

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



Agenda of:	December 9, 2010
Item No.:	9
Staff:	Aaron Mount

REZONE

FILE NUMBER: Z10-0001

APPLICANT: James E. Wainscott

REQUEST: Request for a 10-year roll out and zone change of a Timberland Preserve (Production) Zone parcel to Estate Residential (RE-10).

LOCATION: On the north side of Fort Jim Road, approximately 1¼ miles west of the intersection with Newtown Road in the Fort Jim/Newtown area, Supervisorial District II. (Exhibit A)

APNs: 096-120-45 (13.39 acres) & 096-120-46 (8.27 acres)

ACREAGE: 21.7 acres total

GENERAL PLAN: Rural Residential (RR) (Exhibit C)

ZONING: Timberland Preserve Zone (TPZ) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines

RECOMMENDATION

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

1. Find the project is Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines; and

2. Approve Rezone Z10-0001, based on the Findings in Attachment 1, becoming effective 10 years from the date of approval.

BACKGROUND

The properties were zoned TPZ on February 7, 1978 as part of State Assembly Bill AB1258 in accordance with the Forest Taxation Reform Act of 1976. The applicant chose to be rezoned to TPZ and accepted the associated land use limitations, but never intended to use the properties as a timber harvest area.

The TPZ district is used by property owners, traditionally timber companies, to pay property taxes based on the yield of the harvest rather than traditional ad valorem tax. There are two ways in which to remove land from a TPZ district: rezone with a 10-year pay back or an immediate conversion and rezone with the payment of a tax recoupment fee calculated by the County Assessor. An immediate cancellation requires that a finding be made that the rezone is in the public interest. The applicant opted for the 10-year roll out. Approval of the current application would begin the 10-year roll-out period with the zone change becoming effective 10 years from the date of approval.

The Agricultural Commission reviewed the project and parcels zoned TPZ in the vicinity on May 12, 2010 and concluded that the rezoning of the subject parcel would not have a detrimental effect on the growing and harvesting of timber on other nearby lands used for timber production.

STAFF ANALYSIS

Staff has reviewed the project for compliance with County regulations and requirements. An analysis of the zone change request and issues for the Planning Commission and Board of Supervisors consideration are provided in the following sections.

Project Description: The request is for a rezone with a 10-year roll out of two parcels from Timberland Preserve Zone (TPZ) district to Estate Residential (RE-10). The adoption of the Findings would allow, upon completion of the ten-year roll out, the conversion of use and rezone of the 21.7 acres from TPZ to RE-10. The request is consistent with California Government Code section 51120 which defines the TPZ roll out process.

Site Description: The two subject parcels total 21.7 acres and lie at an average elevation of 2,300 feet above mean sea level in the Fort Jim/Newtown area. The soil type is predominantly Mariposa Josephine very rocky loam, 9-15 percent slopes, and Josephine silt loam, 15-50 percent slopes. The Josephine series soils are classified as Unique and/or Soils of Local Importance. Vegetation is predominantly pine trees. Physical improvements include a 2,080 square foot residence and garage on Assessor's parcel 096-120-45 and a 617 square foot residence on Assessor's parcel 061-120-46. The project parcels are accessed by encroachment onto Fort Jim Road, which is a County maintained road.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	TPZ	RR	Single-Family Residential/Vacant Residential
North	RE-5	LDR	Single-Family Residential
South	RE-5	LDR	Single-Family Residential
East	RA-20/RE-10	RR	Single-Family Residential
West	RE-5	LDR	Single-Family Residential/Vacant Residential

Discussion: The surrounding parcels are zoned for single-family residential with either a Rural Residential or Low Density Residential General Plan Land Use Designation. Predominate land uses are residential with some accessory agricultural uses on adjacent parcels.

General Plan:

The General Plan designates the subject site as Rural Residential (RR). This designation establishes areas suitable for detached single-family residences with larger lot sizes. Additionally, the following General Plan policies also apply to this project:

Policy 2.2.5.3 provides 19 specific criteria to be considered in evaluating zone change requests.

Discussion: Staff has reviewed the zone change request against the 19 specific criteria under Policy 2.2.5.3 and found that the proposal is consistent with applicable criteria such as important timber production areas and existing land use pattern. The request to rezone to the RE-10 Zone District is consistent with the Rural Residential General Plan Land Use Designation as indicated in Table 2-4 of the General Plan.

General Plan Policy 2.2.5.3 directs that 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;*

The project site is within the El Dorado Irrigation District and is currently served by public water.

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

The project site is located within the Placerville Union School District and approximately one mile from Gold Oak School. The potential second residences on the project parcels would not have a significant impact on any schools within the County.

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

The project parcel is located within the El Dorado County Fire Protection District. The nearest station is approximately 2.5 miles south east of the site. Any future development would be reviewed by the District during the building permit process to ensure compliance with the Fire Safe Regulations. The site currently contains adequate access to a County maintained road.

6. *Distance to nearest Community Region or Rural Center;*

The project parcel is located 1 mile north west of the Chrome Ridge Rural Center and approximately 2.5 miles south east of the Placerville Community Region. The proposed zoning is consistent with land use designations in the Rural Regions.

7. *Erosion hazard;*

Potential erosion hazards are likely based on the sites soil types. However, no grading is proposed with the Rezone application and future development would adhere to the County's grading and erosion control requirements.

8. *Septic and leach field capability;*

9. *Groundwater capability to support wells;*

The project parcels would continue to be served by private septic systems and Environmental Management would ensure compliance. The site is served by public water.

10. *Critical flora and fauna habitat areas;*

The project site is not located within any Rare Plant Mitigation Areas and is not known to have soil types capable of sustaining the Pine Hill Endemic Plant Species. The site does not contain any aquatic features. There would be no impact to biological resources.

11. *Important timber production areas;*

The project site is not designated as a natural resource area in the General Plan. The State farmland maps designate the area as grazing land. The 10-year roll-out and rezone of the parcels would not have a significant impact on an important timber production area as the properties only account for 0.013 percent of the total 163,364.08 acres of TPZ land within the County.

General Plan Policies 8.1.4.1 requires a recommendation from the Agricultural Commission for all discretionary projects which have the potential to impact agricultural lands. Additionally, Policy 8.3.1.3 directs that the Commission assess lands to determine their suitability for timber production.

As previously stated, the Ag Commission recommended approval of the proposed rezone based on findings that the proposed zone change to RE-10 would be more consistent with the proposed zone district as the project site is not currently used for commercial timber production and is surrounded by residentially zoned parcels.

12. Important agricultural areas;

The project site is not within an area designated as an important agricultural area in the General Plan. Adjacent uses are primarily residential with some accessory agricultural uses.

13. Important mineral resource areas;

The project site is not mapped as being within a Mineral Resource Zone (MRZ) by the State of California Division of Mines and Geology or in the El Dorado County General Plan.

14. Capacity of the transportation system serving the area;

The project site is accessed via Fort Jim Road which connects to Newtown Road, both County maintained roads. Both roads are handling the residential use of the property.

15. Existing land use pattern;

As shown on the Zoning Map (Exhibit D), the adjacent parcels are zoned RA-20 and RE-5. In accordance with General Plan Policy 8.4.1.2, the existing TPZ zoning would be considered timber production land and would impose a 200 foot agricultural setback on adjacent parcels. The rezone to RE-10 would remove the requirement for this 200-foot setback.

The project site is bound by residential and agricultural uses. As proposed, the zone change would be compatible with the existing and potential surrounding agricultural and residential land uses and would not create land use conflicts with surrounding properties.

16. Proximity to perennial water course;

The project site is approximately 300 feet from the South Fork Weber Creek. Impacts to the water course would be remote.

17. Important historical/archeological sites;

The requested legislative act would if approved only allow additional ministerial development. No new development is proposed on the previously developed parcels.

18. Seismic hazards and present of active faults.

The project site is not located in a seismic hazard area or in the proximity of any active faults.

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

The site does not have any CC&R's.

Conclusion: As discussed above, the proposed Rezone to RE-10 would be consistent with the objectives of the General Plan and would be consistent with the Rural Residential land use designation. The proposed Rezone would not intensify any impacts to biological resources, negatively impact the area, and is consistent with adjacent uses; therefore Planning Services staff finds the project would be consistent with the General Plan.

Zoning: The subject parcels are consistent with the development standards for the proposed RE-10 Zone District. Specifically, Ordinance Section 17.70.110 (A) specifies a minimum parcel size of ten acres and Ordinance Section 17.14.120 allows parcel size exceptions for parcels smaller than ten acres. In this case the parcels were recorded May 13, 1974. The subject parcels are 13.3 acres and 8.2 acres.

ENVIRONMENTAL REVIEW

This project has been found to be Exempt from the requirements of CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines stating that The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The site was previously developed with two single family homes and no native vegetation is proposed to be removed, is not directly adjacent to riparian habitat or wetlands, is not located in an area known to contain protected species, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. There would be no service impacts as no new residential uses would be allowed by the zone change request. There is no impact to the County's inventory of timberlands as the project site was determined by the Agricultural Commission to not be suitable and an economically viable timber operation was never achieved due to the parcels size and elevation.

A \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments:

Attachment 1	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Site Plan
Exhibit F	Agricultural Commission Minutes; May 20, 2010 Memo

ATTACHMENT 1

FINDINGS

Rezone Z10-0001 Planning Commission/December 9, 2010

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Exempt from the requirements of CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines stating that “The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.” Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The site was previously developed with two single-family homes and accessory structures and no native vegetation is proposed to be removed, is not directly adjacent to riparian habitat or wetlands, is not located in an area known to contain protected species, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. There would be no service impacts as no new residential uses would be allowed by the zone change request. There is no impact to the County’s inventory of timberlands as the project site was determined by the Agricultural Commission to not be suitable and an economically viable timber operation was never achieved due to the size and elevation of the parcels.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department -Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 The zone change from TPZ to RE-10 is consistent with General Plan Policy 2.2.5.3 as the proposal was reviewed against the 19 specific criteria and found to be consistent with applicable criteria such as important timber production areas, adequacy of public services and infrastructure, and existing land use pattern.
- 2.2 The proposed conversion of timberland production use to estate residential use is consistent with policies 2.2.5.3 (19 rezone criteria), and 8.3.1.3 (Suitability for Timber Lands) of the El Dorado County General Plan, as discussed in the General Plan section of the staff report.
- 2.3 The proposed zone change to RE-10 is consistent with the existing land use designation of Rural Residential.

3.0 ZONING FINDINGS

- 3.1 The subject parcels are consistent with the development standards for the proposed RE-10 Zone District. Specifically, Ordinance Section 17.70.110 (A) specifies a minimum parcel size of ten acres and Ordinance Section 17.14.120 allows parcel size exceptions for parcels smaller than ten acres.