

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



Agenda of: December 13, 2007
Item No.: 8.a.
Staff: Jonathan Fong

REZONE

FILE NUMBER: Z07-0024

APPLICANT: Salvador Orosco

REQUEST: Zone change from Two-acre Residential (R2A) to General Commercial-Design Control (CG-DC).

LOCATION: The property is located on the south side of Green Valley Road, east of the intersection with Shadowfax Lane, in the El Dorado Hills Area, Supervisorial District I (Exhibit A).

APN: 124-300-90

ACREAGE: 9.55 acres

GENERAL PLAN: Commercial (C) (Exhibit B)

ZONING: Two-acre Residential (R2A)

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 the project site and would be compatible with the development patterns in the area. The addition of the Design Control (DC) overlay would be consistent with the General Plan and would be consistent with the existing commercially designated lands in the project vicinity. The impacts from additional commercial development would be analyzed through a subsequent design review 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 the 9.55-acre site from Two-Acre Residential (R2A) to General Commercial-Design Control (CG-DC). No development would occur as part of the rezone. Any future development would be subject to review and approval of a Design Review application.

Site Description:

The property is located in the western region of El Dorado County. The project site is situated at approximately 400 feet above mean sea level with mild slopes sloping generally to the west. The site is bisected by a drainage course which flows to the west. Onsite native vegetation is comprised of one mature oak tree and native grasses. The site has been improved with agriculture structures supporting the existing strawberry field located towards the south of the project site.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R2A	C	Undeveloped
North	PF	OS	Folsom Lake Recreational Area
South	R2A	MDR/PF	Single family residential/ Cemetery
East	R2A	C/MDR	Improved Residential
West	R2A	MDR	Improved Residential

The project site is bounded by existing residential development to the south and to the east. The Commercial parcel to the east is currently undeveloped but development applications have been filed for a mixed use commercial project (Cemo Commercial Properties Z07-0034/ P07-0033). The adjacent project involves a Rezone to be consistent with the General Plan Land Use Designation.

As shown in Exhibit E, the parcel is located in the vicinity of additional commercially designated parcels. The rezone of the parcel from a residential zoning to a commercial zoning would be consistent with these parcels in the area. The existing commercial parcels include the Design Control or Planned Development zoning overlay which would be consistent with this rezone request.

Prior to any development of the site, review and approval of a Design Review application would be necessary. The application would be required to address the surrounding land uses and provide for adequate buffering between residential and non-residential land uses. Analysis and potential mitigation would be required in order to ensure that future development of the site would not significantly impact the surrounding parcels.

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.

Policy 2.4.1.1 Design control combining zone districts shall be expanded for commercial and multiple family zoning districts to include identified Communities, Rural Centers, historic districts, and scenic corridors.

Discussion: The project is located within the El Dorado Hills Community Region. The application of the DC zoning overlay would be consistent within the area.

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 project would be served by public water and sewer. The El Dorado Irrigation District (EID) has reviewed the available services and has determined adequate water and sewer would be available to service the site. Prior to future development of the site, the project would be required to demonstrate that adequate water and sewer would be available to serve the project.

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.

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. Prior to development of the site, the El Dorado Hills Fire Department would review the project and determine measures that would be implemented to provide adequate emergency services to the site.

6. Distance to nearest Community Region or Rural Center;

Discussion: The project parcel is located within the El Dorado Hills Community Region.

7. Erosion hazard;

Discussion: Under Policy 7.3.2.2, *projects requiring a grading permit shall have an erosion control program approved, where necessary.* 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 would be required to connect to existing public water and sewer 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 Green Valley Road, which is a County maintained road. Further review of future development would include traffic circulation both on and off site, as well as other transportation related issues pertaining to the type and size of proposed project.

The proposed rezone would be required to bring the existing Zoning into consistency with the General Plan's land use designation for the parcel which is 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 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. At the time of submittal of a design review application, a traffic study would be necessary to evaluate the potential traffic impacts. 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 Design Review 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 Design Review application.

15. Existing land use pattern;

Discussion: The project site is bounded to the south and west by residential zoned parcels. The site to the east is an undeveloped commercial site. A number of commercially designated parcels are located in the project vicinity along Green Valley Road. The surrounding commercially-zoned properties have the Design Control zoning overlay applied to those parcels. The inclusion of the Design Control overlay with the Rezone request would allow for additional review of future development proposals to evaluate the potential impacts to the existing surrounding development.

- 16. Important historical/archeological sites;
- 17. Seismic hazards and present of active faults;
- 18. 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 would 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 Commercial (C) 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. Prior to the approval of any use a Design Review application would be required to ensure compatibility with surrounding land uses.

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: One oak tree is located on the property. The Design Review application process would require the submittal of biological resource assessments and arborist reports demonstrating consistency with the retention and replacement provisions of General Plan Policy 7.4.4.4.

Conclusion: The site would be compatible with the Commercial or General Commercial Zone District as any future development would require a Design Review application 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: Planning Services staff recommends the Planning Commission forward the following recommendation to the Board of Supervisors:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and
2. Recommend approval of Z07-0024 based on the Findings in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Findings of Approval

Exhibit AVicinity Map

Exhibit BGeneral Plan Land Use Map

Exhibit CZoning Map

Exhibit DAssessor’s Map

Exhibit ECommercially Designated Parcels in Project Area

Exhibit FSite Plan

Exhibit GInitial Study

ATTACHMENT 1
FINDINGS

FILE NUMBER Z07-0024
December 13, 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.