

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



<b>Agenda of:</b>	August 28, 2008
<b>Item No.:</b>	12
<b>Staff:</b>	Shawna Purvines

**FINDING OF CONSISTENCY**

**FILE NUMBER:** TM95-1298R

**APPLICANT:** Kirk Bone/Marble Valley Company, LLC

**REQUEST:** Finding of Consistency for a modified phasing plan pursuant to Section 1.F.1 of the Development Agreement and concurrence to determine the boundaries of the development envelopes at building permit stage.

**LOCATION:** The property is located on the south side of U.S. Highway 50, 1,000 feet east of the intersection with Bass Lake Interchange in the El Dorado Hills area, Supervisorial District II.

**APN:** 119-02-053, 55, 56; 119-03-013 thru 19; 119-33-001 and 087-200-74

**ACREAGE:** 2,341 acres

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

**ZONING:** Estate Residential-Five Acre and Open Space with a Planned Development Overlay (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Marble Valley Project EIR/SCH#95032018

**SUMMARY RECOMMENDATION:** Pursuant to Section 1.F.1 of the Marble Valley Development Agreement, recommend the Planning Commission find the revision to the Schematic Plan to be non-substantial and consistent with the 1996 General Plan based on the analysis in the staff report. Require the approved Tentative Map be revised, bringing it into full consistency with the Schematic Plan, including the revision presented today.

**SUMMARY:**

The Board of Supervisors approved the Marble Valley project (filed under TM95-1298, TM95-1299, Z95-02, and DA97-01) on February 10, 1998. An Environmental Impact Report was simultaneously adopted on this date and the Development Agreement is scheduled to expire February 2018. No Specific Plan was approved for this project.

The Planning Commission has extended the Tentative Map for this project 3 times with the most recent approval for extension on July 26, 2007.

### **STAFF ANALYSIS**

Staff has reviewed the project for compliance with the project area Development Agreement and the 1996 General Plan. Staff's analysis for a Finding of Consistency is as follows:

#### **Project Description**

The applicant is requesting a Finding of Consistency for a modified phasing plan identified as Design E, pursuant to Section 2.B.10 of the Development Agreement, and the County's concurrence to determine the boundaries of the development envelopes at building permit stage.

#### **Marble Valley Development Agreement and Approved Tentative Map**

Staff has reviewed the application and determined that a consistency finding cannot be made pursuant to 2.B.10 of the Development Agreement as requested by the Applicant. Section 2.B.10 involves the approval of a modified phasing plan by the Planning Director, but the submitted alternative plan includes changes beyond phasing plan changes such as lot layout alterations and road alignment revisions. Because the submitted alternative phasing plan consists of modifications to the schematic development plan as shown in Exhibit B of the Development Agreement, it is necessary to apply section 1.F.1 of the Development Agreement stating;

*“Upon request of the Landowner, the Planning Commission may modify the Schematic Development Plan without compliance with procedural provisions of the zoning ordinance or any other notice of public hearing if the Planning Commission determines that the request modification is not substantial and is consistent with the El Dorado County General Plan.”*

Therefore, staff has brought the request to the Planning Commission for review and thereby the Planning Commission may approve the revised plan should they find the revisions to be non-substantial. To assist in this determination, the Applicant has provided a matrix to compare conditions of approval and impacts to the various development stages. The applicant is not requesting any modifications to the original conditions of approval or mitigations measures. The applicant has provided an abbreviated traffic study to review traffic impacts from the revised mapping of residential lots and related road structure. Finally, the applicant provided an environmental analysis that reviewed consistency of open space, wetland mediation and oak tree

preservation between the two versions. Following is a summary of the proposed revisions to the Marble Valley Schematic Development Plan.

1. Shifting of residential development between phases: Section 2.B of the Development Agreement identifies uses allowable within each of the phases and sub-phase (i.e. clusters) as identified on the approved map. Section 2.B.10 of the Agreement states: “...*any modified phase (or any subphase thereby created) shall contain not less than either (i) one complete cluster or (ii) one complete subphase as shown on the Tentative Residential Subdivision Map, nor more than one hundred twenty-five percent (125%) of the units in the original Phase or Phases. All improvements required to serve a modified phase shall be completed or bonded prior to the filing of a final map for such modified phase. Such modified phasing shall be deemed, and is found to be, in substantial compliance with the Tentative Map*” The applicant proposes to shift the density from the southern section of the project area to the northern section. The revised phasing plan would not exceed the 125% increase in either phase II or III were shifting of units would be proposed. However, the shifting does cause inconsistency with the approved Tentative Map and therefore the applicant would be required to submit a revised Tentative Map that can be found to be fully consistent with the Schematic Development Plan including modifications presented in this report.

	<b>Approved TM</b>	<b>Revised Alternative</b>	<b>Percent Change</b>
Phase I	61	54	↓ 13%
Phase II	89	108	↑ 21%
Phase III	54	61	↑ 13%
Phase IV	36	25	↓ 31%
Phase V	98	97	↓ 1%
Phase VI	60	53	↓ 12%
<b>Total</b>	398	398	

2. Modification to placement and design of roadways and traffic circulation pattern: The applicant has met with DOT and both parties concur with some revisions to off-site conditions regarding the timing of improvements for Marble Valley Road. Beyond this agreed to change in conditions which could only be addressed as part of a Tentative Map revision, the applicant does not propose any additional amendments to the condition of approval or mitigation measures associated with the design of the roadways or traffic circulation patterns approved as part of the Development Agreement or Schematic Plan. In addition, the applicant has provided an abbreviated traffic study to review traffic impacts from the revised mapping of residential lots and related road structure. There would be no change in the number of lots created, the study concludes that the shifting of roadways and traffic circulation pattern would not create new impacts and traffic would operate at level of service C or better.
3. Shifting of lots from approved layout shown in the Schematic Development Plan: The revised plan shifts from the approved cluster style development to a linear form and layout of residential lots.

- a. The 1996 General Plan Policy 2.2.2.6(F) encourages clustering intensive land used to minimize impacts on various natural and man-made resources, minimizing aesthetic concerns, and provide for the creation of open space. Although the applicant proposes to shift the layout of the lots, staff finds that the intent of this policy would be met, as the applicant would be required to protect the cultural resources on site and provide for the quality of open space as analyzed and mitigated for in the Project EIR. No new impacts are created due to the change in layout.
  - b. In addition the 1996 General Plan Policy 7.1.2.1 states: *Discretionary development shall be discouraged on slopes exceeding forty (40) percent unless necessary for access. Slopes 30 percent and greater shall have a site specific review of soil type, vegetation, drainage contour, and site placement to encourage proper site selection and mitigation.* The EIR approved for the project analyzed the approved schematic plan under this policy. The applicant has provided a slope map that ensures no lots would be proposed to be shifted to an area where slopes are greater than 40 percent. Therefore, staff can find the shift in lots would be non-substantial and consistent with policies in the 1996 General Plan.
4. Modification to Oak canopy, Open Space and the preservation of Cultural Resources: The revised map appears to provide additional acres of open space; preservation of the same amount of oak canopy including an excess of 39 acres over what would be required pursuant to the 1996 General Plan Policy 7.4.4.4; and maintains the same level of protection for cultural resources in the required areas. Staff requested additional information on the quality of open space to ensure the revised phasing plan did not overtly reduce or cause significant negative impacts to the open space approved. The applicant provided an analysis of the quality of open space and staff has concluded that the revised phasing plan maintains a similar level of quality and connectivity of open space. In addition Mitigation Measure 4.11-1(a) requires the applicant to prepare an Open Space Natural Preserve Management, Preservation and Enhancement Plan to be approved by El Dorado County Planning Department. The plan would include seven components, including oak preservation, maintenance and monitoring of open space areas, and an education information component to apprise residents of the importance of the preserved natural open space.
  5. Elimination of Building Envelopes: The applicant requests to eliminate the building envelopes from the approved Tentative Map. The applicant believes typical envelopes as shown on the approved Tentative Map would be inappropriate for the site and ignore physical features such as slopes, rock outcroppings, and significant oak trees. The applicant proposes an alternative design and would prefer to determine the true extent of the envelopes on a lot-by-lot basis at the building permit stage. Section 2.B.8 of the Development Agreement states “*landowner agrees that all residential improvements shall be situated within those areas shown as Development Envelopes on the Schematic Development Plan*”. In addition, the request would eliminate envelopes approved with the Tentative Map thereby requiring the Tentative Map to be amended. This would be a major deviation from the

approved Tentative Map. Therefore, staff recommends the applicant include this request as part of a Tentative Map revision were it may be fully analyzed under the adopted Environmental Impact Report.

### **Conclusion**

The proposed amendment to the Phasing Plan does modify the Schematic Pan but does not appear to be detrimental to the project, and may even provide some additional benefits overall. Therefore, a finding can be made that the proposed modifications to the Phasing Plan and Schematic Plan are non-substantial, but a revised Tentative Map would be required to ensure the map is fully consistent with the requirements set forth in the Development Agreement and Schematic Plan. Staff recommends the applicant submit an application for a revised tentative map that conforms to the revised phasing plan and modifications to the Schematic Plan, thereby reducing inconsistencies that may jeopardize the filing of a Final Map. Should the applicant submit for revisions within sufficient time so that the tentative map can be heard by the Planning Commission on or before the final meeting in 2008, the revisions may be submitted on the Consent Calendar.

### **ENVIRONMENTAL ANALYSIS**

The 1997 Marble Valley EIR fully analyzed the impacts of 398 residential units on 2,341 acres known as Marble Valley in the southwestern section of El Dorado County. The proposed amendment does not create any new substantial changes in the project area, or with respect to the circumstances under which the project is undertaken, which would require major revisions of the previous EIR. In addition, no new information of substantial importance, which was not known and could not have been known at the time of the previous environmental review, was found that would cause the project to have one or more significant effects not discussed in the previous EIR. Finally there are no significant effects previously examined that will be substantially more sever, and no new mitigation measures are proposed and all previously approved and agreed to mitigation measures will remain in effect and required for completion of the project.

### **RECOMMENDATION:**

1. Find that the proposed amendment to the Phasing Plan and Schematic Plan does not create any new or changed impact from that analyzed in the 1997 Marble Valley Project EIR (SCH#95032018) and that no additional environmental review is necessary pursuant to §15162 of the State CEQA Guidelines.; and
2. Find, pursuant to section 1.F.1 of the Development Agreement, that the modifications to the Schematic Plan are non-substantial; and
3. Direct the applicant to file a revised Tentative Map that would be fully consistent with the Schematic Plan and Development Agreement including requested modifications presented today. Should the applicant submit for revisions within sufficient time so that the Tentative Map can be hear by the Planning Commission on or before the final meeting in 2008, the revisions may be submitted on Consent Calendar.

**SUPPORT INFORMATION**

**Attachments to Staff Report:**

Attachment 1 .....Findings  
Exhibit A .....Development Agreement (sections 1.F and 2.B.10)  
Exhibit B .....Marble Valley Tentative Map  
Exhibit C .....Proposed Revised Phasing Map  
Exhibit D .....Vicinity Map  
Exhibit E .....General Plan Land Use Map  
Exhibit F .....Zoning Map  
Exhibit G 1 &2.....Approved and Proposed Open Space Map  
Exhibit H.....Aerial Map of Area  
Exhibit I .....Slope Map of Proposed Revised Phasing Map

# **ATTACHMENT 1 FINDINGS**

**FILE NUMBER TM95-1298R  
Planning Commission/August 28, 2008**

## **1.0 CEQA Findings**

- 1.1. The proposed amendment to the approved Schematic Plan as part of the Marble Valley Development Agreement will not create any new or changed environmental impacts from those identified in the 1997 Project Environmental Impact Report (SCH#95032018).
- 1.2. No subsequent EIR is required for the amendment pursuant to §15162 of the State CEQA Guidelines because the proposed amendment is not a substantial change that would cause new significant effects or increase the severity of previously identified effects; substantial changes in the circumstances under which the plan was adopted have not occurred; and there is no new information regarding potential impacts that were not identified during the preparation of the previous EIR.

## **2.0 General Plan Finding**

- 2.1. The proposed amendment to the Marble Valley Development Agreement Phasing and Schematic Plan is consistent with the 1996 General Plan goals and objectives in that it will not reduce the County's ability to encourage clustering for the protection of cultural resources and opens space; Policy 2.2.2.6(F), minimize the development of parcels with greater than 40 percent slope; Policy 7.1.2.1, and preserve the protection of oak canopy; Policy 7.4.4.4.

## **3.0 Marble Valley Development Agreement Finding**

- 3.1 Pursuant to Section 1.F.1 of the Marble Valley Development Agreement the amendment to the Phasing and Schematic Plan can be found to be not substantial and consistent with the 1996 General Plan.