

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION STAFF REPORT**



Agenda of: October 25, 2007

Item No.: 11.a.

Staff: Mel Pabalinas

REZONE

FILE NUMBER Z07-001/G3 Enterprise

APPLICANT: RRM Design Group

PROPERTY OWNER: G3 Enterprise Inc.

REQUEST: Rezone from Mineral Resource (MR) to Estate Residential Ten-acre-Planned Development (RE-10-PD)

LOCATION: One mile south of U.S. Highway 50, one mile west South Shingle Road; in the Cameron Park area, Supervisorial District II (Exhibit A)

APN: 109-010-09, -10, -13, -14 and 109-020-01

PROPERTY SIZE: 537 acres

GENERAL PLAN: Rural Residential (Exhibit B)

ZONING: Mineral Resource (MR) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration

SUMMARY RECOMMENDATION: Recommend approval

BACKGROUND

Portions of the site have been historically mined for limestone in association with the Marble Valley Limestone Quarry, most recently by El Dorado Limestone Mine. In 1983, based on the Open File Report (OFR 83-29) prepared for the Department of Conservation (DOC), the

mine was deemed inactive despite containing large reserves of high quality carbonate rock. As such, the site retained its Mineral Land Classification of MRZ-2a.

A subsequent Open File Report (OFR 2000-03) in 2001 by DOC concluded that the site was no longer considered a significant mineral resource, removing its MRZ-2a designation. Furthermore, a supporting letter from the State Geologist indicated that mining of limestone in the Marble Valley Area is not considered “economically viable now or in the foreseeable future” (Attachment 4). These OFR files have been adopted by El Dorado County as referenced under General Plan Policy (Conservation and Open Space Element) 7.2.2.1.

STAFF ANALYSIS

Staff has reviewed the project for consistency with the County’s regulations and requirements. An analysis of the proposal and issues for the Planning Commission/Board of Supervisor consideration are provided in the following sections.

Project Description

The applicant is requesting a rezone of the above property from Mineral Resource (MR) zone district to Residential Estate-10 acre minimum (RE-10) with a Planned Development (-PD) overlay. The proposed underlying zoning would conform to the General Plan Land Use Designation of Rural Residential (RR) which provides a density range of one dwelling unit per 10 to 160 acres. No development or improvement is proposed concurrent with the zone change.

Site Description

Consisting of five individual legal parcels, the 530-acre site is located approximately 1 mile south of Highway 50 and 1 mile west of South Shingle Springs. The site is accessed via both improved public and unimproved private roads connecting from Deer Creek Road from northwest, Shingle Lime Mine Road from the northeast, and Amber Fields Drive from the southeast. Historically, the property was utilized as a grazing, limestone mine, and processing and rock crushing facility associated with the defunct Marble Valley Limestone Deposit quarry, located to the west. Though predominantly undeveloped, small areas located in the middle of the site contains two dwelling units, three unoccupied accessory buildings, and two accessory buildings utilized by a construction company.

The site is located within the elevation range of 800 feet at the southwest to 1,280 feet along the eastern border. The property is characterized by three types of soil from two soil series: Auburn Series (AwD and AxD), a well drained and shallow to moderately deep soil type formed from metabase or metasedimentary rock, with moderate permeability; Sobrante Series (SuC), a well drained moderately deep soil, formed from basic igneous and metamorphic rocks, with moderate permeability. Additionally, two soil classifications not associated with series, Serpentine (SaF) rocks formed from Serpentine bedrock, and Quarries (Qu) are also present on the site. Sobrante Series is considered an agricultural “choice” soil

type designated as prime or local importance. Serpentine rock formation is commonly accompanied by areas of Gabbro soils which is prevalent to rare “endemic” plants (Exhibit D)

Along with its several tributaries, Deer Creek, a predominantly intermittent watercourse, traverses the site from the northwest meandering into through the middle of the site to the southwest. This wetland feature flows into Consumnes River, which eventually connects to Suisun Bay via the Mokelumne and San Joaquin Rivers. The site also contains several smaller seasonal wetlands that connect to Deer Creek and its tributaries. In total, the amount of wetland and drainage feature is estimated at 3.54 acres (Exhibit E).

The balance of the biotic habitats is encompassed by the following: Mixed oak woodland (242 acres) primarily consisting of Valley oaks, Blue oaks, California black oak located along the riparian corridor; Montane manzanita chaparral (129 acres) including Whiteleaf manzanita, various shrub species, and mixture of native and non-native grass, primarily occupies the western half of the site; Oak savannah (103 acres), contains a mix of Valley oak, Blue oak and grassland understory; Ruderal area (39 acres), contains non-native grass and forbs within previously disturbed area; and Mixed chaparral (14 acres) includes small areas of mixed chaparral and shrubs within oak savannah habitat located within northeast section.

Site Information

Tables 1 and 2 detail the specific land use information of the site and the surrounding properties.

Table 1. Current Site Land Use Information

	Project Site
General Plan Designation	Rural Residential (RR)
Zoning	Mineral Resource (MR)
Use(s)	Residential, Accessory Building
Size (in acres)	537
Rare Plant Mitigation Area	Mitigation Area 1
School District	Buckeye Union
Fire District	El Dorado County Fire Protection District
Water/Sewer District	109-010-09, -10 EID; 109-010-13, -14; -020-01 Unassigned
County Region	Rural Region
Traffic Analysis Zone(s)	343 and 167
Supervisorial District	District No.2
Flood Zone	C
FIRM Panel Numbers	060040 0725C
Legal Parcels	Yes
Census Tract	308.04

Table 2. Surrounding Properties Land Use Information

	General Plan Designation	Zoning Designation	Existing Use
North	Low Density Residential (LDR)	Residential Estate 5-acre (RE-5), Planned Agricultural 20-acre (PA-20)	Residential
East	Low Density Residential (LDR)	Residential Estate 5-acre (RE-5)	Residential
South	Low Density Residential (LDR), Public Facilities (PF), Open Space (OS)	Open Space (OS), Residential Agricultural 40-acre (RA-40), Residential Estate 5-acre (RE-5)	Residential, EID Waste Water Treatment Plant
West	Low Density Residential (LDR)	RE-5/PD	Marble Valley Subdivision

General Plan

Land Use Element General Plan Policy 2.2.5.2 requires all discretionary projects to be reviewed for consistency with applicable General Plan Policies. Specifically, the project has been reviewed for consistency with the following policies.

- **Land Use Element Policy 2.2.5.2 (Project Consistency with General Plan)**

This policy requires verification of discretionary project applications for consistency with the applicable General Plan policies. Based on consistency matrix (Table 2.4) under General Plan Policy 2.2.1.5, the proposed rezone to Residential Estate 10-acre/ Planned Development (RE-10/PD) would be consistent with the Rural Residential (RR) designation of the site. Subsequent development proposal of the site would subject to the general plan policies under Objective 2.2.3 (Planned Developments).

- **Land Use Element Policy 2.2.5.3 (Rezone Consistency)**

In order to assess the appropriate density and specific site conditions, this policy requires evaluation of future rezone based on specific criteria including:

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;

Two of the properties (APN 109-010-09, -10) composing the site are located within El Dorado Irrigation District (EID) service and could potentially be served for public water and sewer. The remaining properties would require an annexation into EID for future consideration of these services.

As of January 1, 2006, the estimated water supply available in the Western/Eastern Supply Region is 2,285 equivalent dwelling units (EDU). If public water and sewer is proposed to serve the future development of the site, the project would be required to obtain a Facility Improvement Letter (FIL). The FIL provides a preliminary assessment of the development which includes determining the amount of required EDU of water based on the availability, details of the required off and on-site improvements and/or utility easements to facilitate construction/extension of water and sewer lines, and submittal of facility improvement plans depicting the construction details in accordance with EID standards.

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

The nearest elementary school to the site is Blue Oak Elementary School within the Buckeye Union School District. The school is located at 2391 Merrychase Drive in Cameron Park, approximately two miles north of the site. The school is within capacity.

This nearest high school to the site is Ponderosa High School within the El Dorado Union High School District. The school is located at 3661 Ponderosa Road in Shingle Springs, approximately five miles northeast of the site. The school is currently nearing capacity.

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

The site is within the El Dorado County Fire Protection District. The nearest station to the site is located at 3860 Ponderosa Road in Shingle Springs, located approximately 5 miles northeast of the site. The projected emergency response time is between 6 to 7 minutes.

6. Distance to nearest Community Region or Rural Center;

The nearest Community Region to the site is the Shingle Springs located approximately one-half mile from the site.

7. Erosion hazard;

The site contains varying type of soil composition. Auburn Series (AwD and AxD) is well-drained soils underlain by hard metamorphic rock. This type of soil is permeable, slow to medium surface runoff and slight to moderate erosion hazard. Serpentine Rock Land (SaF) is excessively drained, with very rapid surface runoff is very, and the erosion hazard is slight to moderate. Sobrante Series (SuC) has moderate permeability, slow to medium surface runoff, and slight to moderate erosion hazard. Subsequent development of the site would be required to provide site specific geotechnical and soil survey prior to site design.

8. Septic and leach field capability;

The site is located within a region constraint with areas of steep slope, serpentine rocks, and historical data of inadequate percolation. Though the anticipated minimum size of each parcel to be created is 10 acres, subsequent development would be required to prove adequate area for septic leachfields and capable of utilizing conventional system.

9. Groundwater capability to support wells;

Based on the existing constraints associated with existing topography and soil types and historical groundwater data in the area, groundwater supply within the site is limited. Development of the site would require water flow and quality testing as part of the application proposal.

10. Critical flora and fauna habitat areas;

As discussed above, the site contains an array of biotic areas that would provide for potentially suitable habitat for different types of protected species of flora and fauna including oak woodland, rare “endemic” plants and animals such as Valley elderberry longhorn beetle and California horned lizard.

11. Important timber production areas;

The site is not considered an important source of timber.

12. Important agricultural areas;

The Sobrante soil series (SuC) area of the property is considered “choice” agricultural soils. As determined by the Agricultural Commission, this portion of the site is irregularly shaped and isolated and has been disturbed by previous mining operation. The Commission concluded that utilizing this area agriculturally would not be practical and limited viability.

13. Important mineral resource areas;

The site was historically mined for large lime deposits. Though currently zoned as Mineral Resource (MR), the mining on the site has been inactive and the Department of Conservation does not consider the limestone site to be economically viable. The MRZ-2a designation of the site has been removed.

14. Capacity of the transportation system serving the area;

The site is accessed via public and private roads that meander through estate-size residential and rural subdivisions. These roads are currently adequate for the existing subdivisions but would need to be improved in order to accommodate an increase in use and vehicular traffic.

15. Existing land use pattern;

Except for the use of the existing buildings, the site is predominantly undeveloped.

16. Proximity to perennial water course;

The site is traversed by Deer Creek running from the northwest meandering southwest. Though predominantly intermittent, portions of Deer Creek contain year round waters.

17. Important historical/archeological sites;

Based on the record search conducted, the site has numerous historical records considered to be highly sensitive for prehistoric and historic-period cultural resources. A specific cultural resource study would be required as part of development application of a proposal.

18. Seismic hazards and present of active faults;

The site is adjacent to East Bear Mountain Fault and its isolated sections. This fault system is not considered active.

19. Consistency with existing Conditions, Covenants, and Restrictions.

There are no existing CC&Rs subject to the site.

- **Land Use Element Policy 2.2.2.7 (Mineral Resource Sites)**

This policy regulates the uses within sites designated to contain significant mineral resource. Though previously mined of lime deposits, the mine has been inactive and is no longer considered economically viable. The MRZ-2a designation of the site has been removed.

- **Agricultural and Forestry Element Policies 8.1.1.5 (Choice Agricultural Soils) and 8.1.3.5 (Agricultural Use)**

These policies regulate non-agricultural uses on “choice” agricultural soils, a type of soil associated with prime or locally significant farmland. The site contains Sobrante series (SuC), a type of “choice” agricultural soil. This section of soil is irregularly shaped, isolated and has been disturbed by the railroad tracks associated with the previous mining operation. A representative from the Agricultural Commission determined that utilizing this area agriculturally would be impractical and would not be economically viable.

- **Agricultural and Forestry Element Policy 8.1.2.2 (Grazing Lands)**

This policy regulates the creation of lots under 40 acres for properties with historical grazing. Portions of the site have been historically used for grazing. A representative from Agricultural Commission indicated that the area is no longer considered suitable and would be impractical for grazing given the insufficient amount of grassland on-site and the need of feed supply to accommodate such an operation.

Zoning

The subject site is zoned Mineral Resource (MR), based on the previous existence of the limestone operation. The proposed rezone to Residential Estate 10-acre minimum/Planned Development (RE-10/PD) would be consistent with the Rural Residential land use designation and the related policies of the General Plan.

Section 17.70.080 of the El Dorado County Zoning Ordinance (Residential Estate) establishes the development standards regulating various uses including single family residences, agricultural uses (i.e. grazing, processing) and agricultural support services. Implemented under Sections 17.02 and 17.04, the Planned Development overlay would provide for subsequent review of future development of the project site. Specifically, implementation of planned development concepts would provide for innovative planning and development techniques in further enforcing various General Plan strategies. Some of these strategies include provisions for open space, clustered development design which would further the County goals in developing to the natural topography, and preserving sensitive biological and cultural resources.

Other Issues

Agency Comments

On February 21, 2007, the project was distributed for agency review and comment. The following discussion details the agency comments, including a brief staff response (Attachment 3).

El Dorado County Agricultural Commission

The Commission considered the zone change request at its scheduled meeting on April 11, 2007. The Commission provided conditions requiring future parcels created along the agriculturally zoned lands to the south maintain a minimum size of 10 acres and a 200-foot setback for incompatible agricultural uses. This condition shall be applied to the future development proposal.

In a separate discussion regarding the existence of choice soils at the site, an Agricultural Commission representative indicated that the choice soils on the site may have insufficient viability given the limited area, irregular narrow shape, and isolated location. The Commission representative also indicated that conducting a grazing operation on the site would not be suitable practical given the existing insufficient grassland and the amount of feed supply to serve the operation.

Cameron Estates Community Services District (CSD)

A CSD representative expressed their concern regarding the future development of the site which would border the private community of Cameron Estates maintained by the District. Specifically, the CSD is concerned with the ingress and egress to the future development. The agency requests additional notification of future development proposals.

Pacific Gas and Electric (PG&E)

PG&E requires a dedication of a 12.5-foot wide easement along public roadways, private drives or IOD for purposes of locating underground facilities. This comment shall be considered as part of future development review.

El Dorado County Resource Conservation District (RCD)

The RCD commented on the future development impacts on the mineral resources on site. As discussed above, the lime deposit is no longer considered to be economically viable resulting in the removal of Mineral Resource MRZ-2a designation of the site by the Department of Conservation.

El Dorado County Department of Transportation -Zone of Benefit (ZOB) Division

The ZOB expressed its concern involving the potential development impacts on the Fernwood Cothrin Road ZOB. Specifically, a representative from the ZOB is concerned that the future development would impact the zone roads and contribute to the drainage. The agency request additional information upon submittal of formal development application.

El Dorado Local Area Formation Commission (LAFCO)

LAFCO commented on the potential need for annexation of the future development into EID and the El Dorado Hills CSD. Future development proposal would be required to coordinate with these agencies in order to initiate annexation proceedings.

In the absence of a specific development proposal, the County of El Dorado Department of Transportation (DOT), El Dorado Transit, and El Dorado County Air Quality Management District (AQMD) did not provide specific comments. Subsequent development proposal would be distributed to all affected agencies/departments for review and comments.

ENVIRONMENTAL REVIEW

In accordance to California Environmental Quality Act (CEQA), an Initial Study/Negative Declaration was prepared to determine if the project would have significant effects on the environment. The document was circulated for a 30-day public review period. Based on the Initial Study, the proposed zone change would not cause any physical change or affects to the site but concluded that subsequent development would have less than significant effect on resources including air quality, biological resource, noise, and traffic. Future development

proposal for the site would be subject to further review in order to analyze the specific the environmental impacts associated with the project and applicable recommended mitigation measures.

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 \$1,850.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, less \$50.00 processing fee, is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources. Under the revised statute effective January 1, 2007, a project proponent asserting a project will have no effect on fish and wildlife should contact the CDFG and the CDFG will review the project, make the appropriate determination, and in "no effect" cases, the CDFG will provide the project proponent with documentation of exemption from the filing fee requirement.

RECOMMENDATION

That the Planning Commission recommends to the Board of Supervisors the following actions:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and
2. Approve Rezone application Z07-001

SUPPORT INFORMATION

Attachment 1.....	Findings
Attachment 2.....	Agency Comments
Attachment 3.....	Supporting Documents
Attachment 4.....	Initial Study/Negative Declaration
Exhibit A.....	Vicinity Map
Exhibit B.....	General Plan Land Use Map
Exhibit C.....	Zoning Map
Exhibit D.....	Soils Map
Exhibit E.....	Wetland/Drainage Map

ATTACHMENT 1

FINDINGS

FINDINGS FOR APPROVAL

1.0 CEQA

- 1.1 El Dorado County has considered the Initial Study/Negative Declaration together with the comments received during the public review process. The negative declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the Initial Study.
- 1.3 The documents and other materials which constitute the record upon which this decision is based are in the custody of the Development Services Department-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 ADMINISTRATIVE FINDINGS

2.1 General Plan

The El Dorado County General Plan classifies project site to be within the Rural Region planning concept area. This region is characterized by the existence of natural resource, various physical site constraints, and limited availability of infrastructure. The Rural Residential (RR) land use identification for the site is consistent with the planning concept area designation. Given the historical agricultural and mining uses and site limitation, the site corresponds to the characterization based on the General Plan.

The proposed zone change to Residential Estate 10 acre minimum/ Planned Development overlay (RE-10/PD) conforms to the land use map designation and has been verified for conformance to applicable General Plan policies including Land Use Element Policies 2.2.5.2, 2.2.5.3, 2.2.2.7 and Agricultural and Forestry Element Policies 8.1.1.5, 8.1.3.5 and 8.1.2.2. Specific development of the site shall be further reviewed against various policies including project density and intensity, consistency with the surrounding uses, site, circulation and utility layout, and preservation of natural and cultural resources.

2.2 Zoning

Though the current MR designation is consistent with the Rural Residential Land Use Designation, the mining of the site is no longer operational and the remaining resources are not considered economically viable. As such, the proposed request to

change the underlying land use zoning designation to RE-10/PD shall establish an appropriate designation that would accommodate various uses ranging from residential to limited agricultural consistent with the existing uses in the area. The subsequent development of the site shall require conformance to the applicable development standards regulated under Section 17.70.010 (Residential Estate-10 Districts) and Chapters 17.02 and 17.04 of the El Dorado County Zoning Ordinance. Deviations from specific development standards shall be considered subject to the required findings of justification.