

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



Agenda of: February 9, 2012
Item No.: 8
Staff: Mel Pabalinas

REZONE

FILE NUMBER: Z04-0016/Village P

APPLICANT: EDH 52 Partners

REQUEST: Rezone of northern 51.45-acre portion of subject property from One-Family Residential (R1) to Commercial-Planned Development (C-PD)

LOCATION: The property is located at the northeast corner area of Tong Road and Silva Valley Parkway, in the El Dorado Hills area, Supervisorial District 1 (Exhibit A)

APN: 122-720-09 (portion of) (Exhibit B)

PROPERTY SIZE: 57.78 acres

GENERAL PLAN: Adopted Plan: El Dorado Hills Specific Plan-Commercial (C)/ Low Density Residential (LDR) (Exhibit C)

CURRENT ZONING: One-Family Residential (R1)/Exclusive Agricultural (AE) (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 Negative Declaration based on the Initial Study prepared by staff; and
2. Approve Rezone Z04-0016 based on the Findings in Attachment 1.

BACKGROUND

Village P and El Dorado Hills Specific Plan

The subject property is identified as Village P in the El Dorado Hills Specific Plan (EDHSP), which was approved in July 1988 (Exhibit E). Specifically, this property is identified as “additional lands” in the plan area and is part of a group of properties affected by the anticipated construction of Silva Valley Interchange. Leading up to the adoption of the EDHSP in July 1988, the final design of the Silva Valley Interchange has yet to be determined; as such, no official EDHSP land use designation was adopted for this and other properties that would be affected by the interchange project. With the uncertainty of the interchange and absence of an official land use designation, this area of the EDHSP was identified as “white holes” in the Public Review Draft General Plan (PRDGP), which was the interim county general plan in effect at that time. It must be noted that the underlying zone designation of One-Family Residential-Planned (R1) (based on the El Dorado Hills-Salmon Falls Area Plan) for Village P site remained the same.

In 1994 during processing of an amendment to the EDHSP, specific errors involving the “white hole” areas were further reviewed. In August 1994, the Board of Supervisors approved specific actions amending the omissions including correction of the EDHSP area boundary and formally adopting a commercial land use designation for Village P site. With these changes, specific policies were included in the PRDGP regulating future development in Village P. These additional policies includes requiring a Planned Development (-PD) Overlay Zone and ensuring conformance to applicable design guidelines in the EDHSP. These policies are depicted in the current General Plan (General Plan Policies 2.2.6.1 and 2.2.6.2) which are further discussed below.

Silva Valley Interchange

In 1991, the Environmental Impact Report (EIR) for the Silva Valley Interchange was certified. Portions of the Village P property would be affected as part of this county road project. This project would facilitate connections to Silva Valley Parkway to the north and White Rock Road to the south via on- and off-ramps from Highway 50. The project also includes the relocation of Tong Road which would provide access to existing parcels east of the subject property. A supplemental EIR was recently conducted incorporating modifications to the project and revise outdated information in the EIR. This Supplemental EIR was certified in June 2011. Exhibit F shows the approved layout of the proposed interchange with relation to the subject property affected by this rezone. As this road project would affect the property subject to the rezone application, technical environmental studies utilized in the EIR are referenced in the environmental review for this rezone application.

Rezone Application

The rezone application was originally filed with the County in August 2004. The original request was to rezone the northern portion of the property to General Commercial-Planned Development (CG-PD). At the time of filing, discretionary applications could not be processed due to the Writ of Mandate imposed on 2004 General Plan. With the subsequent approval of the General Plan in July 2004 and lifting of the Writ in September 2005, the County resumed processing of the application; however, the application was deemed Incomplete due to lack of additional required information. Subsequently, the applicant placed the application on-hold from continued

processing. In February 2011, the applicant resubmitted the required information resuming the processing of the application. In November 2011, the applicant amended the proposed rezone from General Commercial-Planned Development to Commercial-Planned Development

The rezone would affect the portion of the property north of State Highway 50 along the western and eastern sections of Silva Valley Parkway. As shown in Exhibits B and G, a recently recorded Record of Survey of the property identifies the legal property totaling 57.78 acres in size consisting of Tract 1 located north of Highway 50 and Tract 2 south of the highway. Specifically, Tract 1, which is owned by the applicant, consists of 1.38 acre sliver of land west of Silva Valley Parkway, and a 1.93 acre and 48.14 acre areas east of Silva Valley Parkway. This tract is within the Community Region of El Dorado Hills, has a Commercial land use designation and inconsistent zone district of One-Family Residential. Tract 2, which measures 6.33 acres and is legally owned by a different property owner, is within the Rural Region Planning Concept Area and is designated as Low Density Residential (LDR) with a consistent zoning of Exclusive Agriculture (AE). As indicated above, the zone change would only affect the northern portion (Tract 1) of the property which measures 51.45 acres.

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 rezone would change the underlying zone of One-Family Residential (R1) to Commercial-Planned Development (C-PD) to be consistent with the Commercial land use designation under the General Plan and El Dorado Hills Specific Plan. As discussed above, the zone change would only affect portion of the subject property (Tract 1) located north of Highway 50. No development or improvement is associated with the proposed zone change, therefore, no physical impact to the property setting would occur; however, as discussed above, portions of the property would be affected as part of the recently approved county road project Silva Valley Interchange. Ultimate portions of the property that could be developable would be dependent on the final layout of the interchange.

Site and Surrounding Properties' Information

The property is within the El Dorado Hills Community Region of the County. The subject site is predominantly flat with minor areas of mild topography. The elevation of the site is within the 800-foot range with a natural drainage toward the southwestern portion of the property. According to the technical studies for the Silva Valley Interchange project, which evaluated the entire property, the biological habitat within the site predominantly consist of annual grassland with small stands of Blue Oak Woodland, and slivers of riparian and wetland areas along the western perimeter. An Elderberry Bush, which hosts the protected Valley Elderberry Longhorn Beetle, has been identified along the northwestern perimeter of the property. Though mostly undisturbed, the site is traversed by the existing paved road right-of-way portions of Silva Valley Parkway and Tong Road, which provides potential access to the site.

Table 1 below details the existing land use designations and uses on the subject site and the surrounding properties. As discussed above, the property has a split land use and zoning designations divided by State Highway 50. Existing residential uses border the site along the northeast and Oak Meadow Elementary School to the northwest. Vacant residential parcels borders the site immediately to the east and open space lands to the west. Portions of the property south of Highway 50 are vacant. As mentioned above, only the northern portion of the property (Tract 1) is subject to the rezone.

The site is currently outside of the service area for various utilities and services including El Dorado Irrigation District (public water, sewer, and recycled water) and El Dorado Hills Fire Department (Fire and Emergency). As applicable, future development of the site would be required to annex into the jurisdictions in order to acquire these services.

Table 1. Land Use Information

	General Plan Designation	Zoning Designation	Existing Use
Project Site	Adopted Plan (Commercial)- El Dorado Hills Specific Plan (C)/Low Density Residential (LDR)	One-Family Residential (R1)/Exclusive Agricultural (AE)	Vacant
North	Adopted Plan (Residential)- El Dorado Hills Specific Plan (EDHSP)	One-Family Residential-Planned Development (R1-PD)	Oak Meadows Elementary School/Residential
East	Adopted Plan (Residential) - El Dorado Hills Specific Plan (EDHSP)/Medium Density Residential (MDR)/ Low Density Residential (LDR)	One-Family Residential-Planned Development (R1-PD)/ One-Acre Residential (R1A) District	Residential/Vacant Lands
South	Low Density Residential (LDR)	Exclusive Agricultural (AE)	Vacant
West	Adopted Plan (Residential) - El Dorado Hills Specific Plan (EDHSP)/Research and Development (R&D)	Open Space/ One-Acre Residential (R1A) District	Vacant

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 rezone of the northern portion of subject property from One-Family Residential (R1) to Commercial-Planned Development (C-PD) would be consistent with the underlying Commercial Land Use Designation in the EDHSP and General Plan.
	Policy 2.2.5.3 (Rezone Consistency)	
	<p><i>1. Availability of adequate public water and 2. Availability and capacity of public treated water system</i></p>	Consistent. The project is currently not within the El Dorado Irrigation District (EID) service area. Though no development is proposed with this rezone application, based on the submitted Facility Improvement Letter (FIL) from EID dated July 21, 2011, there is adequate amount of water that would be available for future site development. As of January 1, 2009, there are 3,597 equivalent dwelling units (EDU) available in the El Dorado Hills Water Supply Region. EID estimates 50 EDU's would be required for future site development. There is an existing 18" potable water main that is located within the existing Silva Valley Parkway. Annexation would be required in the event that future services are proposed for the site.
	<p><i>3. Availability and capacity of public waste water treatment system</i></p>	Consistent. The project is currently not within the EID service area. Though no development is proposed with this rezone application, based on the submitted FIL dated July 21, 2011, there is adequate amount of capacity in the existing system serving the area. According to the FIL, future site development would require connection to an existing 21" gravity sewer line along Silva Valley Parkway. Annexation would be required in the event that future services are proposed for the site.
	<p><i>4. Distance to and capacity of the serving elementary and high school</i></p>	Consistent. Oak Meadows Elementary School borders the project site to the north. The school has current enrollment 800 students. Oak Ridge High School, which is a part of the El Dorado Union High School District, is approximately 1 mile north of the site along

		Silva Valley Parkway and has current enrollment of 2,241 students.
	<i>5. Response time from nearest fire station handling structure fires</i>	Consistent. Though currently not within the El Dorado Hills Fire Department Service District, there are two fire stations that are approximately 2.5 to 3.5 miles from the site. These stations are located at 1050 Wilson Boulevard and 4680 Golden Foothills Parkway. Depending on the route taken, the estimated emergency response time is less than 8 minutes. Future development applications on the site would be subject to further review by the department.
	<i>6. Distance to nearest Community Region or Rural Center</i>	Consistent. The portion of the property subject to the rezone is within the El Dorado Hills Community Region of El Dorado County. The balance of the property is within the Rural Region would remain the same as currently designated.
	<i>7. Erosion hazard</i>	Consistent. The primary soil composition falls within the Auburn Series (AwD), which is generally characterized to exist within 2 to 3% slopes, silty loam, and have a medium to rapid surface runoff. Erosion hazard is moderate to high. However, no development or improvement is proposed with this rezone application. Future development of the site would require submittal of a formal application, subject to technical review by the County and affected agencies for implementation of measures minimizing erosion hazards.
	<i>8. Septic and leach field capability</i>	Consistent. No development is proposed as part of this rezone. However, future development proposal would be required to connect to public sewer services provided by EID, which would require a formal annexation.
	<i>9. Groundwater capability to support wells</i>	Consistent. No development is proposed as part of this rezone. However, future development proposal would be required to connect to public water services provided by EID, which would require a formal annexation.
	<i>10. Critical flora and fauna habitat areas</i>	Consistent. According to the Biological Resource Evaluation for the Silva Valley Interchange EIR, the property provides a range of habitat areas for various types of flora and faunas. These habitats include wetland areas, oak woodland, and grassland which could potentially accommodate species such as Valley Elderberry Longhorn Beetle, Red-Legged Frog and Western Pond Turtle. No development is proposed with this rezone so there are no impacts to the habitat resource are expected to occur.
	<i>11. Important timber</i>	Consistent. The property is not considered an important

	<p><i>production areas</i> 12. <i>Important agricultural areas</i> 13. <i>Important mineral resource areas</i></p>	<p>source of timber, agricultural, or mineral. The property has an underlying Commercial land use designation. The rezone to Commercial-PD would establish consistency with the land use designation and anticipate construction commercial development.</p>
	<p>14. <i>Capacity of the transportation system serving the area</i></p>	<p>Consistent. The property can be directly accessed via the existing Silva Valley Parkway to the west and Tong Road to south. Both peripheral roads would be improved as part of the Silva Valley Interchange project that would aim to alleviate local traffic and circulation effects in the area. Future development of the site would be subject to the ultimate configuration of this interchange project and would be reviewed for specific traffic impacts and adherence to County road and circulation standards.</p>
	<p>15. <i>Existing land use pattern</i></p>	<p>Consistent. The rezone of the property would be consistent with the Commercial land use designation in the EDHSP and General Plan. Though the site is surrounded by existing and planned residential development, its location along Highway 50 and Silva Valley Parkway is considered suitable in accommodating commercial development.</p>
	<p>16. <i>Proximity to perennial water course</i></p>	<p>Consistent. According to the Biological Resource Evaluation for the Silva Valley Interchange EIR, a perennial wetland traverses the property flowing from the northern area of the site to the southwest. Also, Carson Creek drainage area, which flows east to west, is located east of the project site. Given that no development is proposed with this rezone, no impacts to these resources would occur.</p>
	<p>17. <i>Important historical/archeological sites</i></p>	<p>Consistent. According to the studies provided in the Silva Valley Interchange project EIR, the site contains sensitive historical and cultural resources. Mitigation measures have been incorporated as part of the road project. No development is proposed as part of this rezone and, therefore, no impacts would occur with this application. Subsequent commercial development of the site would require detailed analysis of potential impacts to these resources.</p>
	<p>18. <i>Seismic hazards and present of active faults</i></p>	<p>Consistent. The property is approximately 1,000 feet east of an inactive West Bear Mountain Fault. No portion of the county is located within an Alquist-Priolo Earthquake Fault Zone.</p>
	<p>19. <i>Consistency with existing Conditions, Covenants, and Restrictions</i></p>	<p>Consistent. There is no CC&R applies to the property. CCR's is typically required as part of subsequent development.</p>
<p>Land Use</p>	<p>Policy 2.2.3.1</p>	<p>Consistent. The addition of the Planned Development</p>

Element	(Planned Development)	(-PD) combining zone district would require future development of the site to be in conformance with the applicable standards of the Zoning Ordinance.
	Policy 2.2.6.1 (Village P –PD overlay)	Consistent. As proposed, the application for rezone to Commercial would include a Planned Development (PD) overlay.
	Policy 2.2.6.2 (Village P-Design Standards)	Consistent. No development is proposed with this rezone application. However, with the –PD overlay, future development proposal would be subject to applicable provisions of the EDHSP design criteria and future adopted standards of Village P Design Guidelines and Scenic Highway Ordinance. Also, it must be noted that the section of Highway 50 adjacent to project site is not identified in the El Dorado County General Plan EIR as a public scenic viewpoint.
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 Commercial-Planned Development would promote commercial development. Given its location within the El Dorado Hills Community Region, future development would be required to annex in order to connect to public waster water. An FIL letter has determined that an adequate supply of water exists and would be able to accommodate the development.

Zoning

The proposed rezone to Commercial-Planned Development (C-PD) would be consistent with the Commercial land use designation in El Dorado Hills Specific Plan and General Plan. The Commercial zone district is regulated under Section 17.32.I of the El Dorado County Zoning Ordinance. In comparison with other commercial zone districts, the Commercial zone typically allows for the least intense commercial uses (Exhibit I). Uses allowed by-right within this zone range from office, retail, and entertainment to mixed use planned development, which integrates a combination of commercial, residential and/or institutional uses on one site.

With its location along Highway 50 and a major arterial road (Silva Valley Parkway), the proposed Commercial zone would be a suitable designation for the site. Combined with the Planned Development (PD) overlay zone, which is regulated under Section 17.04 of the Zoning Ordinance, future development of the site would require a submittal of a Planned Development Permit application subject to review by the County and affected agencies. Specifically, subsequent development would be evaluated for site and design standards as well as potential environmental effects to site and its surroundings.

Other Issues

Agency Comments

Comments were received from various county departments and outside agencies including the Department of Transportation, El Dorado County Resource Conservation District and El Dorado Hills Fire Department (Exhibit J).

Specifically, the Local Agency Formation Commission (LAFCO) emphasized the need for a formal filing and analysis of site annexation to local purveyors of water, sewer, and fire protection services boundary area when an actual development is proposed for the site.

Citizen Group Comment

The Area Planning Advisory Committee (APAC) voted to support the rezone. The committee, however, posed concerns ranging from the need for a full environmental impact review of the rezone to detailed review of the future development of the site. In response, the site has been designated and analyzed as Commercial under the current General Plan. Also, with the -PD overlay zone, future development proposal would require a Planned Development Permit application, subject to detailed review and analysis by the County and affected agencies.

Conditions of Approval

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

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study to determine if the rezone would have a significant effect on the environment (Exhibit K). Specific applicable studies, which evaluated the entire property, utilized in the Silva Valley Interchange EIR were referenced in this Initial Study. Based on the Initial Study, a Negative Declaration has been determined given that there is no substantial evidence that this legislative rezone request would have a significant effect on the environment. Future development application proposal on the site would require a separate environmental analysis.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.). In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,101.50 after approval, but prior to the County filing the Notice of Determination on the project. This fee plus a \$50.00 administration fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,101.50 would be forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report

Attachment 1Findings for Approval

Exhibit A.....Location Map

Exhibit BAssessor’s Parcel Map

Exhibit CGeneral Plan Land Use Map

Exhibit D.....Current Zone Map

Exhibit EEl Dorado Hills Specific Plan Land Use and
Zoning Maps

Exhibit F.....Silva Valley Interchange Layout

Exhibit G.....Record of Survey for APN 122-720-09

Exhibit H.....Village P Rezone Exhibit

Exhibit IEl Dorado County Zoning Ordinance,
Section 17.32-I Commercial (C) Districts

Exhibit JAgency Comments

Exhibit K.....Negative Declaration and Initial Study

ATTACHMENT 1

FINDINGS

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

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 El Dorado Hills Community Region planning concept area of the county and has a land use designation of Commercial under the adopted El Dorado Hills Specific Plan and General Plan. This land use designation anticipates commercial development. The proposed zone change to Commercial-Planned Development (C-PD) is consistent with these land use designations. 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, 2.2.3.1, 2.2.6.1, 2.2.6.2 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 intensity, consistency with the surrounding uses, site, architectural designs, circulation and utility layout, and preservation of natural and cultural resources.

2.2 Zoning

The project site is currently zoned One-Family Residential which is inconsistent with the underlying Commercial land use designation in EDHSP and General Plan. The zone change to Commercial would be consistent with land use designation and anticipated commercial development. The Planned Development (-PD overlay) would require future development be reviewed for conformance to applicable development and design standards.