

**ELDORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



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| Agenda of: | July 12, 2007 |
| Item No.: | 15. |
| Staff: | Michael C. Baron |

REZONE

FILE NUMBER: Z07-0006

APPLICANT: Charles and Sharon Eubanks

REQUEST: Zone change from Estate Residential Five-acre (RE-5) and Planned Commercial (CP) to General Commercial-Planned Development (CG-PD).

LOCATION: The property is located on the northeast side of Pleasant Valley Road, 2.5 miles east of the intersection with State Route 49, in the Diamond Springs area, Supervisorial District III. (Exhibit A)

APN: 098-110-24 and -25

ACREAGE: Approximately 6 acres (property has not been surveyed)

GENERAL PLAN: Commercial (C) (Exhibit B)

ZONING: Estate Residential Five-acre (RE-5) and Planned Commercial (CP) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration

SUMMARY RECOMMENDATION: Recommend approval

SUMMARY

The proposed rezone conforms to the General Plan land use designation. This rezone would allow commercial development on six acres and would be compatible with the development patterns in the area. The impacts from additional commercial development would be analyzed through a subsequent planned development application and initial study.

STAFF ANALYSIS

Staff has reviewed the project for compliance with County regulations. Staff’s analysis of the zone change request for the Planning Commission to consider is as follows:

Project Description

The applicant is requesting to rezone approximately three acres from Estate Residential Five-acre (RE-5) and approximately two acres of Planned Commercial (CP) to General Commercial-Planned Development (CG-PD), so the parcels will be consistent with their General Plan Land Use Designation in order to allow for future commercial development. No development plans are being processed as part of this application. The acreage of the site as shown on the Assessor’s map (6.07acres) differs from the GIS data (5.23 acres). The only accurate means to determine the exact acreage of the parcel would be by a licensed surveyor.

Site Description:

The project site is moderately sloped from the northeast toward Pleasant Valley Road. With the exception of the caretaker residence, all other structures on the property are on relatively flat ground. There is an old building pad at the front of the property which fronts along Pleasant Valley Road. Existing improvements on the site include a caretaker residence and three storage buildings. The parcel contains a mix of oak woodland, conifer, and manzanita located mostly on the undeveloped sloped portions of the property. The property contains some areas of slopes in excess of 30 percent. While there are some oak trees on the site, they are confined to the heavily sloped areas and mostly around the perimeter of the property. They should not be affected by future development.

Adjacent Land Uses:

| | Zoning | General Plan | Land Use/Improvements |
|--------------|---------------|---------------------|--|
| Site | RE-5/CP | C | Improved Residential/Commercial/Vacant |
| North | RE-5 | LDR | Improved Residential |
| South | RE-5/R1A | C/MDR | Improved Residential/Multi-Family |
| East | RE-5 | LDR | Improved Residential |
| West | RE-5/RE-10 | LDR/RR | Improved Residential |

General Plan:

The General Plan designates the subject site as Commercial (C). General Plan Policy 2.2.1.2 states that the purpose of this land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. Mixed use developments of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses shall be permitted provided the commercial activity is the primary and dominant use of the parcel. This designation is considered appropriate only within Community Regions and Rural Centers.

This parcel is located within the Oak Hill Rural Center. There would be no conflict with this policy.

Policy 2.2.5.3: The County shall evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include, but are not limited to, the following:

1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;
2. Availability and capacity of public treated water system;
3. Availability and capacity of public waste water treatment system;

Discussion: General Plan Policies 5.1.2.1 and 5.1.2.2 require that prior to approval of any discretionary development a determination of the adequacy of the public services and utilities to be impacted shall be made, and the development shall not result in a reduction of services below minimum established standards.

The Environmental Management Department has reviewed the project and stated that conditions will be applied to any subsequent planned development application. A Facilities Improvement letter dated August 14, 2005, from El Dorado Irrigation District identifies that adequate infrastructure for public water systems exist to warrant a rezone and can serve future development of the site. There is an existing septic system on the site that could be further expanded to support commercial development.

4. Distance to and capacity of the serving elementary and high school;

Discussion: Under Policy 5.8.1.1, school districts affected by a proposed development shall be relied on to assess any impacts on school facilities. Future commercial development of the project would not result in an increase in demand on the local elementary and high school district. At the time of this report, no information was provided to indicate this project would have an impact. The project parcels are located within Gold Oak Union School District.

5. Response time from nearest fire station handling structure fires;

Discussion: Future commercial development of the parcel would result in an increase in demand for fire protection services, however, no information was provided by the fire district concisely stating that the minimum level of service would fall below the minimum response time of 8 minutes to 80 percent of the population, as designated by Policy 5.1.2.2 in Table 5-1 of the General Plan. A fire station is located 0.5 miles to the east on Pleasant Valley Road.

6. Distance to nearest Community Region or Rural Center;

Discussion: The project parcel is located within the Oak Hill Rural Center.

7. Erosion hazard;

Discussion: Under Policy 7.3.2.2, *projects requiring a grading permit shall have an erosion control program approved, where necessary.* Based on the Soil Survey of the El Dorado Area, CA, the project soil is classified as MaD, Mariposa very gravelly silt loam, with steeply sloping topography of 3 to 30 percent which is characterized by an erosion hazard that is slight to moderate. No grading is being proposed with the rezone application. Future development must adhere to the County's grading and erosion control requirements.

8. Septic and leach field capability;

9. Groundwater capability to support wells;

Discussion: The project parcel will be required to connect to existing public water prior to development. The septic capability is discussed under criteria 1-3 above.

10. Critical flora and fauna habitat areas;

11. Important timber production areas;

12. Important agricultural areas;

13. Important mineral resource areas;

Discussion: Project parcel is not in any designated area for these criteria.

14. Capacity of the transportation system serving the area;

Discussion: The project parcel is accessed off Pleasant Valley Road, which is a County maintained road. Further review of future development will include traffic circulation both on and off site, as well as other transportation related issues pertaining to type and size of proposed project.

Since this proposal is to bring the current zoning of Estate Residential and Planned Commercial into consistency with the General Plan's land use designation for the parcel of Commercial, the impacts for the Commercial use on the surrounding road system were analyzed in the General Plan Environmental Impact Report. That analysis showed that this land use, along with all the others assumed to be in place by 2025, would require some improvements to the County's road system. Those improvements were identified in that document and in the subsequent Traffic Impact

Mitigation (TIM) Fee Program analysis. Those needed improvements are included in the recently adopted TIM fee program.

General Plan policies, primarily those listed under Goal TC-X, require the developer and the County to review, and if necessary mitigate, the project's short term traffic impacts. That analysis is conducted when a proposal is submitted that better defines the traffic generation from the project, such as the number of units or square footage of new structure(s). As this is only a rezone at this point, and no more detailed project information is available, it is premature to attempt such an analysis. The site would require a planned development application as part of any proposed development. At this time, the Department of Transportation could not complete the traffic analysis, so final conditions would be incorporated upon submittal of a planned development.

However, the issue of traffic generation from the site can be looked at in a generalized way. Commercial zoning typically generates three trips in the PM peak hour for every 1,000 square feet of structure. Office or industrial space generates the same or less. Calculating the commercial rate on a per acre basis (using a Floor Area Ratio [FAR] of 0.25) shows approximately 33 PM peak hour trips per acre. For this property, using a 0.25 FAR would allow 1.51 acres of available floor area for potential commercial development creating the potential for up to 50 PM peak hour trips. Raising the FAR to 0.85 as currently proposed as a General Plan amendment increases the potential commercial development to 5.1 acres of available floor area for development which would drastically increase traffic density to 168 PM peak hour trips. In a generalized analysis, the proposed Commercial zoning could create traffic problems exceeding General Plan thresholds, however, slope, tree canopy, sewage disposal, parking and landscaping would restrict future commercial development to a 0.25 FAR. Any proposed future development could require a traffic study to determine the extent of impacts on traffic during the planned development process.

15. Existing land use pattern;

Discussion: Policy 2.1.2.3 establishes that in order to meet the commercial and services needs of the residents of the Rural Centers and Rural Regions, the predominant land use type within Rural Centers shall be commercial and higher density residential development. Rezoning the parcels to commercial will maintain conformity with the existing land use pattern of commercial development in an area planned for both more commercial development and higher density residential. All future development of the site would require a planned development application that would assess any incompatibility, providing the opportunity to recommend conditions that could mitigate any impacts.

16. Proximity to perennial water course;
17. Important historical/archeological sites;
18. Seismic hazards and present of active faults;
19. Consistency with existing Conditions, Covenants, and Restrictions.

Discussion: As discussed in the initial study, none of these resources or constraints exists on the site; therefore the rezone will have no impact.

Policy 2.2.5.21: States that development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed.

Discussion: The proposed rezone to General Commercial (CG) would allow for a full spectrum of uses allowed on the site from retail sales, office, eating establishments, automobile sales, to light manufacturing or lumber yards. A portion of the property is zoned Planned Commercial (CP) which is considered more restrictive than General Commercial. Any use would require site plan review approval by the Planning Services Director to ensure compatibility with surrounding land uses. The rezone to General Commercial (CG) is at the request of the applicants. Because the property is located near a mix of residential and commercial, there is no proposed project, and there are numerous uses allowed under the General Commercial Zone District the proposed rezone includes the addition of the Planned Development Overlay. The addition of the Planned Development Overlay would ensure that any use would be consistent with the surrounding land uses and require any proposed future use of the property to be analyzed and brought forth to the Planning Commission for review and approval.

Policy 7.4.4.4: For all new development projects, the County shall require the applicant to adhere to the tree canopy retention and replacement standards or contribute to the Integrated Natural Resources Management Plan.

Discussion: The proposed rezone will not conflict with the General Plan tree preservation policy, as no grading or improvements will be required for the rezone of the property to conform to the General Plan land use designation. Any future project will be further reviewed through a planned development application, subject to further CEQA analysis and General Plan consistency review. The portion of the property going from residential to commercial has been historically commercial with some existing improvements. Any future proposed development will still need to comply with Policy 7.4.4.4 or other implementing ordinance in place at the time of development.

Conclusion: Tree canopy, excessive slope, and other constraints, while present, are limited on this site; and future development would avoid impacts associated with the applicable policies. The site would be compatible with the Commercial or General Commercial Zone District as any future development would require a planned development to further ensure consistency with the aforementioned policies. As discussed above, staff finds that the proposed zone change conforms to the General Plan.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff finds that there is no substantial evidence that the project could have a significant effect on the environment, and a Negative Declaration has been prepared.

NOTE: This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or

animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,800.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,800.00 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

RECOMMENDATION

Staff recommends that the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

1. Adopt the Negative Declaration, based on the Initial Study prepared by staff; and
2. Approve Zone Change Z07-0006, based on the Findings in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

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|--------------------|---------------------------|
| Attachment 1 | Findings |
| Exhibit A | Assessor's Map |
| Exhibit B | Vicinity Map |
| Exhibit C | General Plan Land Use Map |
| Exhibit D | Zoning Map |
| Exhibit E | Aerial Photo |
| Exhibit F | Site Plan |
| Exhibit G | Initial Study |

ATTACHMENT 1
FINDINGS

FILE NUMBER Z07-0006

July 12, 2007

1.0 CEQA FINDING

- 1.1 The County has considered the negative declaration together with the comments received and considered during the public hearing process. The negative declaration reflects the independent judgment of the County and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The proposed project could not have a significant effect on the environment.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 The proposed use is consistent with the policies of the 2004 El Dorado County General Plan, as discussed in the General Plan section of this staff report including Policies 2.2.1.2, Consistency with Commercial Land Use Designation; 2.2.1.3, Development Within Rural Centers; 2.2.5.5, Suitability; 5.1.2.1 and 5.1.2.3, Adequacy of Public Services and Utilities; 5.8.1.1; Affect on School Districts, 7.3.2.2; Erosion Control; Goal TC-X, Traffic Impacts; 2.1.2.3, Consistency with Existing Land Use Pattern; and 7.4.4.4, Protection of Oak Woodlands.

3.0 ZONING FINDINGS

- 3.1 The rezone is found to comply with the requirements of Chapter 17.06, and the proposed project 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 and the analysis of potential impacts in the Initial Study.
- 3.2 The site is physically suitable for commercial development based on availability of public water, access onto a County road, septic capability, and lack of significant site constraints within the developable areas of the site.