

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



Agenda of: May 13, 2010
Item No.: 9
Staff: Jason R. Hade

GENERAL PLAN AMENDMENT/REZONE

FILE NUMBER: A09-0006/Z09-0012/Pierce Trust

APPLICANT: Elizabeth Ann Williams, Trustee

PROPERTY OWNER: Nelle Pierce Trust

AGENT: Gene E. Thorne & Associates, Inc.

REQUEST: The project consists of the following requests:

1. General Plan amendment amending the land use designation from Medium Density Residential (MDR) to Commercial (C).
2. Zone change from One-Acre Residential (R1A) to Commercial-Planned Development (C-PD).

LOCATION: On the east side of Greenleaf Drive, approximately 300 feet south of the intersection with Missouri Flat Road in the Placerville periphery area, Supervisorial District III. (Exhibit A)

APN: 327-140-07 (Exhibit B)

ACREAGE: 4.77 acres

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

ZONING: One-Acre Residential District (R1A) (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 based on the Initial Study prepared by staff;
2. Approve General Plan amendment application A09-0006 based on the Findings in Attachment 1; and
3. Approve Rezone application Z09-0012 based on the Findings in Attachment 1.

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: General Plan Amendment from Medium Density Residential (MDR) to Commercial (C) and a Zone Change from One-Acre Residential (R1A) to Commercial-Planned Development (C-PD). No development is proposed at this time. Primary project access would be provided via an existing connection to Greenleaf Drive. Any future development at the project site would be served by public sewer and water provided by the El Dorado Irrigation District (EID).

Site Description: The project site is bound by a restaurant, motel, and single-family residences to the north, single-family residences to the south and east, and Greenleaf Drive to the west. Elevation of the project site is approximately 1,850 feet above sea level. The site has predominantly moderate slopes and contains mixed oak woodlands. Existing improvements within the parcel include a vacant cabin, a contemporary ranch style residence, sheds, septic tanks, water, power, and a driveway.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R1A	MDR	Residential/Single-family residence
North	C/R1A	C	Commercial/Restaurant, Motel, and Single-Family Residences
South	R1A	MDR	Residential/Single-family residences
East	R1A	C	Commercial/Single-Family Residence
West	R1A	MDR	Residential/ Greenleaf Drive

Discussion: The subject and adjacent parcels are within the Diamond Springs – El Dorado Community Region General Plan planning concept area.

Access/Road Improvements: Primary project access would be provided via an existing connection to Greenleaf Drive. The Department of Transportation would recommend appropriate road improvement conditions of approval prior to development plan approval by the Planning Commission at a future date.

Fire Protection: Fire protection services would be provided to the project site by the Diamond Springs-El Dorado Fire Protection District as required under General Plan Policy 5.7.1.1. Based on comments by the Fire District, the Fire District is supportive of the project provided that specific fire safe issues are addressed at time of development plan review along with the inclusion of appropriate conditions of approval.

Land Use Compatibility: As previously discussed and shown in the “adjacent land uses table” above, the Commercial General Plan land use designation and zone district would be compatible with the existing and proposed surrounding commercial and residential land uses and would not create land use conflicts with surrounding properties. Future development of the site would require the submittal of a discretionary planned development application to ensure compatibility with surrounding land uses. As such, the project would be consistent with General Plan Policy 2.2.5.21.

Water Supply and Fire Flow: General Plan Policy 5.2.1.3 requires that commercial development projects be required to connect to a public water system when located within a Community Region. The EID would provide water to the project site. According to their letter (Exhibit F) dated October 6, 2009, the project would require approximately four EDUs (equivalent dwelling units) of water. At this time, there are approximately 2,426 EDUs available in the Western/Eastern Water Supply Region as of January 1, 2007. The system would connect to an existing 8-inch waterline located at the project site which would provide the necessary fire flow.

Wastewater Disposal: General Plan Policy 5.3.1.1 requires commercial projects to connect to public wastewater facilities as a condition of approval. The EID has stated in their letter dated October 6, 2009 that there is a District six-inch gravity sewer line located in Missouri Flat Road that has adequate capacity at this time to serve future development at the subject site. In order to receive service from this line, an extension of facilities of adequate size would need to be constructed.

General Plan:

The General Plan designates the subject site as Medium Density Residential. This land use designation establishes areas suitable for detached single-family residences with larger lot sizes which will enable limited agricultural land management activities. The maximum allowable density is one dwelling unit per acre.

The requested General Plan Amendment would change the land use designation to Commercial (C). The purpose of this land use category is to provide a full range of commercial, retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. The mixed-use ordinance permits a maximum density of 16 units per acre in Community Regions. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers. The project parcel is located within the Diamond Springs – El Dorado

Community Region. General Plan Policy 2.1.1.2 states that Community Regions “define those 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 and features, and the ability to provide and maintain appropriate transitions at Community Region boundaries.”

The amendment from MDR to C would allow for a full range of commercial uses. It would also permit a mixed-use development with a maximum residential density of 16 dwelling units per acre. This would represent an increase from the current potential residential density under MDR for eight dwelling units (one primary dwelling unit and one second dwelling unit per parcel) to a potential for 76 dwelling units. Within Community Regions, the mixed uses may occur vertically. As proposed, the Commercial General Plan land use designation and zone district would be compatible with the existing and proposed surrounding commercial and residential land uses and would not create land use conflicts with surrounding properties. The site is south of an existing commercial development consisting of a restaurant and motel. The site is also in close proximity to the areas designated for future commercial uses along the Missouri Flat Road corridor. Future development of the site would require the submittal of a discretionary planned development application to ensure compatibility with surrounding land uses. The site is suitable for commercial and mixed use development and the initial study did not find any significant impacts that could be associated with development of the site.

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

Policy 2.5.2.1 states that *neighborhood commercial centers shall be oriented to serve the needs of the surrounding area, grouped as a clustered, contiguous center where possible, and should incorporate but not be limited to the following design concepts as further defined in the Zoning Ordinance.*

- A. *Maximum first floor building size should be sized to be suitable for the site;*
- B. *Residential use on second story;*
- C. *No outdoor sales or automotive repair facilities;*
- D. *Reduced setback with landscaping and walkways;*
- E. *Interior parking, or the use of parking structure;*
- F. *Bicycle access with safe and convenient bicycle storage area;*
- G. *On-street parking to reduce the amount of on-site parking;*
- H. *Community bulletin boards/computer kiosks;*
- I. *Outdoor artwork, statues, etc., in prominent places; and*
- J. *Pedestrian circulation to adjacent commercial centers.*

Discussion: The addition of the planned development overlay would ensure that any future development plan is reviewed in light of the above criteria as well as any applicable design guidelines.

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.

The area is served by public water and sewer. A Facilities Improvement Letter from the EID was submitted by the applicant. The letter states that existing on-site water facilities would provide necessary potable water and fire flow for the project site. Additionally, sewer facilities are within close proximity to the project site and contain capacity at this time.

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. Schools in the area have experienced a decrease in enrollment and therefore there is existing capacity. Future commercial or mixed use development of the project area would not result in a significant increase in demand on existing services for the local elementary and high school district.

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 0.75 miles from the subject parcel.

6. Distance to nearest Community Region or Rural Center;

Discussion: The project parcel is located within the Diamond Springs – El Dorado Community Region.

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 amendment and 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 parcel would be required to connect to existing public water and sewer. Public water and sewer capability is discussed under criteria 1-3 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 in the Initial Study, the project parcel is not in any designated areas for these criteria.

14. *Capacity of the transportation system serving the area;*

Discussion: General Plan policies, primarily those listed under Goal TC-X, require the developer and the County to review, and if necessary mitigate, the project's short term traffic impacts. As this is only an amendment and rezone at this point, with no development proposed, it is premature to attempt such an analysis. Impacts for residential use on the surrounding road system were analyzed in the 2004 General Plan Environmental Impact Report but future development may require additional traffic studies if projects exceed thresholds. Comments were received from the Department of Transportation detailing proposed conditions that would apply to future development. Therefore, the conversion to a commercial designation would be consistent with Goal TC-X as it represents an approximate 0.86 percent increase in the Commercially designated land area within Market Area #3 (Diamond Springs) as analyzed in the El Dorado County General Plan Environmental Impact Report (EIR). Because no construction is proposed at this time, impacts would be less than significant. Further CEQA review would be required prior to development plan approval.

15. *Existing land use pattern;*

Discussion: The project site is bound by a restaurant, motel, and single-family residences to the north, single-family residences to the south and east, and Greenleaf Drive to the west. As proposed, the zone change would be compatible with the existing and proposed surrounding commercial and residential land uses and would not create land use conflicts with surrounding properties. As proposed, the Commercial General Plan land use designation and zone district would be compatible with the existing and proposed surrounding commercial and residential land uses and would not create land use conflicts with surrounding properties. The site is south of an existing commercial development consisting of a restaurant and motel. The site is also in close proximity to the areas designated for future commercial uses along the Missouri Flat Road corridor. The amendment from medium density residential to commercial would be consistent with the land use pattern.

16. *Proximity to perennial water course;*

Discussion: The project site is located approximately 0.5 miles south of Weber Creek.

17. *Important historical/archeological sites;*

Discussion: A cultural resources investigation of the project site did not identify any archaeological or historic features.

18. *Seismic hazards and present of active faults; and*

Discussion: As shown in the Division of Mines and Geology's publication Fault Rupture Hazard Zones in California, there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. The impacts from fault ruptures, seismically induced ground shaking, or seismic ground failure, or liquefaction are considered to be less than significant. Any potential impact caused by locating buildings in the project area would be offset by the compliance with the Uniform Building Code earthquake standards.

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

Discussion: The project parcel does not have any existing CC&Rs. CC&Rs may be required for future development.

Policy 10.1.5.5 *directs that the County recognize and promote the need to create greater opportunities for El Dorado County residents to satisfy retail shopping demands in El Dorado County.*

Discussion: The General Plan Amendment to a Commercial land use designation and related zone change request would designate additional land at an appropriate location to accommodate needed retail and commercial development.

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

Zoning:

The project includes a rezone request which would amend the zoning district from R1A to C - PD and is consistent with the request for a General Plan amendment from MDR to C. The subject parcel is consistent with the development standards for the proposed C zone district. Specifically Ordinance section 17.32.040 specifies a minimum parcel size of 5,000 square feet. The subject parcel is approximately 4.77 acres (207,781 square feet) which greatly exceeds the minimum.

Diamond Springs and El Dorado Community Advisory Committee:

The project was reviewed by the Diamond Springs and El Dorado Community Advisory Committee (DSEDCAC) on February 18, 2010. Meeting minutes are attached as Exhibit G.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (attached as Exhibit H) 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 would have a significant effect on the environment and a Negative Declaration has been prepared.

In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,010.25 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 \$2,010.25 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, including reviewing environmental documents.

However, staff has determined that the project would have no impact on biological resources. Potential impacts to biological resources would be further evaluated at time of development plan application submittal. As such, the applicant may request a “No Effect Determination Form” from the California Department of Fish and Game to waive payment of said fee.

SUPPORT INFORMATION

Attachments:

Attachment 1	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Site Plan
Exhibit F	Facility Improvement Letter from El Dorado Irrigation District – October 6, 2009
Exhibit G	Diamond Springs and El Dorado Community Advisory Committee Meeting Minutes – February 18, 2010
Exhibit H	Environmental Checklist

ATTACHMENT 1

FINDINGS

General Plan Amendment and Rezone A09-0009/Z09-0012/Pierce Trust May 13, 2010 Planning Commission Hearing

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 Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 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 General Plan Amendment from Medium Density Residential to Commercial is consistent with all applicable policies of the General Plan including 2.2.1.2 (land use type and density), 2.2.5.21 (land use compatibility), 2.5.2.1 (commercial facilities), 5.2.1.3 (public water system connection), 5.7.1.1 (fire protection), and 10.1.5.5 (retail development opportunity) because of the location in a Community Region, existing and proposed land use pattern near the site, development plan submittal requirement, the current availability of supporting utilities and infrastructure, proximity to emergency responders, and the County's intent to maintain an adequate supply of sites for retail opportunities.
- 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 density and use.

3.0 Zoning Findings

- 3.1 A rezone to Commercial – Planned Development will allow the property to be consistent with the proposed General Plan designation of Commercial.
- 3.2 The rezone will meet the intentions of Policy 2.2.5.2 because the establishment of a new zone designation of Commercial – Planned Development (C – PD) 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, 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 Commercial (C) and the development standards within Section 17.32.040.