

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



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| <b>Agenda of:</b> | September 26, 2013 |
| <b>Item No.:</b>  | 9.b                |
| <b>Staff:</b>     | Aaron Mount        |

**REZONE**

**FILE NUMBER:** Z12-0005/Thomson

**APPLICANT:** Alex Thomson

**REQUEST:** Zone change from One-Acre Residential District (R1A) to Planned Agriculture (PA).

**LOCATION:** South side of Green Valley Road, approximately 300 feet east of the intersection with Vista Lane, in the Placerville Periphery area, Supervisorial District 4. (Exhibit A)

**APN:** 325-080-16 (Exhibit B)

**ACREAGE:** 24.68 acres

**GENERAL PLAN:** Low Density Residential (LDR) (Exhibit C)

**ZONING:** One-Acre Residential (R1A) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Negative Declaration (Exhibit I)

**RECOMMENDATION:** Planning Services 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. Approve Rezone application Z12-0005 based on the Findings in Attachment 1.

**STAFF ANALYSIS**

**Project Description:** The proposed project consists of a request for a zone change from One-Acre Residential (R1A) to Planned Agriculture (PA) which would be a downzoning as the current Zoning of R1A is not consistent with the parcel’s land use designation of Low Density Residential. The request is being made in order to pursue the by-right uses within the Ranch Marketing Ordinance, Section 17.14.190. No new development is proposed at this time as all necessary structures exist on the site and agricultural production has taken place on the site for many years. As shown on Exhibit F the intention of the owners is to be able to have on-site sales of these agricultural products.

**Site Description:** The 24.68-acre parcel is at an average elevation of 1,600 feet above sea level. Improvements include a single family residence, two small barns, a former chicken house and machine shop, and a small duplex that once housed seasonal workers and is no longer used for residential purposes. The parcel varies from flat to gently sloping, with oak grassland on the northern portion and a mixture of oak grass land and riparian vegetation in the southern area. The only permanent water on the property is a small artificial pond located downslope of the residence; the southern area contains a dense growth of willows, rushes, and other wetland species that indicate seasonal flooding. The northeastern corner of the property is currently planted in annual crops and the parcel contains approximately 50 percent choice agricultural soils.

|       | Zoning    | General Plan | Land Use/Improvements                               |
|-------|-----------|--------------|---|
| Site  | R1A       | LDR          | Residential/Single Family Residence and Agriculture |
| North | AE/R1A    | AL/LDR       | Agriculture (grazing)/Single family residence       |
| South | RE-10/R1  | MDR          | Residential/Single family residences                |
| East  | R1A       | MDR          | Residential/Single family residences                |
| West  | RE-10/R1A | LDR          | Residential/Single family residences                |

Discussion: Exhibits C and D illustrate that the general area consists of 1 to 2-acre parcels to the east and west and larger parcels to the north and south. Two Williamson Act contracted parcels adjoin its northern boundary and are currently used for grazing.

**Project Issues:** Discussion items for this project include agricultural and land use compatibility, access and road improvements, fire protection, and wetlands.

**Agricultural and Land Use Compatibility:** The owners have requested a rezone in order to market produce that is grown on the site. The applicant’s original request at submittal was a rezone to the Estate Residential Five-Acre zone district. The Agriculture Department recommended that the applicant revise their request to the PA zone district based the site’s choice agricultural soils, adjacency to Williamson Act contracted lands, and the protection of agricultural lands. The original request for RE-5 would have allowed the parcel to be subdivided

at a future time while PA would be a downzone as it has a minimum parcel size of 20 acres which would not allow subdividing. However, the PA zone district may allow more intensive uses allowed by the Ranch Marketing and Winery ordinances. The General Plan designates the subject site as Low Density Residential (LDR) which is appropriate within Community Regions and Rural Centers where higher density serving infrastructure is not yet available. The current R1A zoning is not consistent with the LDR land use designation as shown on Table 2-4 of the General Plan, however the requested rezone to PA would be. The rezone request is consistent with General Plan Policy 8.1.1.5 that states that parcels greater than 20 acres that contain choice agricultural soils shall be zoned for agricultural uses. The project site contains over 50 percent choice agricultural soils and is 24.68 acres. Additionally, 17.36.150 of the Zoning Ordinance lists criteria for rezoning parcels to PA. As shown in Exhibits G and H the Agricultural Department and Commission have reviewed the proposal and found it to be consistent with the required criteria in 17.36.150 including parcel size and agricultural capability.

If approved this rezone may allow uses at the site consistent with the Ranch Marketing Ordinance, 17.14.190, and the Winery Ordinance, 17.14.200 which require verification of either ten acres of annual agricultural crops, five acres of permanent agricultural crop, or five acres of commercial vineyard. The intention of the applicant is to have agricultural product sales only; however future expansion of these uses could potentially happen. The most intensive use that the Ranch Marketing Ordinance allows is special events for commercial purposes not to exceed 125 persons. However, any uses at the site would be required to comply with General Plan policies regarding noise levels, traffic, and other applicable policies. At the Agricultural Commission hearing adjacent land owners expressed concern about the potential of the uses allowed by this ordinance. General Plan policies for noise would limit the hours of outdoor uses for all uses except those protected under the Right to Farm Ordinance. As shown in the “adjacent land uses table” above, the PA zone district would be compatible with the existing and proposed surrounding agricultural and single-family residential land uses to the north, west, and south and would not be expected to create significant land use conflicts. The rezone may bring about conflicts with smaller parcels that are adjacent to the east and west. Future development of the site would require the submittal of ministerial or discretionary applications to ensure compatibility with surrounding land uses. As such, the project would be consistent with General Plan Policy 2.2.5.21.

Agricultural setbacks would not apply to adjacent parcels consistent with Section 17.06.150.B of the Zoning Ordinance which states, “Where new timberland or agricultural land is created subsequent to the adoption of this ordinance outside of agricultural districts designated in the general plan the special setbacks established in subsection A shall not apply except on parcels subdivided after the establishment of the agricultural or timber zoning”.

Any existing or proposed agricultural production would be protected under the Right to Farm Ordinance, Chapter 17.13 if the rezone to PA is approved.

**Access and Road Improvements:** The developed parcel would continue to use the existing driveway on to Green Valley Road. Because of the wetlands at the southern end of the parcel, access to Missouri Flat Road would require cost prohibitive improvements and impacts to the wetlands and therefore would not be a viable alternative access. The Transportation Division

stated in their comments that improvements to Green Valley Road and the site’s encroachment may be required in the future depending on the uses that the owners propose. Additionally, the Transportation Division would recommend appropriate road improvement conditions of approval for applications that may go before the Planning Commission at a future date.

**Fire Protection:** Fire protection services would be provided to the site by the Diamond Springs-El Dorado Fire Protection District as required under General Plan Policy 5.7.1.1. Based on comments by the Fire District, the Fire District is supportive of the project provided that specific fire safe issues are addressed at the time of future development.

**Wetlands:** The National Wetlands Inventory has identified wetlands on the project parcel. No development is proposed that would impact the on-site wetlands and therefore the project is consistent with General Plan Policy 7.3.3.4.

As proposed, this project would be consistent with the policies of the General Plan. Findings for consistency with the General Plan are provided in Attachment 2.

**Rezone:** Policy 2.2.5.3 requires 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:

| <b>Criteria</b>   | <b>Consistency</b>  |
|---|---|
| 1. <i>Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands.</i> | <b>Consistent:</b> The site is currently connected to a public water system served by EID.  |
| 2. <i>Availability and capacity of public treated water system.</i>   | <b>Consistent:</b> The site is currently connected to a public water system served by EID.  |
| 3. <i>Availability and capacity of public waste water treatment system.</i>   | <b>Consistent:</b> The project currently utilizes existing septic systems for sewage disposal.  |
| 4. <i>Distance to and capacity of the serving elementary and high school.</i>   | <b>Consistent:</b> The site is within the Mother Lode Union school district and is in the vicinity of several schools that have capacity. The zone change request would not be growth inducing. |
| 5. <i>Response time from nearest fire station handling structure fires.</i>   | <b>Consistent:</b> The Diamond Springs-El Dorado Fire Protection District would be responsible for serving the project area. The site is within less than a mile from the nearest fire station. |
| 6. <i>Distance to nearest Community Region or Rural Center.</i>   | <b>Consistent:</b> The site is located within the El Dorado-Diamond Springs Community Region.   |

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| 7. <i>Erosion hazard.</i>  | <b>Consistent:</b> No development is proposed but in the future current regulations would ensure that any erosion hazards are minimized.  |
| 8. <i>Septic and leach field capability.</i>                       | <b>Consistent:</b> The residence currently utilizes a septic system. Any expansion of uses would require additional septic analyses.  |
| 9. <i>Groundwater capability to support wells.</i>                 | <b>Consistent:</b> The project is served by EID public water facilities. No wells are proposed.   |
| 10. <i>Critical flora and fauna habitat areas.</i>                 | <b>Consistent:</b> The site is not within an area known to contain rare plant habitat and is not within a deer migration corridor.  |
| 11. <i>Important timber production areas.</i>                      | <b>Consistent:</b> The project site does not contain or is adjacent to any important timber production areas.   |
| 12. <i>Important agricultural areas.</i>                           | <b>Consistent:</b> The request is a rezone to an agricultural zone district. The request would allow the property to expand its agricultural potential.   |
| 13. <i>Important mineral resource areas.</i>                       | <b>Consistent:</b> The project site does not contain or is located adjacent to any important mineral resource areas.  |
| 14. <i>Capacity of the transportation system serving the area.</i> | <b>Consistent:</b> DOT reviewed the project and had no comment on the current proposal. Future expansion of the uses on the site may warrant additional analysis.   |
| 15. <i>Existing land use pattern.</i>                              | <b>Consistent:</b> The project site is adjacent to agricultural lands and residential uses. The proposed rezone would be consistent with the adjacent land use pattern and is not expected to have any significant conflicts with adjacent residential uses.  |
| 16. <i>Proximity to perennial watercourse.</i>                     | <b>Consistent:</b> There were no perennial watercourses identified by the within the project parcel. The closest perennial stream as identified on the Placerville U.S.G.S. Quadrangle is Mound Springs Creek which is located to the south of the site.  |
| 17. <i>Important historical/archeological sites.</i>               | <b>Consistent:</b> A cultural resource study was conducted for the site and no significant resources were found. The residence is a historical structure but has been modified over the years. No new development is proposed.  |
| 18. <i>Seismic hazards and present of active faults.</i>           | <b>Consistent:</b> As shown in the Division of Mines and Geology's publication, <i>Fault Rupture Hazard Zones in California</i> , there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. The impacts from fault ruptures, seismically induced ground shaking, seismic ground failure, or liquefaction are considered to be less than significant. Any potential impact caused by locating buildings in the project area would be offset by the compliance with the Uniform Building Code earthquake standards. |

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| <p>19. <i>Consistency with existing Covenants, Conditions, and Restrictions.</i></p> | <p><b>Consistent:</b> The site does not contain any existing CC&amp;Rs and no new CC&amp;Rs would be required.</p> |
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**ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (attached as Exhibit I) 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 would have a significant effect on the environment and a Negative Declaration has been prepared and a Notice of Determination (NOD) will be filed. A \$50.00 filing fee for the NOD is required and the NOD must be filed within five working days from the project approval.

In accordance with California Fish and Game Code Section 711.4, the project is subject to a fee of \$2,156.25 after approval, but prior to the County filing the Notice of Determination on the project. This fee plus the \$50.00 filing fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,156.25 is forwarded to the State Department of Fish and Wildlife and is used to help defray the cost of managing and protecting the State’s fish and wildlife resources.

**SUPPORT INFORMATION**

**Attachments to Staff Report:**

- Attachment 1 .....Findings
- Exhibit A.....Location Map
- Exhibit B.....Assessor’s Parcel Map
- Exhibit C.....General Plan Map
- Exhibit D.....Zone District Map
- Exhibit E.....Site Plan
- Exhibit F.....Applicant’s Letter of Intent
- Exhibit G.....Agricultural Commission Staff Report; October 5, 2012
- Exhibit H.....Agricultural Commission Memo; October 17, 2012
- Exhibit I.....Proposed Negative Declaration and Initial Study

# **ATTACHMENT 1**

## **FINDINGS**

### **Rezone Z12-0005/Thomson Planning Commission/September 26, 2013**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings should be made:

#### **FINDINGS FOR APPROVAL**

##### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 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 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 proposed Rezone from R1A to PA is consistent with all applicable policies of the General Plan including 2.2.1.2 (land use type and density), 2.2.5.21 (land use compatibility), 5.7.1.1 (fire protection), 7.3.3.4 (Wetlands) and 8.1.1.5 (Agricultural Parcels) because the PA zone district is consistent with LDR, existing and proposed land use pattern adjacent to the site, the current availability of supporting utilities and infrastructure, proximity to emergency responders, the project's avoidance of existing wetlands, and the County's intent to maintain parcels with choice agricultural soils in agricultural production. A rezone to Planned Agricultural (PA) will allow the property to be consistent with the proposed General Plan designation of Low Density Residential and Table 2-4 of the General Plan.
- 2.2 Pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan's general direction as to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density or intensity zoning district. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced zone change request. Based on this analysis and the conclusions reached in the staff report, the site is found to be suitable to support the proposed density and use.

### **3.0 ZONING FINDINGS**

- 3.1 The proposed project is consistent with the El Dorado County Zoning Ordinance Section 17.36.150 for development standards and the minimum parcel size of 20 acres within Section 17.36.160.