

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION AND
BOARD OF SUPERVISORS
STAFF REPORT**



Agenda of: February 14, 2008
Item No.: 9.
Staff: Tom Dougherty

GENERAL PLAN AMENDMENT/REZONE

FILE NUMBER: A07-0016/Z07-0051

APPLICANTS: John Conforti/James and Donna Wunschel

REQUEST:

1. Amendment to the land use designation from Tourist Recreational (TR) to Commercial (C);
2. Zone change from Single-family Three-acre Residential (R3A) to General Commercial–Design Control (CG – DC).

LOCATION: On the north side of Newtown Road, approximately 0.25 mile east of the intersection with County Road 145, in the Placerville Periphery area, Supervisorial District III. (Exhibit A)

APN: 048-280-33 (Exhibit B)

ACREAGE: 4.01

GENERAL PLAN: Tourist Residential (TR) (Exhibit D)

ZONING: Single-family Three-acre Residential (R3A) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Negative Declaration

RECOMMENDATION: Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff, and
2. Approve A07-0016 and Z07-0051 based on the Findings in Attachment 1.

BACKGROUND: The zoning of Single Family Three-acre Residential (R3A) and the original General Plan land use designation of Medium-Density Residential (MDR) were established by the adoption of the Camino – Fruitridge Area Plan in June of 1995. The adoption of the 1996 General Plan as the 2004 General Plan in July of 2004 established the land use designation as Tourist Residential (TR) with the understanding that a County museum would be established on the parcel. In 2002, the El Dorado Museums Foundation abandoned that project and sold the parcel to the current owners. The original 4.04-acre parcel shown in Exhibit C was reduced with a Boundary Line Adjustment with El Dorado County for a 0.030-acre portion in June of 1999 resulting in the current 4.01 acre size.

The existing 720 square-foot structure had been used historically as both a commercial and residential unit and had originally been built around 1927. At present the existing structure is used for residential purposes and has recently been relocated and remodeled by Building Permit 175399 which was finalized in May of 2007. The earliest deed shown for the subject parcel in the County records is 1919. The unnamed road adjoining the eastern parcel boundary and provides the current primary access to the parcel as well as the equipment storage yard, landscape materials yard. The northern portion of the mobile home park contains a 50-foot wide non-exclusive road and public utility easement established by Parcel Map 21-101 in October of 1978.

STAFF ANALYSIS

Project Description: The applicant is proposing Amendment to the land use designation from Tourist Recreational (TR) to Commercial (C) and a zone change from Single Family Three-acre Residential (R3A) to General Commercial – Design Control (CG – DC). No development plan accompanies the current application requests.

Site Description: The parcel adjoins U.S. Highway 50 on the north and west and is in full view from eastbound traffic. It is located at the 2,440-foot elevation above sea level and sits below the elevations of both U.S. Highway 50 and Newtown Road and slopes gently to the east. There is an existing 720 square-foot building that was relocated and remodeled for continued residential use. The eastern and northern portions have scattered native oaks and pines and the remainder is covered in non-native annual grasses. The majority of the parcel has been graded to some degree in the past. The current main access into the parcel is from an unnamed shared road on the east side of the parcel with no current permanent direct encroachment onto Newtown Road.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R3A	TR	Residential, single-family dwelling.
North	CG	C	Commercial, U.S. Highway 50 northwest, equipment storage yard for an engineering company northeast.
South	MP/C - DC	C/HDR	Commercial/residential, Newtown Road, restaurant, mobile home park.
East	CG/MP	C	Commercial/residential, unnamed access road, landscape materials storage yard, mobile home park.
West	RE-5	MDR	U.S. Highway 50

Discussion: The subject parcel has historically been used most recently to support a single-family residence up to the time when the existing structure was moved and replaced in May of 2007. County records show the Mountain View Mobile Manor mobile home park on the south and east of the parcel. It was licensed by the current owner in February of 1981.

General Plan: The current land use designation is Tourist Residential (TR) which is intended to *provide areas for tourist and resident-serving recreational uses, transit and seasonal lodging facilities, and supporting commercial activities, and include such uses as campgrounds, golf courses, ski areas, snow parks, riding stables, trail heads, museums, and other similar recreational and sight seeing activities.* As stated in the Background section, the 2004 General Plan changed the land use to TR when the land was proposed to be the site of a museum. Planning staff has determined that since El Dorado Museums Foundation abandoned that project and sold the parcel to the current owners, it can be found that the Commercial land use designation would be more appropriate considering the current surrounding uses.

The subject 4.01-acre parcel is located within the immediate surroundings of the City of Placerville Community Region boundary. **Policy 2.1.1.2** directs that Community Regions be areas *which are appropriate for the highest intensity of self-sustaining compact urban-type development or suburban type development within the County based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns, the location of major topographic patterns and features...* Support utilities and infrastructure are currently available at the site and would need minimal upgrades to support most businesses that would be permitted in a Commercial land use designation. The impacts on natural resources were examined by an Initial Study that recommends adoption of a Negative Declaration.

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 adjacent parcel to the southwest across Newtown Road and those to the northeast and east are designated for commercial uses by the General Plan. The parcels to the direct south are zoned for a mobile home park. The subject parcel fronts a County maintained road on the south, a private road to the east and U.S. Highway 50 to the north. Power and telephone exists at the site, there are existing graveled interior roads with turnarounds, an existing encroachment onto the unnamed road to the east and onto Newtown Road on the south. There is an existing approved septic system for the existing 720 square-foot structure that requires annual review. The existing residential dwelling is currently using metered water provided by the El Dorado Irrigation District.

The General Commercial-Design Control zone change, and change to a Commercial land use designation would not have a significant affect on the existing biological resources, no development plan accompanies the current application requests, no trees are to be removed, and no grading is proposed. The use of an existing structure would change to a commercial use and any new development permit, other than the “as-built” plan to commercialize the existing structure, would require review by the Planning Commission with a Design Review application.

The El Dorado County Environmental Health Division, El Dorado County Department of Transportation, and the El Dorado County Fire Protection District had no major concerns with the current proposal as long as they would be able to review any changes. A complete septic system evaluation and site/soil evaluation would be required prior to obtaining a building permit for any use change. The location in a Community Region, the current availability of supporting utilities and infrastructure, the easy access for emergency responders, and the potential for other surrounding commercial opportunities is appropriate for limited commercial development.

Policy 2.2.5.13 establishes that *land uses adjacent to or surrounding airport facilities shall be subject to location, use, and height restrictions consistent with the Comprehensive Airport Land Use Plan* and that *...applications shall be reviewed by the appropriate airport commission*. The project parcel is located within the Placerville Airport Comprehensive Land Use Plan area and is located approximately 1,750 feet to the northeast of the airport and the flight landing and take-off zone. The subject parcel is located within Safety Zone 3 and just outside the 55 to 60 decibel Community Noise Equivalent Level (CNEL) boundary line. As such, and since there is no development plan accompanying these applications, it can be determined there is no significant safety hazard resulting from private airport operations and aircraft overflights in the vicinity of the project site. The El Dorado County General Services Airports, Parks and Grounds Division, Placerville Airport were solicited for comments and neither responded with any concerns for the subject applications. Both said agencies, and potentially the Foothills Airport Land Use Commission in the future, would potentially require review of any future Design Review application along with a specific development plan that would be resultant of the approval of the subject applications.

Policy 2.2.7.1 directs that the County *coordinate with the incorporated cities in land use planning and development to provide compatibility and coordination of land use designations*. As shown in Exhibit H, the subject parcel is located within the City of Placerville's Sphere of Influence, and Exhibit E shows its location in the City of Placerville Community Region. **Policy 2.2.7.4** directs that the County *coordinate with the incorporated cities to ensure that compatible development occurs within each city's sphere of influence and/or the Community Region adjacent to each city, which is consistent with the County's and each city's respective General Plans*...The City of Placerville Planning staff was solicited for comments and responded that the subject site has been pre-zoned Heavy Commercial (HC) by the City and was determined by them to be consistent with the proposed General Commercial zone district as well as the Commercial land use designation. The main use exception between the two zone districts is that mobile home parks would not be permitted by Special Use Permit by the City's HC zone district.

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*. Staff has relied on information from the purveyors of said services and has determined that adequate utilities and services are available for the uses present today and future uses would be analyzed for the particular impacts through the Design Review process. The current rezone and amendment proposals were reviewed by the El Dorado County Fire Protection District who responded that should the rezone and amendment be approved, the applicant would be required to submit a commercial "as built" building permit at which time the Fire District would require the structure to meet commercial requirements for access, fire hydrant and fire alarm. The El Dorado County Environmental Health Division did review the existing drip-type septic system and the required 300 percent replacement area for commercial uses and found it adequate for the existing use.

Goal 7.5, Cultural Resources seeks to *ensure the preservation of the County's important cultural resources*. A *Cultural Resources Inventory and Evaluation* report was completed for Assessor's Parcel Number 048-208-33 in July of 2007 by Trish Fernandez, M.A., RPA. The residence, mine tailings, Wiley Toll House foundation and rock outcropping were evaluated for their historic resource status. The existing residence and mine tailings were determined not to meet the California Register of Historic Resources (CRHR) eligibility criteria. The Wiley Toll House foundation and the Rock Outcropping both would require further study prior to any new development proposal. General Plan Amendments and Rezone requests are legislative acts and conditions of approval cannot be put on them. The addition of the Design Control overlay to the base zone designation of General Commercial would assure that, prior to any initiation of further development of any kind on the subject parcel, a development plan would be required to be submitted for El Dorado County Planning Commission review of all impacts of that particular proposal on the significant cultural and historical resources within the parcel boundaries. The full discussion of Cultural Resources is included within in Exhibit O, Section V.

General Plan Objective 10.1.5 and Policies 10.1.5.1, and 10.1.5.2 all seek to encourage and emphasize the importance of promoting and encouraging projects that have the potential to support, assist, and encourage the economic expansion and addition of businesses, and also enable and encourage existing companies, businesses, and/or industries to expand and economically thrive in El Dorado County. The proposed project would benefit and support the interests of the pocket of commercial business in the vicinity on lands not necessarily adequate for residential use.

The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies, and it has been determined that the project is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 1.

Zoning: The subject 4.01-acre parcel is proposed to be rezoned to General Commercial - Design Control. The purpose of the General Commercial Zone 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*. Section 17.32.200 requires a minimum parcel size of 10,000 square feet. The General Plan land use of Commercial and the zone district designation of General Commercial are listed as compatible on the 2004 General Plan Table 2-4 Consistency Matrix.

Planning staff recommended adding the Design Control overlay zone in order to permit further review by the Planning Commissioners of any future development plan as required by Section 17.14.130 of the County Code for projects next to a highway to assure it is in keeping with the character of the neighborhood as well as the appearance within the viewscape of this portion of U. S. Highway 50 which is classified as a State Scenic Highway. It is possible that there are some uses allowed in the General Commercial Zone that could be considered inappropriate for the site, and that is another intent of adding the Design Control overlay zone.

Staff finds that the necessary findings can be made to support the request for a General Plan land use designation change and a rezone. The details of those findings are contained in Attachment 1.

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.

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 \$1,876.75 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 \$1,876.75 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.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	Assessor's Parcel Map
Exhibit C	Record of Survey 4-140
Exhibit D	General Plan Land Use Map
Exhibit E	General Plan Community Region Map
Exhibit F	Zoning Map
Exhibit G	Applicant-submitted Site Plan dated December 2006
Exhibit H	Placerville Sphere of Influence Map
Exhibit I	Placerville Airport Safety Zones Map
Exhibit J	Placerville Airport Noise Levels Map
Exhibit K	Camino U.S.G.S Quadrangle Map
Exhibit L	Soils Map
Exhibits M1, M2, M3, M4	Site Visit Photos from December 27, 2007
Exhibits N1, N2	Aerial Photos
Exhibit O	Draft Negative Declaration

ATTACHMENT 1 FINDINGS

FILE NUMBER A07-0016/Z07-0051

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 proposed project will not have a significant effect on the environment. 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 documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Findings

- 2.1 The land use amendment from Tourist Residential to Commercial is consistent with Objective 2.1.1 and Policy 2.1.1.2 in that the property could be developed to be self-sustaining and to meet the commercial needs of the surrounding area. Amending the land use designation to Commercial is found to be in the public interest.

3.0 Zoning Findings

- 3.1 A rezone to General Commercial will allow the property to be consistent with the proposed General Plan designation. The proposed use of commercial office is consistent with Policies 2.1.1.2 and 2.2.1.2.
- 3.2 The rezone will meet the intentions of Policy 2.2.5.2 because the establishment of a new zone designation of General Commercial-Planned Development (CG-DC) and the ensuing uses it allows is consistent with the allowed uses intended by the Commercial (C) land use designation.
- 3.3 The rezone would meet the intentions of Policy 2.2.5.3 because the location in a Community Region, the current availability of supporting utilities and infrastructure, the easy access for emergency responders, and the potential for surrounding commercial opportunities demonstrate that the site is appropriate for commercial development.
- 3.4 The proposed project and the existing structure, infrastructure, and uses are consistent with the El Dorado County Zoning Ordinance designation of General Commercial (CG) and Sections 17.32.170 to 17.32.220.