

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



**Agenda of:** September 24, 2009  
**Item No.:** 7  
**Staff:** Jason R. Hade

**REZONE**

**FILE NUMBER:** Z08-0032/Weber Creek Quarry

**APPLICANT:** Eric Brunius

**AGENT:** Art Marinaccio

**PROPERTY OWNER:** Eric Brunius

**REQUEST:** Zone change from Estate Residential Five-Acre (RE-5) to Industrial (I)

**LOCATION:** On the east side of Lotus Road north of the intersection with Weber Creek in the Rescue area, Supervisorial District IV. (Exhibit A)

**APN:** 102-150-16; 25; 28; and 317-120-08 (Exhibit B)

**ACREAGE:** 95 acres

**GENERAL PLAN:** Industrial – Mineral Resources (I-MR) (Exhibit C)

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

**ENVIRONMENTAL DOCUMENT:** Negative Declaration

**RECOMMENDATION:** Planning Services recommends the Planning Commission forward the following recommendation to the Board of Supervisors:

1. Adopt the Negative Declaration; and
2. Approve Rezone application Z08-0032 based on the findings in Attachment 1.

**BACKGROUND**

The subject parcel was designated Industrial in the 1996 and 2004 General Plan and Residential-Agricultural five-acre minimum parcel size in the Rescue Area Plan adopted November 1976. An existing surface mining and aggregate processing operation currently exists at the subject site under an approved reclamation plan.

**STAFF ANALYSIS**

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

**Project Description:** The applicant is requesting a rezone from Estate Residential Five-Acre (RE-5) to Industrial (I) to bring the property into consistency with the Industrial – Mineral Resource General Plan land use designation. No development plans are being processed as part of this application. The site would continue to be utilized for surface mining and aggregate processing. Project access would continue to be provided via Sierra Rock Road.

**Site Description:** The project site is bound by undeveloped land to the north and single-family residences to the east, south, and west. Elevation of the project site ranges from approximately 900 feet to 1,020 feet above sea level. Topography in the project study area ranges from gentle to steep slopes of varying aspect. Weber Creek bisects the subject site. Existing improvements within the property consist of three trailers, covered work area, diesel fuel containment area, crusher and screen, scale house, settling pond, and resource extraction areas.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RE-5	I-MR	Mining/Weber Creek Quarry
<b>North</b>	RE-5/I	LDR/I	Residential/Single-Family Residences/Undeveloped
<b>South</b>	RE-5/PD	LDR	Residential/Single-family residences
<b>East</b>	PD	LDR	Residential/Single-family residences
<b>West</b>	RE-10	RR	Residential/ Single-family residences

Discussion: The subject site is located in a Rural Region adjacent to low-density residential, agricultural, and undeveloped lands.

**Access/Road Improvements:** Site access would continue to be provided by Sierra Rock Road.

**Land Use Compatibility:** As previously discussed and shown in the “adjacent land uses table” above, the Industrial zone district would be compatible with the existing low-density residential, agricultural, and undeveloped industrial land uses and would not create land use conflicts with surrounding properties. The nearest potential residence is over 200 feet from the subject site. Further, steep topography between the mine and residences to the east provides an additional buffer source. If proposed, future expansion of the existing on-site mining operation would require the submittal of a discretionary special use permit application to ensure compatibility with surrounding land uses. As such, the project would be consistent with General Plan Policy 2.2.5.21.

### **General Plan:**

The General Plan designates the subject site as Industrial. The purpose of this land use category is to provide for a full range of light and heavy industrial uses. Industrial lands in Rural Regions shall be constrained to uses which support on-site agriculture, timber resource production, mineral extraction, or other resource utilization. As such, the existing mining operation is consistent with the Industrial land use designation. Table 2-4 of the General Plan indicates that the current RE-5 zoning district for the project site is inconsistent with the Industrial General Plan land use designation and the requested Industrial zone district is consistent with the Industrial land use designation pursuant to Table 2-4.

Additionally, the following General Plan policies also apply to this project:

**Policy 2.2.2.7** states that the *Mineral Resource (-MR) overlay designation shall only be considered appropriate with the following base land use designations: Natural Resource (NR); Agricultural Land (AL); Open Space (OS); Industrial (I); Commercial (C); Public Facilities (PF); Rural-Residential (RR); and Low-Density Residential (LDR).*

Discussion: Because the site’s base land use designation is Industrial, the –MR overlay is consistent with Policy 2.2.2.7 as outlined above. Further, the requested zone change to Industrial would not impact the –MR overlay designation.

**Policy 2.2.5.3** directs 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:

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;

Discussion: General Plan Policies 5.1.2.1 and 5.1.2.2 require that prior to approval of any discretionary development a determination of the adequacy of the public services and utilities to be impacted shall be made, and the development shall not result in a reduction of services below minimum established standards. However, the existing mining operation is served by a private

septic and well system and no development is proposed. As such, a reduction of services below minimum established standards would not occur.

4. Distance to and capacity of the serving elementary and high school;

Discussion: Under Policy 5.8.1.1, school districts affected by a proposed development shall be relied on to assess any impacts on school facilities. Although no development is proposed, the project was routed to the Gold Trail School District for review and comment.

5. Response time from nearest fire station handling structure fires;

Discussion: A fire station staffed by the Diamond Springs - El Dorado Fire Protection District is approximately 1.5 miles from the subject parcel.

6. Distance to nearest Community Region or Rural Center;

Discussion: The project parcel is located approximately two miles north of the Rescue Rural Center.

7. Erosion hazard;

Discussion: Under Policy 7.3.2.2, projects requiring a grading permit shall have an erosion control program approved, where necessary. No grading is proposed with the rezone application. Future development must adhere to the County's grading and erosion control requirements.

8. Septic and leach field capability;
9. Groundwater capability to support wells;

Discussion: The project parcels would continue to be served by a private septic and well system as discussed under criteria 1 through 3 above.

10. Critical flora and fauna habitat areas;
11. Important timber production areas;
12. Important agricultural areas;
13. Important mineral resource areas;

Discussion: As discussed above, the project parcels are located within an important mineral resource area and have a Mineral Resource overlay designation. The requested zone change from RE-5 to Industrial is consistent with the -MR overlay designation and would enhance mineral extraction opportunities and protection at the site.

14. Capacity of the transportation system serving the area;

Discussion: The project parcel is accessed from Sierra Rock Road. As no development is proposed, the capacity of the existing transportation system serving the area would not be impacted.

15. Existing land use pattern;

Discussion: The project site is bound by undeveloped land to the north and single-family residences to the east, south, and west. As proposed, the zone change would be compatible with the existing surrounding low-density residential land uses and would not create land use conflicts with surrounding properties. The zone change from RE-5 to Industrial would be consistent with the land use pattern. Lands to the north of the project site are zoned industrial and are developed with a wood lot and construction storage yard.

16. Proximity to perennial water course;

Discussion: Weber Creek is a perennial water course which bisects the subject site, but would not be negatively impacted by the proposed zone change.

17. Important historical/archeological sites; and

18. Seismic hazards and present of active faults.

19. Consistency with existing Conditions, Covenants, and Restrictions.

Discussion: None of these resources or constraints exists on the site; therefore the rezone would have no impact.

**Policy 7.2.1.2** states that areas designated as Mineral Resource (-MR) overlay on the General Plan Land Use Map shall be identified by the Mineral Resource (-MR) combining zone district on the zoning maps when the likely extraction of the resource through surface mining methods will be compatible with adjacent land uses as determined by Policy 7.2.2.2.

Discussion: As noted above, the Industrial land use designation is deemed to be compatible with surface mining operations. Industrial uses shall be limited to those compatible with mineral exploration, such as the existing mining operation.

**Policy 8.1.4.1** states that the County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

Discussion: As outlined in Exhibit F, the Agricultural Commission reviewed the request and determined that it is consistent with Policy 8.1.4.1 as the above findings can be made. As such, the Agricultural Commission recommended approval of the proposal at its meeting of July 8, 2009.

Conclusion: As discussed above, staff finds that the project, as proposed/conditioned, conforms to the General Plan.

**Zoning:** The subject parcel is consistent with the development standards for the proposed I zone district. Specifically Ordinance section 17.34.040 specifies a minimum parcel size of 10,000 square feet. The subject parcel is approximately 95 acres (4,138,200 square feet) which greatly exceeds the minimum.

**Public Comments:** Public comments received prior to the scheduled Planning Commission hearing are included as Exhibit G. Concerns expressed in the comments are addressed within Exhibit H. No physical changes would occur as a result of approval of the zone change request. Additionally, several of the potential uses cited in the comment letters, such as a “hot asphalt plant” would be subject to the approval of a Special Use Permit application with additional environmental review. As mentioned above, Industrial lands in Rural Regions shall be constrained to uses which support on-site agriculture, timber resource production, mineral extraction, or other resource utilization.

## **ENVIRONMENTAL REVIEW**

Staff has prepared a Negative Declaration (Exhibit H) to determine if the project may have a significant effect on the environment. It has been determined that the project would avoid any potentially significant environmental effects as the land use designation has been fully analyzed in the General Plan EIR. Staff has determined that there is no substantial evidence that the proposed project 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

### Attachments:

Attachment 1 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	Assessor's Parcel Map
Exhibit C .....	General Plan Land Use Map
Exhibit D .....	Zoning Map
Exhibit E .....	Site Plan
Exhibit F .....	Agricultural Commission Memorandum, July 15, 2009
Exhibit G .....	Public Comments
Exhibit H .....	Negative Declaration

# **ATTACHMENT 1**

## **FINDINGS**

### **Rezone Z08-0032/Weber Creek Quarry**

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 County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The proposed project could not have a significant effect on the environment.
- 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 use is consistent with all applicable policies of the General Plan including 2.2.1.2 (land use type), 2.2.2.7 (Mineral Resource overlay designation), 2.2.5.21 (land use compatibility), 7.2.1.2 (Mineral Resource overlay), and 8.1.4.1 (agricultural lands compatibility) because of its consistency with the Industrial land use designation, appropriateness of the -MR overlay designation, existing and proposed land use pattern adjacent to the site, consistency with the site's -MR overlay designation, and compatibility with adjoining agricultural lands.
- 2.2 In accordance with State law and 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 use.

##### **3.0 Zoning Findings**

- 3.1 The existing RE-5 – Mineral Resource overlay zone district is inconsistent with the Industrial General Plan land use designation. A rezone to Industrial will bring the property into consistency with the current General Plan designation of Industrial.
- 3.2 The rezone will meet the intentions of Policy 2.2.5.2 because the establishment of a new zone designation of Industrial and the ensuing uses it allows is consistent with the allowed uses intended by the Industrial (I) land use designation.
- 3.3 The rezone will meet the intentions of Policy 2.2.5.3 because of the existing mineral extraction and processing uses at the site, the current availability of supporting utilities and infrastructure to serve the existing mining operations, proximity to emergency responders, and the existing and proposed land use pattern.
- 3.4 The proposed project is consistent with the El Dorado County Zoning Ordinance designation of Industrial (I) and the development standards within Section 17.34.040.