

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



Agenda of: February 28, 2008
Item No.: 6.c.
Staff: Robert Peters

SITE PLAN REVIEW

FILE NUMBER: SPR07-0034/Holiday Market Expansion

APPLICANT: Quail Court Investors

AGENT: Michael Heine, Panattoni Construction, Inc.

REQUEST: Finding of Consistency with General Plan Policy 7.3.3.4 for reduction of the perennial stream setback from 100 to 90 feet and the wetland area setback from 50 to 7.5 feet to allow construction of an 11,850 square-foot retail expansion to an existing grocery store (Holiday Market).

LOCATION: On the southeast side of Mt. Aukum Road, at the intersection with Sly Park Road in the Pleasant Valley Area, Supervisorial District II. (Exhibit A)

APN: 078-200-47 (Exhibit B)

ACREAGE: 3.23 acres

GENERAL PLAN: Commercial (C) (Exhibit C)

ZONING: Planned Commercial (CP) (Exhibit D)

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND:

The applicants propose to construct an 11,850 square-foot retail expansion to an existing grocery store (Holiday Market) with parking lot improvements on an existing 3.23 acre lot in Pleasant Valley (Exhibit E). The proposed addition was approved by Planning Services pursuant to Site Plan

Review SPR05-0049 on June 6, 2006. However, the proposed site plan did not address the proposed reduction in minimum setbacks pursuant to General Plan Policy 7.3.3.4 and the Interim Interpretive Guidelines for that policy.

DISCUSSION:

The applicant proposes to construct a retail expansion and parking lot improvements on the east side of an existing grocery store on a 3.23 acre site (Exhibit E). The site is bound by residential development to the north, south, and east, and commercial development to the west. The eastern side of the property contains a 0.13 acre wetland area and is adjacent to a perennial creek, Clear Creek. The parking lot improvement area is proposed to encroach upon the required 100-foot minimum setback for perennial streams by approximately ten feet and the 50-foot minimum setback for wetlands by approximately 42.5 feet.

Interim Interpretive Guidelines:

The Interim Interpretive Guidelines for General Plan Policy 7.3.3.4 require a minimum setback of 100 feet from all perennial streams, rivers, and lakes, and 50 feet from intermittent streams and wetlands until standards for buffers and special setbacks are established in the zoning ordinance. General Plan Policy 7.3.3.4 states, "These interim standards may be modified if more detailed information relating to slope, soil stability, vegetation, habitat or other site- or project-specific conditions supplied as part of the review for a specific project demonstrates that a different setback is necessary or would be sufficient to protect the particular riparian area at issue." Also, "For projects where the county allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized."

Impact on the Perennial Stream and Wetland Area:

A biological report prepared by Sycamore Environmental Consultants, Inc., was submitted to Development Services (*Holiday Market Expansion Project Wetland and Waters Setback, El Dorado County, CA*, dated October 2007) to evaluate the Holiday Market Expansion Project for consistency with El Dorado county General Plan Policy 7.3.3.4 and the Interim Interpretive Guidelines for that policy (Exhibit F). The report evaluates sensitivity of the perennial stream, Clear Creek, and the 0.13 acre on-site wetland area and any potential impacts that the proposed retail expansion may have on these resources. Also, the report identifies "best management practices" to be followed to reduce or eliminate project impacts.

The proposed expansion is located in an upland area which appears to have been disturbed during the initial construction of the existing grocery store. The proposed parking lot improvements are designed to capture, drain and filter stormwater runoff through the use of a retaining wall along the east and south sides of the parking lot that directs runoff, grassy swales that filter out particulate, and a detention basin to slow introduction of runoff into the wetland and perennial stream. The bulk of these stormwater runoff mitigation design features are proposed to be located within the required minimum setbacks as set forth in the General Plan Policy 7.3.3.4 Interim Interpretive Guidelines,

therefore, an alternative setback from the perennial stream and the on-site wetland is being requested.

The report concludes that the proposed alternative setback and site design incorporates sufficient setbacks to protect Clear Creek and the on-site wetland area.

CONCLUSION:

As conditioned, the project incorporates best management practices to minimize the impacts on the perennial stream and wetland area and the request to reduce the perennial stream setback by ten feet and the wetland area setback by 42.5 feet is consistent with the intent of El Dorado County General Plan Policy 7.3.3.4 and the Interim Interpretive Guidelines for that Policy.

RECOMMENDATION:

Staff recommends that the Planning Commission find that the proposed reductions in setback from the perennial stream and wetland are consistent with the intent of General Plan Policy 7.3.3.4 and the Interim Interpretive Guidelines for said Policy based on the above discussion, subject to the Conditions of Approval in Attachment 1, and based on the Findings in Attachment 2.

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: General Plan Designation Map
- Exhibit D: Zoning Designation Map
- Exhibit E: SPR 07-0034 Site Plan, Sheet C6
- Exhibit F: Holiday Market Expansion Project Wetland and Waters Setback Biology Report
- Exhibit G: General Plan Policy 7.3.3.4

**ATTACHMENT 1
CONDITIONS OF APPROVAL**

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1. The project, as approved, shall conform to the approved site plan, Exhibit E.
2. The proposed retail expansion and parking lot improvements shall be located no less than seven and one half (7.5) feet from the wetland area as shown on the approved site plan.
3. Construction of the retail expansion and parking lot improvements shall be subject to the issuance of a building permit from El Dorado County Building Services.
4. Prior to issuance of the building permit, the applicant's biologist shall stake the new setbacks throughout the construction zone. Photo documentation shall be provided to Planning staff for review prior to approval of the building permit.
5. Construction fencing shall be established between the project site and the wetland during construction and until vegetation is reestablished on disturbed areas. Placement of the construction fencing shall be shown on the construction plans and shall be in place prior to commencing any construction activities.
6. All excavated dirt and construction equipment shall be stockpiled or stored outside of the wetland buffer.
7. No equipment refueling shall take place within 50 feet of the wetland.
8. Any temporary or permanent lighting shall be directed away from the wetland and creek to minimize the disturbance of nocturnal animals.

**ATTACHMENT 2
FINDINGS**

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1. *There are exceptional or extraordinary circumstances or conditions applying to the land. Building. Or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant;*

The project site is constrained by Clear Creek and a 0.13 acre wetland area to the east.

2. *The strict application of the provisions of the ordinance requested to be varied would deprive the applicant of the reasonable use of the land or building, allowed for other land in the vicinity and the same zone;*

Similar retail uses are found immediately to the west. The proposed location of the retail expansion is the high spot within this general area of the property and project design sufficiently protects Clear Creek and the 0.13 acre wetland area found on the site. The applicant has followed the process set forth by General Plan Policy 7.3.3.4 and the Interim Interpretive Guidelines for that Policy. Strict application of the provisions would deprive the applicant of the reasonable use of the land for retail expansion.

3. *The variance is the minimum necessary for the reasonable use of the land or building;*

To accommodate the proposed retail expansion, the wetland setback will be reduced the minimum necessary to locate the required parking pursuant to County Code Chapter 17.18 and sufficiently protect Clear Creek and the 0.13 acre wetland area found on the site.

4. *The variance is in conformity with the intent of this article and not detrimental to the public health, safety and welfare, or injurious to the neighborhood.*

The reduction in the setback from the perennial stream and the 0.13 acre wetland area has been designed for sufficient protection of those features and would not be detrimental to the public health, safety and welfare, or be injurious to the neighborhood.

5. *The alternative setback is consistent with the General Plan.*

The alternative setback would not have an adverse effect the perennial stream and the 0.13 acre wetland area. The project, therefore, is consistent with intent of General Plan Policy 7.3.3.4 by providing for an adequate setback for protection of natural and man-made wetlands, vernal pools, wet meadows, and riparian areas from impacts related to development for their importance to wildlife habitat, water purification, scenic values, and unique and sensitive plant life.

GENERAL PLAN POLICY 7.3.3.4

The Zoning Ordinance shall be amended to provide buffers and special setbacks for the protection of riparian areas and wetlands. The County shall encourage the incorporation of protected areas into conservation easements or natural resource protection areas.

Exceptions to riparian and wetland buffer and setback requirements shall be provided to permit necessary road and bridge repair and construction, trail construction, and other recreational access structures such as docks and piers, or where such buffers deny reasonable use of the property, but only when appropriate mitigation measures and Best Management Practices are incorporated into the project. Exceptions shall also be provided for horticultural and grazing activities on agriculturally zoned lands that utilize “best management practices (BMPs)” as recommended by the County Agricultural Commission and adopted by the Board of Supervisors.

Until standards for buffers and special setbacks are established in the Zoning Ordinance, the County shall apply a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. These interim standards may be modified in a particular instance if more detailed information relating to slope, soil stability, vegetation, habitat, or other site- or project-specific conditions supplied as part of the review for a specific project demonstrates that a different setback is necessary or would be sufficient to protect the particular riparian area at issue.

For projects where the County allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized. If avoidance and minimization are not feasible, the County shall make findings, based on documentation provided by the project proponent, that avoidance and minimization are infeasible.

Exhibit G