

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



Agenda of: June 11, 2009

Item No.: 9

Staff: Mel Pabalinas

REZONE

FILE NUMBER: Z98-0017/Castro Rezone

AGENT: Carlton Engineering

APPLICANT: Hernan Castro

REQUEST: Rezone from Estate Residential Five-Acre Zone District (RE-5) to One-Acre Residential District (R1A)

LOCATION: The property is located on the north side of Meder Road approximately 200 feet west of intersection with Carlson Road in the Shingle Springs area; Supervisorial District IV (Exhibit A)

APN: 070-101-65 and -66 (Exhibit B)

**PROPERTY
SIZE:** 5.62 acres

GENERAL PLAN: Medium Density Residential (MDR) (Exhibit C)

**CURRENT
ZONING:** Estate Residential Five-Acre Zone District (RE-5) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Negative Declaration

RECOMMENDATION: Planning Services recommends that the Planning Commission forward the following recommendations to the Board of Supervisors:

1. Adopt the Initial Study/Negative Declaration; and
2. Approve Rezone application Z98-0017 based on the findings in Attachment 1.

BACKGROUND

Originally filed on September 25, 1998, the rezone application included a request for a Tentative Parcel Map (application file P98-0010) to divide the parcel into four (4) 1-acre parcels, and a Design Waiver for use of a “Y” hammerhead turnaround for an on-site private road. An Initial Study/Negative Declaration was prepared and circulated for the project.

On January 28, 1999, the Planning Commission adopted the Negative Declaration and unanimously recommended to Board of Supervisors approval of the project. The item was scheduled on February 26, 1999 Board of Supervisors agenda; however, the item was continued off-calendar resulting from a court decision in February 1999 that invalidated El Dorado County’s 1996 General Plan. A Writ of Mandate was subsequently issued limiting the County’s authority to issue any discretionary land use approvals.

The 2004 General Plan was adopted in July 2004 followed by the lifting of the writ of mandate in September 2005. The County resumed processing of the application in October 2005 and forwarded a request for re-submittal of specific application information in conformance with the 2004 General Plan.

The applicant formally re-submitted the required information in November 2007 and modified the Tentative Parcel Map request to create four 1-acre lots and one 1.62 acre remainder parcel. Following completion of review of the resubmitted application materials, the application was deemed incomplete for processing in December 2007, subject to submittal additional information.

On March 3, 2008, a Technical Advisory Committee (TAC) meeting for the project was conducted. Among the issues discussed include specific revisions to the map, submittal of justification supporting the design waiver request for a hammerhead and impacts to rare plants. One specific issue involves the processing of a Tentative Parcel Map that would create a remainder parcel. As determined, the creation of the remainder parcel, which is currently developed with a single family residence would be inconsistent with the County Subdivision Ordinance and Subdivision Map Act. Staff recommended two possible options in resuming processing of the discretionary application: 1) Convert the Tentative Parcel Map application into a Tentative Subdivision Map application that would create a total of five (5) 1-acre lots; or 2) Apply for a Rezone of the parcels only.

On April 24, 2008, the applicant elected Option 2 withdrawing the Tentative Parcel Map Application. A second TAC meeting was conducted for the project on September 29, 2009 receiving general support of the zone change request.

STAFF ANALYSIS

Staff has reviewed the project for consistency with the County’s regulations and requirements. An analysis of the proposal and issues for the Planning Commission’s consideration are provided in the following sections.

Project Description

The applicant is requesting a rezone of the above property from Estate Residential Five-Acre Zone District (RE-5) to One-Acre Residential District (R1A) (Exhibit E). The proposed zone would conform to the General Plan Land Use Designation of Medium Density Residential.

No development or improvement is proposed with the zone change therefore no physical change to the existing setting would occur. Subsequent subdivision and development of the property could occur through a Tentative Parcel Map creating of 4 lots or less or a Tentative Subdivision Map for 5 lots in conformance with the density range of 1 to 0.2 dwelling units/per acre under the MDR land use zone. A formal development application for the subdivision would be required subject to regulatory review and environmental analysis by the County and affected agencies. Anticipated development of the site would be residential in nature under the R1A district including primary residence, second dwelling units, guest house, home occupation business, and other ancillary uses in accordance with Section 17.28 II of the El Dorado Zoning Code.

Site Description

The property is located between the 1,470 and 1,510 elevation with areas predominantly flat to pocket areas with 30-40 percent slope. An ephemeral drainage bisects the property from west to east that eventually discharges into Kelley Creek located off-site one-half mile to the east. The soil composition consists of Pine Hills gabbro complex within the Rescue Series, specifically a Rescue very stony sandy loam. The vegetation communities consist of a combination of Foothill Woodland, Chaparral and Savannah that includes Interior Live and Blue oaks, manzanitas, and poison oak. Hydrophytic vegetation exists within the seasonal drainage including hedge nettle, annual beard grass and nutsedge. Given the gabbro soil composition, special status species also have been identified including Pine Hill ceanothus, Layne's butterweed, and El Dorado mule ears.

The site is currently improved with several buildings including two residences, a detached garage, three sheds, and a swimming pool. The site is accessed via Meder Road, a major 2-lane County maintained road.

Site and Surrounding Properties' Information

The property is within the Shingle Springs Community Region of the County. Surrounding the site are existing surrounding residential uses and, generally, of similar and like land use designation. The site borders several parcels to the northwest that have similar land use and zone designations of RE-5 and MDR, respectively. Also within the immediate area, mostly to the south, are parcels with existing zone designation of R1A similar to the request zone change.

With reference to Exhibits C and D, Table 1 below detail the land use designation information of the project site and the surrounding properties.

Table 1. Land Use Information

| | General Plan Designation | Zoning Designation | Existing Use |
|---------------------|--|---|---------------------|
| Project Site | Medium Density Residential (MDR) | Estate Residential 5-acre minimum (RE-5) | Residential |
| North | Medium Density Residential (MDR)/Low Density Residential (LDR) | Estate Residential 5-acre minimum(RE-5)/ Estate Residential 10-acre minimum (RE-10) | Residential |
| East | Medium Density Residential (MDR)/Low Density Residential (LDR) | Estate Residential 10-acre minimum (RE-10) | Residential |
| South | Medium Density Residential (MDR) | One-Acre Residential (R1A) District | Residential |
| West | Medium Density Residential (MDR) | Estate Residential 5-acre minimum(RE-5) | Residential |

General Plan

Table 2 below provides a summary of the El Dorado County General Plan policies applicable to the project.

Table 2. General Plan Consistency Discussion

| General Plan Element | Policy Reference | Consistency Discussion |
|-----------------------------|---|---|
| Land Use | Policy 2.2.5.2 (Project Consistency) | Consistent. This policy requires verification of discretionary project applications for consistency with the applicable General Plan policies. Based on consistency matrix (Table 2.4) under General Plan Policy 2.2.1.5, the proposed rezone from Estate Residential 5-acre minimum (RE-5) to One Acre Residential District (R1A) would be consistent with the underlying Medium Density Residential (MDR) Land Use Designation. |
| | Policy 2.2.5.3 (Rezone Consistency) | |
| | 1. Availability of adequate public water and 2. Availability and capacity of public | Consistent. The project site is within the El Dorado Irrigation District (EID) service area for public water. Though no development is proposed with this rezone application, based on the submitted Facilities |

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| | treated water system | Improvement Letter (FIL) from EID dated April 21, 2008, there is adequate amount of water that would be available for future development. As of January 1, 2007, there are 2,426 equivalent dwelling units (EDU) to serve the Western/Eastern Supply Region. In the event that the project site is developed, a meter award letter from EID would be required as proof of service to the prior to recordation of future final map. |
| | 3. Availability and capacity of public waste water treatment system | Consistent. No public wastewater system is available to site at this time as the property and the surrounding properties in the general vicinity site are served by individual septic system. General Plan Policies (Public Services and Utilities Element) 5.3.1.2 and 5.3.1.7. states that parcels within Community Region and has underlying Medium Density Residential designation may be further subdivided to sizes below 5 acres and have on-site septic system with public water connection. Subsequent development of the site would be required to demonstrate that such septic system can accommodate highest possible demand of the project. |
| | 4. Distance to and capacity of the serving elementary and high school | Consistent. Buckeye Elementary School is located approximately 1.5 miles from the project site and has an enrollment of 484 students. Ponderosa High School is approximately 0.5 miles from the site and has an enrollment of 1,982 students. |
| | 5. Response time from nearest fire station handling structure fires | Consistent. The property is within the El Dorado County Fire Protection District area. The nearest fire station to the site is located at 3860 Ponderosa Road, approximately 1 mile to the southeast. The estimated emergency response time is 5 minutes. |
| | 6. Distance to nearest Community Region or Rural Center | Consistent. The site is within Shingle Springs Community Region of El Dorado County. |
| | 7. Erosion hazard | Consistent. Based on the topography, the site has a slight to moderate erosion hazards in the event of development, subject to technical review by the County and affected agencies and implementation of best management practices. |
| | 8. Septic and leach field capability | Consistent. The on-site wastewater feasibility report and useable sewage disposal map prepared by Wheeldon Geology was submitted as part of the previous Tentative Parcel Map Application. The data was reviewed and preliminarily approved by Environmental Management Department-Environmental Health Division. Subsequent development of the site would be conditioned to meet all septic requirements. |

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| | <p>9. Groundwater capability to support wells</p> | <p>Consistent. As the project site is within the Community Region and EID service area, future development of the site would be required to connect to the district facilities for water services thereby not requiring groundwater source.</p> |
| | <p>10. Critical flora and fauna habitat areas</p> | <p>Potentially Consistent. The property is within the Ecological Preserve Mitigation Area 1. A Botanical Resource Report and Rare Plant Survey was prepared and submitted as part of the previous Tentative Parcel Map application. Based on the unique soil composition, the study identified rare plant species and habitat including Pine Hill ceanothus, Layne's butterweed and El Dorado mule ears. Future development proposal of the site would be required to further evaluate and, as applicable, mitigate for the potential impacts to these plants.</p> |
| | <p>11. Important timber production areas 12. Important agricultural areas 13. Important mineral resource areas</p> | <p>Consistent. The property is not considered an important source of timber, agricultural, or mineral. The property has an underlying residential designation and existing use. Anticipated development of the site would be residential in nature.</p> |
| | <p>14. Capacity of the transportation system serving the area</p> | <p>Consistent. Existing and future access to the site would be off Meder Road, which is a major 2-lane County maintained road. This type of road is typically undivided and has a right-of-way width of 60 feet and has a fully controlled access with limited private property access and public road approaches. Based on the minimal anticipated quantity of lots that would be created from the subsequent division of the property, a traffic analysis report would not be required. Nevertheless, encroachment off Meder Road that would serve the future development of the site would be constructed based on County design and improvement standards.</p> |
| | <p>15. Existing land use pattern</p> | <p>Consistent. The rezone of the property would be consistent with the underlying Medium Density Residential designation for the property and the residential density of the surrounding properties.</p> |
| | <p>16. Proximity to perennial water course</p> | <p>Consistent. No perennial watercourse exists on-site. An ephemeral drainage bisects the property from west to east that eventually discharging into Kelley Creek located off-site one-half mile to the east.</p> |

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| | 17. Important historical/archeological sites | Consistent. An archeological survey report was previously prepared by Historic Resource Associates and submitted as part of the Tentative Parcel Map application. The survey concluded that the site does not contain any important historical or cultural resources. |
| | 18. Seismic hazards and present of active faults | Consistent. The property is approximately 1.5 miles west of an inactive East Bear Mountain Fault. No portion of the county is located within an Alquist-Priolo Earthquake Fault Zone. |
| | 19. Consistency with existing Conditions, Covenants, and Restrictions | Consistent. A CC&R is typically required as part of subsequent development. |
| Public Service and Utilities | Policy 5.2.1.3 (Public Water System Connection) and 5.2.1.4 (Rezone Approval in Community Region) | Consistent. The proposed rezone to One-Acre Residential (R1A) District would promote a medium residential development with a density range of one dwelling unit per 1 to 5 acres. Given its location within the Shingle Springs Community Region and EID's service area, the development would be required to connect to public water. An FIL letter has determined that an adequate supply of water exists and would be able to accommodate the development. |

Zoning

The subject site is currently zoned Estate Residential District 5-acre minimum (RE-5). The proposed rezone to One-Acre Residential (R1A) District would be consistent with the Medium Density Residential land use designation. Development of the site would be subject to Chapter 17.28 Section II of the El Dorado County Zoning Ordinance (One-Acre Residential) establishing the development standards and other applicable County requirements.

Other Issues

Agency Comments

Correspondences were received from the Department of Transportation, County Surveyor, Environmental Management Department (Environmental Health Division) and El Dorado County Resource Conservation District. No specific issues were raised with the zone change.

Conditions of Approval

As this zone change request is a legislative act and is not accompanied by specific development proposal, no conditions of approval are applicable.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study to determine if the project may have a significant effect on the environment (Exhibit F). Based on the analysis, Negative Declaration has been determined given that there is no substantial evidence that the rezone request would have a significant effect on the environment.

In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,993.00 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 \$1,993.00 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

Attachment 1.....Findings

Exhibit A.....Vicinity Map

Exhibit B.....Assessor’s Parcel Map

Exhibit C.....General Plan Land Use Map

Exhibit D.....Land Use Zone Map

Exhibit E.....Proposed Rezone Map

Exhibit F.....Initial Study/Negative Declaration

ATTACHMENT 1 FINDINGS

FINDINGS FOR APPROVAL

1.0 CEQA

El Dorado County prepared an Initial Study in evaluation of potential environmental impacts. A Negative Declaration has been determined given that there is no substantial evidence contained in the project record that would indicate that this project has the potential to significantly degrade the quality of 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 project.

The documents and other materials which constitute the record upon which this decision is based are in the custody of the Development Services Department-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 ADMINISTRATIVE FINDINGS

2.1 General Plan

The project site is within the Shingle Springs Community Region planning concept area of the county and has a land use designation of Medium Density Residential. This designation anticipates residential development with a density range of one dwelling units per one to five acres. The proposed zone change to One-Acre Residential (R1A) is consistent with Medium Density Residential. The rezone has been evaluated for conformance to applicable General Plan policies including Land Use Element Policies 2.2.5.2, 2.2.5.3 and Public Services and Utilities Element Policies 5.2.1.3 and 5.2.1.4. Future development of the site shall be further reviewed for consistency with applicable policies including project density and intensity, consistency with the surrounding uses, site, circulation and utility layout, and preservation of natural and cultural resources.

2.2 Zoning

The project site is currently zoned Estate Residential 5-acre minimum which is consistent with the Medium Density Residential land use designation. The zone change to One-Acre Residential (R1A) would be consistent with land use designation and anticipated residential development. Subsequent development of the site shall require conformance to the applicable development standards regulated under Chapter 17.28 Section II of the El Dorado County Zoning Ordinance.