

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



Agenda of: November 8, 2007
Item No.: 7
Staff: Michael C. Baron

REZONE/DEVELOPMENT PLAN

FILE NUMBER: Z06-0043/PD06-0029

APPLICANT: Troy Burkhart

AGENT: Jeff Crovitz-MGE Engineering

REQUEST: Zone change from One Acre Residential (R1A) Zone District to General Commercial-Planned Development (CG-PD) and a development plan for a vehicle storage facility.

LOCATION: On the north side of Headington Road, approximately 850 feet east of the intersection with Missouri Flat Road, in the Placerville area, Supervisorial District III. (Exhibit A)

APN: 325-230-27

ACREAGE: 1.7 acres

GENERAL PLAN: Commercial (C) (Exhibit B)

ZONING: One Acre Residential (R1A) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Negative Declaration

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: The proposed vehicle storage lot is currently zoned One Acre Residential with a Commercial General Plan Land Use Designation. The property was given the Commercial General Plan Land Use Designation as part of the adoption of the 1996 General Plan and the Commercial Designation was subsequently carried over to the 2004 General Plan Land Use Designation and lies within the El Dorado Diamond Springs Community Region. The project site has been previously graded under a permit issued for a corral area for horses (Permit #153102).

STAFF ANALYSIS

Project Description: A request to rezone a 1.7 acre site from One Acre Residential to General Commercial-Planned Development and a development plan for a vehicle storage facility, which would allow storage of up to 76 vehicles, trailers, boats and RV’s up to sixty feet long within a fenced lot. The proposal also includes an electronic security gate, office, unlighted fence mounted sign, and security lighting.

Site Description: The project site is relatively flat, 90 percent within the 0 to 10 percent slope range, with a gentle down slope towards the north end or rear of the property. The soil type is classified as Placer Diggings (PrD), which is a mixture of rocks as a result of mining activities. The site contains 12 percent oak woodland canopy with an additional mix of conifer species, requiring 90 percent oak canopy retention. However, no oak tree canopy removal is proposed for this project. Existing improvements include a single-family dwelling, garage and septic system. There is also an existing seasonal detention pond connected to the EID Missouri Flat Ditch at the rear of the property. The property is within a developed area and shares a common property line with the County Fleet Services and Department of Transportation property along the west property line and is also located directly behind the Safeway Center to the south.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R1A	C	Improved Single-family residential
North	R1A	MDR	Improved Single-family residential
South	CG	C	Existing Shopping Center (Safeway)
East	R1A	MDR	Improved Single-family residential
West	R1A	PF	Existing County Facility (Fleet Services/DOT)

General Plan: The General Plan designates the subject site as Commercial (C) within the El Dorado Diamond Springs (EDDS) Community Region. **Policy 2.2.1.2** establishes 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 shall be permitted provided the commercial activity is the primary and dominant use of the parcel. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the

County. The Commercial (C) land use designation is considered appropriate within the EDDS Community Region. The following General Plan policies also apply to this project:

Policy 2.2.5.3 directs the County to 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 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;
4. Distance to and capacity of the serving elementary and high school;
5. Response time from the nearest fire station handling structure fires;
6. Distance to nearest Community Region or Rural Center;
7. Erosion hazard;
8. Septic and leach field capability;
9. Groundwater capability to support wells;
10. Critical flora and fauna habitat areas;
11. Important timber production areas;
12. Important agricultural areas;
13. Important mineral resource areas;
14. Capacity of the transportation system serving the area;
15. Existing land use patterns;
16. Proximity to perennial water course;
17. Important historical/archeological sites;
18. Seismic hazards and present active faults; and
19. Consistency with existing Conditions, Covenants, and Restrictions.

The project parcel is adjacent to both the County Fleet Services yard and the Safeway Center to the south along Headington Road, which is a County maintained road. On the north and east side, the project area is adjacent to single-family dwellings, both with the Medium Density Land Use Designation. The project requires a small amount of grading with the addition of a significant amount of aggregate to the lot, an electric entry gate, and small addition to the existing single-family dwelling to be used as an office/caretakers residence and some additional frontage improvements as required by the Department of Transportation. The project parcel is currently served by EID water and has an individual septic system. The environmental Management Department has determined that the existing septic system has adequate capacity to serve the proposed commercial use.

The zone change from One Acre Residential (R1A) to Commercial-Planned Development (C-PD) and proposed development plan will not have a significant affect on the existing biological resources. The proposed storage area was previously graded for a horse arena, only minimal grading will and additional aggregate will be required to complete the vehicle storage area.

The El Dorado County Environmental Health Division, El Dorado County Department of Transportation, and the Diamond Springs Fire Protection District had no major concerns with the proposal. The Department of Transportation has required additional frontage improvements and the Diamond Springs fire Protection District may require additional fire hydrants to meet fire flow in the immediate project area.

The project proposal was reviewed by the Department of Transportation for consistency with General Plan **Policy TC-Xf** and it was determined by the Department of Transportation that the project would not require a traffic study and that traffic generated from this type of commercial facility would be minimal and would not worsen traffic on the County road system triggering **Policy TC-Xe**.

Policy 2.2.3.1 states that the Planned Development (-PD) Combining Zone District allows commercial uses consistent with the density specified by the underlying zoning district with which it is combined. The Districts are intended to be placed in areas and on projects furthering uses and/or designs that provide a public or common benefit by clustering intensive land uses to minimize environmental impacts. The proposed project is adjacent to parcels on the south that are zoned for General Commercial uses with a Commercial land use designation and public facilities to the west. The adjacent residential parcels to the north and east of the project area are over one acre in size and will be partially buffered by existing landscaping and trees.

Policy 2.8.1.1 directs that nighttime light and glare from parking area lighting, signage, and buildings needs to be reduced while combined with related design features, namely directional shielding for parking lot and outside building lighting, that could reduce effects from nighttime lighting. The applicant has provided a lighting plan that conforms to §17.14.170 and is fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation (Exhibit

K). All lights will be shielded and downward directed so light does not spill over onto adjacent parcels. The project has been conditioned to limit nighttime lighting impacts by using motion sensor activated lighting on some areas of the parcel.

Policy 5.1.2.1 requires that there be adequate public utilities and services including water supply, wastewater treatment and disposal, solid waste disposal capacity, storm drainage, fire and police protection, and ambulance service exist or are available to the subject discretionary project. The project proposal was reviewed by the Diamond Springs Fire Protection District who recommended conditions to address specific issues related to fire flow which will be addressed prior to building permit issuance.

General Plan **Policies 7.3.5.1, 7.3.5.2, and 7.4.4.2** require that the final landscape plan include native El Dorado County plants indigenous to the project vicinity and drought resistant plants. A Preliminary Landscape Plan has been submitted and approved as part of the development plan. The final submitted landscape plan for the project shall be reviewed and approved for compliance to the above mentioned policies by Planning Services staff prior to issuance of the building permit. Additionally, General Plan **Policy 7.4.4.4** requires that 90 percent of the existing oak canopy on the

site be retained. As shown on Exhibit I, the project does not propose to remove more than 10 percent of the existing oak canopy.

Zoning

The purpose of rezoning the 1.7-acre parcel to General Commercial-Planned Development (CG-PD) is to provide for sales, storage, distribution, and light manufacturing businesses of the type which do not ordinarily cause more than a minimal amount of noise, odor, smoke, dust, or other factors tending to disturb the peaceful enjoyment of adjacent residential or agricultural land use zones. It is intended to provide a close relationship between warehousing, distribution, and retail sales. Section 17.32.200 requires a minimum parcel size of 10,000 square feet. The Commercial General Plan Land Use Designation and General Commercial Zone District are listed as compatible on the 2004 General Plan Table 2-4 Consistency Matrix.

Planning staff recommended adding the planned development overlay zone in order to limit the use of the site to the proposed vehicle/RV storage. Any future change in the planned development would require the submittal of a planned development application for a revision, which requires Planning Commission review and approval. It is possible that there are some uses allowed in the General Commercial Zone that could be considered inappropriate for the site. It is the intent of adding the planned development overlay to insure compatibility of any future land use with surrounding properties.

Planned Development

The development plan portion of the project is a request for a proposed vehicle storage facility, which would allow storage of up to 76 vehicles, trailers, boats and RV's up to sixty feet long within a fenced lot. The proposal also includes an electronic security gate (card lock), office, unlighted fence mounted sign, and security lighting. The property owner would be the primary caretaker of the facility and resides within the existing single-family dwelling located on the property. A small office addition has been proposed just off the house and no additional employees would be necessary to run the business.

Building Designs

There is currently a single-family dwelling with an attached garage on the property. The proposal includes the conversion of the existing into a small office for the business. No additional structures have been proposed as part of the planned development.

Signage

The planned development proposal includes a single 40 square foot unlighted sign, which would be mounted on the existing outer fence adjacent to the roadway (Exhibit F).

Landscaping

In addition to the existing landscaping the applicant is proposing to add some trees along the parcel perimeter from the single-family dwelling to the east and the County Lot to the west to shield the storage area as shown in Exhibit H.

Lighting

Any outdoor lighting is required to be shielded and downward-directed so light does not spill onto adjacent parcels or into the sky above. The applicant is proposing only typical entry way lighting on the office and caretaker residence in addition to a motion censored security light mounted on the outside of the office and one 20 foot pole mounted motion censored light at the front of the business to illuminate the entry gate as shown on Exhibit K.

Project Access, Parking and Loading

Access to the proposed project would be from one encroachment onto Headington Road. No public roadway extensions would be required to accommodate the proposed project. The submitted site plan for the storage area and small office was reviewed by Planning Services to verify compliance with the parking requirements of Section 17.18.060 of the County Code. This section requires 1 space per 250 square feet for the office. There is one parking space for the office in addition to one handicapped parking space also in front of the office.

Conclusion: Staff finds that the necessary findings can be made to support the request for approval of the rezone, and proposed development plan. The details of those findings are outlined in Attachment 2.

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

El Dorado County Department of Transportation
Diamond Springs El Dorado Fire Protection District

The Department of Transportation, Diamond Springs El Dorado Fire Protection District provided conditions of approval which are included in Attachment 1.

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

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 has determined that there is no substantial evidence that the proposed project will 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 \$1,850.⁰⁰ 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 States fish and wildlife resources.

RECOMMENDATION

1. Adopt the Negative Declaration based on the Initial Study prepared by staff and
2. Approve Z06-0043/PD06-0029, adopting the development plan as the official development plan, based on the findings in Attachment 2, subject to the conditions in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Assessor's Map
Exhibit E	Site Plan
Exhibit F	Sign/Exterior Elevations
Exhibit G	Floor Plan
Exhibit H	Landscape Plan
Exhibit I	Oak Canopy
Exhibit J	Truck Turning Radius
Exhibit K	Lighting Plan
Exhibit L	Initial Study

ATTACHMENT 1 CONDITIONS OF APPROVAL

FILE NUMBER Z06-0043/PD06-0029

Conditions of Approval

1. This zone change and development plan approval is based upon and limited to compliance with the project description, dated December 20, 2006, and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

A request to rezone a 1.7 acre site from One Acre Residential to General Commercial-Planned Development and a development plan application for a vehicle storage facility of up to 76 vehicles, trailers, boats and RV's up to sixty feet long within a fenced lot. Improvements include an electronic security gate, office, unlighted fence mounted sign, and security lighting.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Final Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. All site improvements shall conform to Exhibits E, F, G, H, I, J, and K
3. Prior to issuance of building permits, the applicant shall provide to Planning Services a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.
4. Prior to the approval of occupancy permits, the applicant shall schedule an inspection with Planning Services for verification of compliance with applicable conditions of approval.
5. Building design and colors, building placement, and parking lot improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require additional Planning Services review and approval.

6. The final landscape plan shall meet Zoning Code Chapter 17.18.090, and General Plan Policies 7.3.5.1, 7.3.5.2 and 7.4.4.4. The final landscape plan and Water Conservation Landscape Standards form shall be provided to, and then approved by the Deputy Planning Director or designee, prior to issuance of a building permit. Applicant shall install landscaping in accordance with the approved final landscaping plan and maintain in perpetuity or unless otherwise modified through any future permit.
7. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The developer shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a development, which action is brought within the time period provided for in Section 66499.37.

County shall notify the developer of any claim, action, or proceeding and County will cooperate fully in the defense.

Department of Transportation

8. The applicant shall construct a twelve-foot wide paved shoulder (3 inches AC over 8 inches AB) according to El Dorado County Design and Improvement Standards Manual Standard Plan 101A along the frontage of Headington Road from the existing encroachment to the existing fence along the eastern boundary of this project. The improvement plans for this work shall be submitted with the application for on-site grading/improvement plans and construction shall be substantially complete, as determined by the Department of Transportation, prior to the issuance of any building permit for this commercial development.
9. The applicant shall secure an encroachment permit and improve said access to Headington Road to Design and Improvement Standards Manual Standard Plan 103C, and shall be accomplished prior to occupancy of this commercial development.
10. The applicant shall submit an improvement plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", and the State of California Handicapped Accessibility Standards. The improvements shall be substantially completed, to the approval of the Department of Transportation, prior to occupancy.

11. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading, with CEQA compliance.
12. The applicant shall provide a grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
13. Upon completion of the public improvements required, and prior to acceptance of the improvements by the County, the developer shall provide a CD to the Department of Transportation with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.
14. The applicant shall pay the traffic fees at the time a building permit is deemed complete.

ATTACHMENT 2 FINDINGS

FILE NUMBER Z06-0043/PD06-0029

FINDINGS FOR APPROVAL

1.0 CEQA FINDING

- 1.1 The proposed project, as conditioned, will not have a significant effect on the environment and a negative declaration has been filed. Any impacts from the project on biological resources, traffic, and mineral resources will be less than significant due to existing standards and requirements imposed in the conditioning of the project.
- 1.2 The project will not affect wetlands, watercourses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game.
- 1.3 The documents and other materials which constitute the record of the proceedings upon which this decision is based are in the custody of the Development Services Department Planning Services at 2850 Fairlane Ct, Placerville, CA 95667.

2.0 ADMINISTRATIVE FINDINGS

2.1 General Plan

The proposal is consistent with General Plan Policies 2.2.1.2, 2.2.5.3, 2.2.3.1, 2.8.1.1, 5.1.2.1, 7.3.5.1, 7.3.5.2, 7.4.4.2, TC-Xe, TC-Xf and 7.4.4.4. The project has been designed in a manner to provide adequate access, site design, minimal traffic impacts, and has been conditioned to fit within the context of the surrounding land uses, it is found to be consistent with the General Plan policies identified above.

2.2 Zoning Code

Rezoning the project site from One Acre Residential (R1A) to General Commercial-Planned Development (CG-PD) is consistent with the 2004 General Plan Table 2-4 Consistency Matrix and the addition of the Planned Development Overlay ensures Consistency with all applicable policies related to noise, smoke, dust, light, and glare. As proposed, the project meets all applicable development standards contained within §17.32.040 of the *El Dorado County Zoning Ordinance*.

2.3 Planned Development

The proposed vehicle storage lot has been reviewed pursuant to Chapter 17.02 of the El Dorado Zoning Code (Planned Development) and verified conformance to applicable standards of the

Zoning Code and General Plan policies. In accordance with Section 17.04.030 of the County Code, a Development Plan cannot be approved unless the Planning Commission can make the following findings:

2.3.1 The Planned Development request is consistent with the General Plan.

As required by the planned development process, staff has reviewed the submitted development plan (project plans, site, preliminary grading, elevation, and sign) and verified conformance to the standards of the Zoning Code. Additionally, the General Plan contains several policies pertinent to the project whose consistency is discussed under the General Plan section of these Findings.

2.3.2 The proposed development is so designed to provide a desirable environment within its own boundaries.

The project involves minimal construction due to the existing condition of the site, the conversion of a garage into a small office connected to an existing single family dwelling, minimal grading, fence mounted sign, security light, and security gate.

2.3.3 The exceptions to the standard requirements of the zone regulations are justified by the design and existing topography.

The project does not require exceptions to the County Code.

2.3.4 The site is physically suited for the proposed uses.

Grading for construction of the proposed vehicle storage facility will be minimal due to the flat topography, existing tree canopy is retained, and existing fencing surrounding the property will remain.

2.3.5 Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.

The project site is adequately served by existing EID public water and sewer and local fire protection and emergency services.

2.3.6 The proposed uses do not significantly detract from the natural land and scenic values of the site.

The project is commercial in nature within close proximity to an existing commercial/light industrial area and would not impact any natural land or scenic values of the site.