmental Impact Report adopted for the 1996 General Plan. This invalidation restricted the County from acting on any discretionary project pending issuance of a Writ from the Court.

Paragraph 5, sub-paragraph 3 within the Final Writ establishes that “*The Court permits the County to issue any approvals, permits, or entitlements whether or not discretionary, for **non-residential development**; provided that such approvals, permits or entitlements comply with sub-paragraph (8) below...*” Sub-paragraph 8 within the Writ establishes that the “*County cannot approve or undertake any such project unless it finds, on substantial evidence, that:*

- a. *The approval or project will not significantly impair the County’s ability to adopt and implement a new General Plan after complying with CEQA.*

Discussion: The project is a non-residential development and is consistent with all applicable policies established under the 1996 and 2004 General Plans. Additionally, none of the issues identified in the February 5, 1999, Court ruling will be affected by this project.

- b. *The approval or project complies with all other requirements of law.*

Discussion: The project will comply in all instances with the provisions of County Code.

- c. *The project is consistent with the text and maps of the General Plan as of February 5, 1999, and there is no evidence that the development of the site would affect issues identified in the General Plan lawsuit that could impact the County’s ability to adopt a new General Plan.*

Zoning: The proposed use is not specifically listed as a use permitted by special use permit in the Carson Creek Specific Plan. However, Section 4.2(3) “Process and Procedures” of the Carson Creek Specific Plan states that, “*If specific development standards have not been established, or if an issue, condition or situation arises or occurs that is not clearly understandable in the Specific Plan, then those regulations and standards of the El Dorado County Zoning Ordinance that are applicable for the most similar issue, condition or situation shall apply as determined by the County Planning Director.*” Section 17.14.155(E) of the El Dorado County Zoning Ordinance state that, “*Fences shall not be permitted within road easement or County road right-of-way.*” There is no County standard or policy regarding the issuance of permits for gates, except that a special use permit is required. In order to approve the use, the approving authority must find that the use is consistent with the General Plan and would not be detrimental to the public health, safety and welfare nor injurious to the neighborhood. Based on comments received from public agencies, citizens' groups, and impacted neighbors, as discussed below, staff finds that the project would not be detrimental to the public health, safety and welfare and would not be injurious to the neighborhood.

Discussion: While it has been determined by staff that the project would not be detrimental to the public health, safety, and welfare and would not be injurious to the neighborhood, there are some issues with the project that should be noted. For instance, proposed pedestrian and bicycle right-of-ways through the gated portions of the community will not be fenced and shall remain open to the circulation of pedestrian and bicycle traffic. Furthermore, The Department of Transportation has required that the applicant to abandon all right-of-way road easements within the subdivision. This requires a finding of General Plan consistency acted upon by the Planning Commission.

Agency and Public Comments: The following agencies provided comments on this application:

- Department Of Transportation
- El Dorado Hills Community Services District
- El Dorado Hills Area Planning and Advisory Committee
- El Dorado Hills Fire Department

Agency Comments: The Department of Transportation has commented that prior to finalization of the special use permit , the applicant shall process and complete a General Vacation application with the Right-of-Way Unit of the Department of Transportation for all the internal roadways of the subdivision; this General Vacation must be acted upon by the Board of Supervisors.

ENVIRONMENTAL REVIEW

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15303 of the CEQA Guidelines stating that *Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.* Pursuant to Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

1. Certify that the project is Categorical Exempt from CEQA pursuant to Section 15303 and approve Special Use Permit S05-0014 based on the findings in Attachment 2, subject to the conditions in Attachment 1.
2. Make the following finding of consistency:

“Pursuant to California Government Code Section 65402, the abandonment of the road easements from any implied public use is found to be consistent with the El Dorado County General Plan.”

SUPPORT INFORMATION

Attachments to Staff Report:

- Attachment 1Conditions of Approval
- Attachment 2.....Findings
- Exhibit A.....Vicinity Map
- Exhibit BGeneral Plan Land Use Map
- Exhibit CZoning Map
- Exhibit D.....Site Plan

ATTACHMENT 1
CONDITIONS OF APPROVAL

FILE NUMBER S05-0014

CONDITIONS OF APPROVAL

El Dorado County Planning Services

1. The project, as approved, consists of the following:

Three entry gates and landscaping for an age restricted community at the Euer Ranch subdivision (TM96-1317) located within the Carson Creek Specific Plan. Gates will be located on Four Seasons Drive at White Rock Road, Four Seasons Drive at Carson Crossing, and Ranch Bluff Way at Carson Crossing.

2. All site improvements shall conform to the site plan(s) attached as exhibits.
3. All pedestrian and bicycle right-of-ways for the general public shall remain open and be designed in conformance with the Caltrans Highway Design Manual, Chapter 1000, entitled "Bikeway Planning and Design," which are the design standards for all bicycle facilities in California.

El Dorado County Department of Transportation

4. At the two locations on Four Seasons Drive, the applicant shall provide a vehicular turnaround area in the entrance approach to the gate of 500 foot minimum diameter from curb face to curb face in order to afford adequate width for a large vehicle to make a turnaround movement in a forward direction.
5. The gates shall be located so as to provide adequate room for vehicular queuing as recommended in the "Proposed Gated Access Traffic Study" by Korve Engineering.
6. Prior to finalization of the special use permit, the applicant shall process and complete a General Vacation (abandonment of Easement) application with the Right-of-Way Unit of the Department of Transportation for all the internal roadways of the subdivision; this General Vacation (Abandonment of Easement) must be acted upon by the Board of Supervisors.
7. Improvement plans for roadway and gate location details must be reviewed and approved by the Department of Transportation. In addition, geometric, signing, and construction details related to the conversion of Ranch Bluff Drive to an exit only intersection must be reviewed and approved by the Department of Transportation.

El Dorado Hills Community Services District

8. The open space corridors and trails within those open space areas are for all El Dorado Hills residents to enjoy and the District requires that there be no gates at trail entries, where they are accessible to the public on White Rock, Suncast Lane, Sandstone Drive, and Carson Crossing Drive.
9. It is written in the Specific Plan that the trails must remain open and available at all times to the public as they are to serve as non-motorized transportation linkages to public modes of transportation and community facilities, including future public parks.

El Dorado Hills Fire Department

10. The project shall conform to El Dorado Hills Fire Department's gate standards, and two sets of plans shall be submitted and approved by the fire department prior to construction.

ATTACHMENT 2 **FINDINGS**

FILE NUMBER S05-0014

1. The project has been found to be Categorically Exempt from CEQA pursuant to Section 15303 stating that *Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.*
2. The proposed use is consistent with the policies in the El Dorado County General Plan, at the time the Carson Creek development agreement was approved, as discussed in the General Plan section of this staff report.
3. The Carson Creek Specific Plan and Euer Ranch subdivision map provide for an age restricted community that would benefit from the security of being a gated community. No through roads, public roads, or pedestrian right-of-ways will be restricted with this gate program. The use is found to comply with the requirements of Chapter 17.22, Special Use Permits, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report.
4. This project may be approved subject to the following findings established in Paragraph 5, Sub-Paragraph 3, which permits the County to approve permits, and Sub-paragraph 8 in the Final Writ issued by the Court on July 19, 1999, as follows:
 - a. The approval or project will not significantly impair the County's ability to adopt and implement a new General Plan after complying with CEQA.
 - b. The approval or project complies with all other requirements of law.
 - c. The approval or project is consistent with the text and maps of the 1996 General Plan as amended through February 4, 1999.
5. In order to remove any implied public access authority the applicant shall file a General Vacation Application through the Department of Transportation. Pursuant to Section 65402 of the California Government Code any abandonment or vacation of any streets requires a finding of conformity with the adopted general plan. A finding of General Plan Consistency must be acted upon by the Planning Commission in order to supplement an abandonment of county right-of-way easement condition set forth by the Department of Transportation.