

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



**Agenda of:** April 24, 2008  
**Item No.:** 8.  
**Staff:** Shawna Purvines

**GENERAL PLAN AMENDMENT/REZONE**

**FILE NUMBER:** A07-0012/Z07-0031

**APPLICANT:** Gary Jenkins

**REQUEST:** General Plan Amendment from Commercial (C) to High Density Residential (HDR) and rezone from Commercial (C) to One-Family Residential (R1).

**LOCATION:** The property is comprised of seven lots located along both sides of Sanders Court, 0.2 miles north of the intersection with Pony Express Trail, in the Pollock Pines Area, Supervisorial District II (Exhibit A and B).

**APN:** 101-210-04, -06, -07, -08, -09, -10, and -11

**ACREAGE:** 2.61 acres

**GENERAL PLAN:** Commercial (C) (Exhibit C)

**ZONING:** Commercial (C) – Design Sierra (DS) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Statutorily Exempt pursuant to Section 15270(b) of the CEQA Guidelines

**SUMMARY RECOMMENDATION:**

Recommend that the Board of Supervisors:

1. Certify that the project is Statutorily Exempt from CEQA pursuant to Section 15270(b) of the CEQA Guidelines; and
2. Deny the project as the required findings cannot be made based on the analysis in the staff report and as noted in Attachment 1.

The lots were created in 1975 (PM 8/110/1 and PM 7/59/A). Land Use, under the 1969 General Plan was split Residential and Commercial, as was Zoning split between Single-Family (R1) and Limited Multi-Family (R-2) (Exhibit F). The project area was rezoned on July 26, 1983 to Commercial with the adoption of the Pollock Pines Area Plan. As part of the 1996 General Plan update, the project area was designated Commercial (C) and this land use and zoning was carried forward with the adoption of the 2004 General Plan. Commercial land use and zoning applicable to these parcels would allow for a full spectrum of uses on the site, including retail sales, office, eating establishments, places of entertainment, and automobile sales. However, this area has failed to develop commercially in the 25 years since the county rezoned it from Residential to Commercial. Given the current commercial market in Pollock Pines and the location of the project site with its limited visibility from Pony Express Trail, it may be years, if ever that this property, or the surrounding properties would develop commercially. In addition, any commercial project proposed on any one of the parcels would require a staff level design review and therefore conditions may be placed on the final project through the discretionary review process.

The project site and surrounding area is designated for future commercial development and is the only area in Pollock Pines identified for substantial commercial expansion that will serve the Community Region. Therefore, approval of the project would have an impact on future commercial development both on site and on the adjoining commercially designated parcels by reducing the available land for commercial. In addition, with the pending Mixed-Use General Plan and Zoning Ordinance amendment, if approved, this project would lessen the opportunity for mixed-use development, which may include more affordable residential developments such as multi-family housing in the Pollock Pines area.

The proposed amendment and rezone would allow single-family residential development on the existing legal lots, which would be a less intense use and therefore may be more compatible with the infrastructure, services and existing development currently in the area.

#### **STAFF ANALYSIS**

Staff has reviewed the project for compliance with County regulations. Staff's analysis of the amendment and zone change request for the decision makers to consider is as follows:

#### **Project Description**

The applicant is requesting a general plan amendment from Commercial to High Density Residential and a rezone from Commercial (C) to One-Family Residential (R1). Seven of the eight original lots are part of this application. No development has been proposed as part of the general plan amendment or rezone. Single-family residences may be constructed on each parcel by right if this application is approved. Any further subdivision of the lots would be subject to a tentative map application. The project area would be served by public water and onsite septic wastewater systems.

**Site Description:**

The property is located in the Pollock Pines area. The project site is situated at approximately 4000 feet above mean sea level with mild slopes (9-15 percent) sloping generally to the west. Onsite native vegetation is comprised of large pine trees and native grass. All parcels associated with this project are vacant and accessed by a single gravel road (Sanders Court). There is one single-family residential located on a parcel situated between two of the parcels (see attachment E).

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	Commercial	C	Undeveloped
<b>North</b>	One-Family Residential	MDR	Single family residential
<b>South</b>	Commercial	C	Single family residential
<b>East</b>	Commercial	C	Undeveloped
<b>West</b>	Commercial	C	Undeveloped

The project site is bounded by undeveloped commercially designated land to the east and west. There is a single-family resident to the north and south.

As shown in Exhibit C and D, the parcels are located near additional residential and commercially designated parcels. The amendment and rezone of the parcels from commercial to residential would be consistent with parcels in the area, but inconsistent with adjoining parcels to the east and west.

**General Plan:**

The General Plan designates the subject site as Commercial (C). The request is for an amendment from Commercial (C) to High Density Residential (HDR). General Plan Policy 2.2.1.2 states that the purpose of this land use category is to provide those areas suitable for intensive single-family residential development at densities from one to five dwelling units per acre. Allowable residential structure types include single-family attached (i.e., air-space condominiums, townhouses) and detached dwellings and manufactured homes. This designation is considered appropriate only within Community Regions and Rural Centers. The project area is located in the Camino/Pollock Pines Community Region.

Policy 2.2.5.3: 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 project area is served by public water. The El Dorado Irrigation District (EID) has reviewed available services and determined adequate water would be available to service all parcels included in the project area. Prior to future development, applicants would be required to demonstrate that adequate water would be available to serve the project. Septic systems will be utilized to satisfy sewage disposal for each site. The area consists of Cohasset loam soils with approximately 9-15% slopes. Surface runoff is medium and erosion hazard and permeability is moderate. The soils on the site pose severe limitations for septic fields due to the shallow depth of soils and slow permeabilities. An amendment and rezone from commercial to residential could lessen the impact on water and sewer demand as previously analysis under the 2004 General Plan Environmental Impact Report.

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 residential development of the project area would not result in an 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: El Dorado County Fire Station Number 17 is located Pony Express Trail approximately 1.5 miles from the project area. Comments from El Dorado County Fire included the request for a hydrant at the intersection of Sanders drive and Sanders Court. Applicant has stated they will prepare a fire safe plan for the area. On July 10, 2007, the Board of Supervisors approved an increase from .25 to .85 in Floor Area Ratio (FAR) for commercial parcels. The project site could develop more than 96,000 square feet of commercial under new Floor Area Ratio policies. This would result in a substantial increase in demand for fire protection services. However, Sanders Court is a dead-end road, lacking adequate road width and turn-around for fire protection. The amendment and rezone may reduce the impact for fire protection in the area, but still would benefit from a fire safe plan.

6. Distance to nearest Community Region or Rural Center;

Discussion: The project parcel is located within the Comino/Pollock Pines 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 parcels would be required to connect to existing public water and adhere to the County's Environmental Management septic requirements. Septic 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: Project parcel is not in any designated area for these criteria.

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

Discussion: The project parcels are accessed from Sanders Road, which is partially a County maintained road. The County maintains approximately 600 feet from the intersection of Pony Express. There is an additional 200 feet to the intersection of Sander Court from the County portion of the road. 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, and no more detailed project information is available, it is premature to attempt such an analysis. Impacts for commercial 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. However, if the amendment is approved residential development may be built with only ministerial approval, therefore necessary road improvements may not be required as part of that development resulting in an impact on Sanders Court and connecting roads. No comments or conditions were received from the Department of Transportation. Therefore, the conversion to a residential designation could be inconsistent with Goal TC-X.

- a. Existing land use pattern;

Discussion: The project site is bordered to the south and east and west by commercially zoned parcels. The site to the west is an undeveloped commercial site with land that is currently heavily wooded with pine. A single-family residence borders the project site to the north. There are a

number of residentially designated parcels located in the project vicinity. The surrounding commercially zoned properties are a mix of developed and undeveloped parcels. The amendment from commercial to residential is consistent with existing surrounding development but inconsistent with adjoining future land use as identified in the 2004 General Plan.

15. Important historical/archeological sites;
16. Seismic hazards and present of active faults;
17. Consistency with existing Conditions, Covenants, and Restrictions.

Discussion: A study completed by the North Central Information Center has identified that there is a low potential of identifying prehistoric archaeological sites, and a moderate potential of finding historic-period cultural resources in the project area. There is no active fault line within the vicinity and no Conditions, Covenants, and Restrictions (CC&R) related to the project. None of these resources or constraints exists on the site; therefore, the amendment and rezone are consistent with these policies.

Policy 2.1.2.3: States that to meet the commercial and service needs of the residents of the Rural Centers and Rural Regions, the predominant land use type within Rural Centers shall be commercial and higher density residential development.

Policy 2.2.5.21: States that development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed.

Discussion: The proposed amendment and rezone to High Density Residential (HDR) would allow single-family residential development at densities of one to five dwelling units per acre. Allowable residential structure types would include single-family attached (i.e., air-space condominiums, townhouses) and detached dwellings and manufactured homes. The proposed amendment and rezone would not be compatible with future commercial development in the area due to the location of the project area that bisects the surrounding commercial parcels. Future commercial development may be subject to discretionary permitting. Surrounding property owners would be notified of the hearings so that they could comment.

Conclusion: The amendment and rezone would reduce density intensity allowed on site, but create possible incompatible land uses with future projects in the area. Currently there are single-family dwellings on the north and south side with vacant commercial parcels on the east and west side. In addition, there is a single-family dwelling unit within the project area but not included with the project proposal. The site can support single-family development and is consistent with existing development in the area. However, the 2004 General Plan, a 20-year growth plan for the County, has reconfirmed the 1983 Area Plan for future commercial development. Single-family development on these parcels may preclude future commercial development in the area and therefore could be incompatible with this policy.

Staff finds that the proposed amendment and zone change does not conform to the General Plan as the area is designated for commercial use and proposed amendment and rezone may be inconsistent with future development in the area.

#### **ENVIRONMENTAL REVIEW**

This project is found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15270(b) of the CEQA Guidelines allowing an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the agency can determine that the project cannot be approved. In this case the project is inconsistent with a number of General Plan policies, thus necessitating the recommendation for denial.

In the event the Planning Commission or the Board of Supervisors finds that the proposed amendment is appropriate, the project can be found to be exempt pursuant to the Section 15061(b)(3) of the CEQA Guidelines. This section states, "Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA". Based on staff's review of the project, staff has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment. There is no substantial evidence contained in the whole record that the project will have the potential to degrade the quality of the environment. The project parcel does not lie within any of the five Ecological Preserves established by the County and the Department of Fish and Wildlife Service for rare or endangered plants. The project parcel area contains no recorded prehistoric archaeological sites and has a low potential of finding historic-period resources listed. The project will not have impacts which are individually limited but cumulatively considerable; and will not cause substantial adverse effects on humans. Any future projects are required to comply with California Building Codes, the County Grading Ordinance, Erosion, and Sediment Control Ordinance, Design Standards, and Design of Sewage Disposal Systems which will insure that development as a result of this proposed amendment and rezone will not cause environmental effects which will have substantial adverse effects on human beings, either directly or indirectly. The amendment and rezone from a commercial to residential designation would reduce any impacts already reviewed in the 2004 General Plan Environmental Impact Report (EIR), adopted by the Supervisors on July 19, 2004 and the Supplement EIR prepared for the Floor Area Ratio, adopted by the Board of Supervisor on July 10, 2007. Therefore, no further environmental review is necessary.

Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

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

1. Find that the project is exempt from CEQA pursuant to Section 15270(b) of the CEQA Guidelines; and
2. Recommend denial of A07-0012/ Z07-0031 based on the Findings in Attachment 1.

**SUPPORT INFORMATION**

**Attachments to Staff Report:**

Attachment 1.....Findings of Approval  
Exhibit A.....Vicinity Map  
Exhibit B.....General Plan Land Use Map  
Exhibit C.....Zoning Map  
Exhibit D.....Assessor's Map  
Exhibit E.....Aerial Map of Area  
Exhibit F.....Zoning Map Prior to 7/26/83



**ATTACHMENT 1**  
**FINDINGS FOR DENIAL**

**FILE NUMBER A07-0012/ Z07-0031**

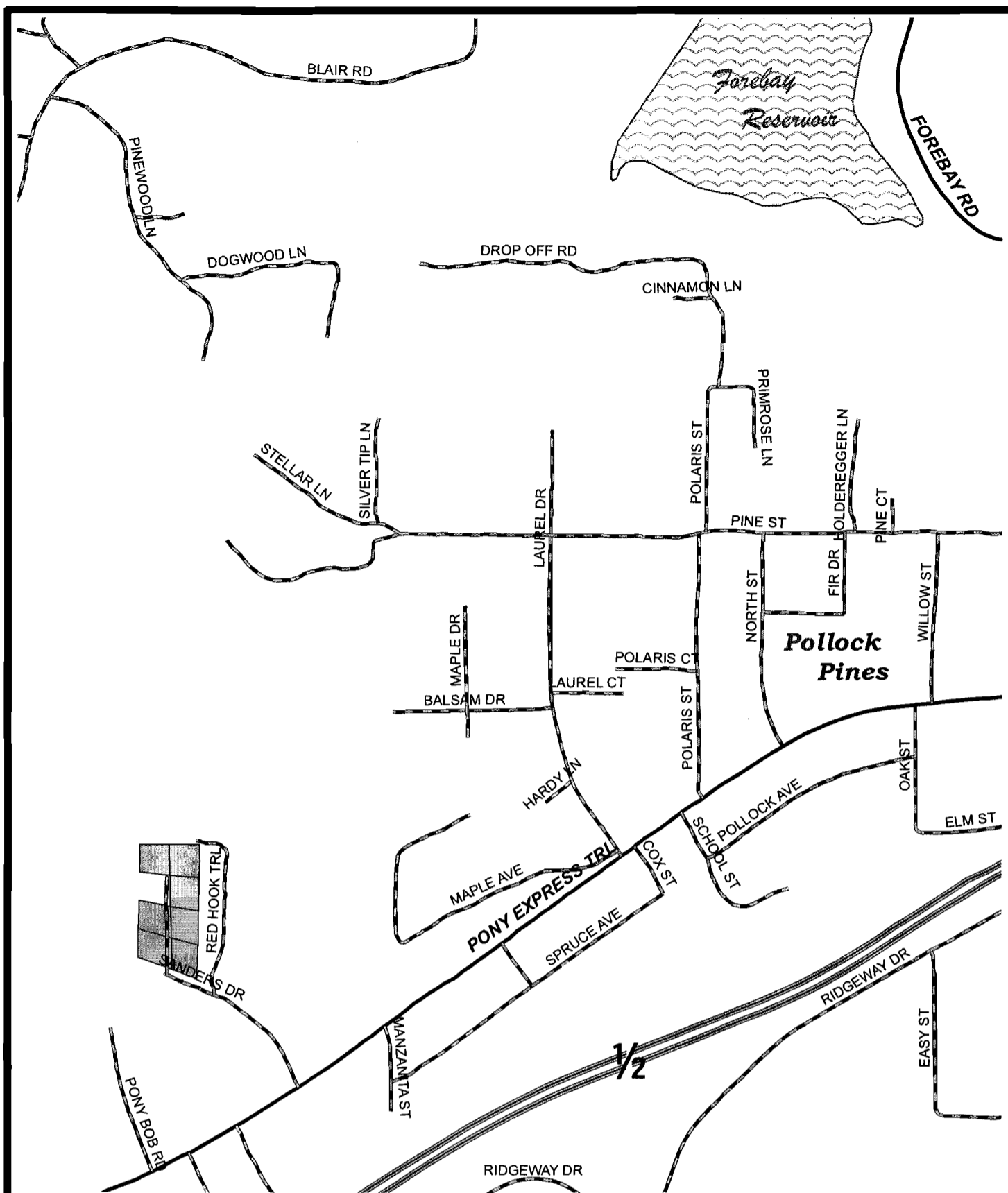
**April 24, 2008**

**1.0 CEQA FINDING**

- 1.1 This project is found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15270(b) of the CEQA Guidelines where the agency can determine that the project cannot be approved. The project precludes future development of commercial in the Pollock Pines area as designated in the 2004 General Plan.

**2.0 GENERAL PLAN FINDINGS**

- 2.1 The project is not consistent with applicable policies of the 2004 El Dorado County General Plan. As discussed in the General Plan section of this staff report including Policies 2.2.1.2, Consistency with Commercial Land Use Designation; and Goal TC-X, Traffic Impacts. The amendment would change the use from Commercial to Residential and therefore would be compatible with existing uses but incompatible with future commercial development in surrounding area.

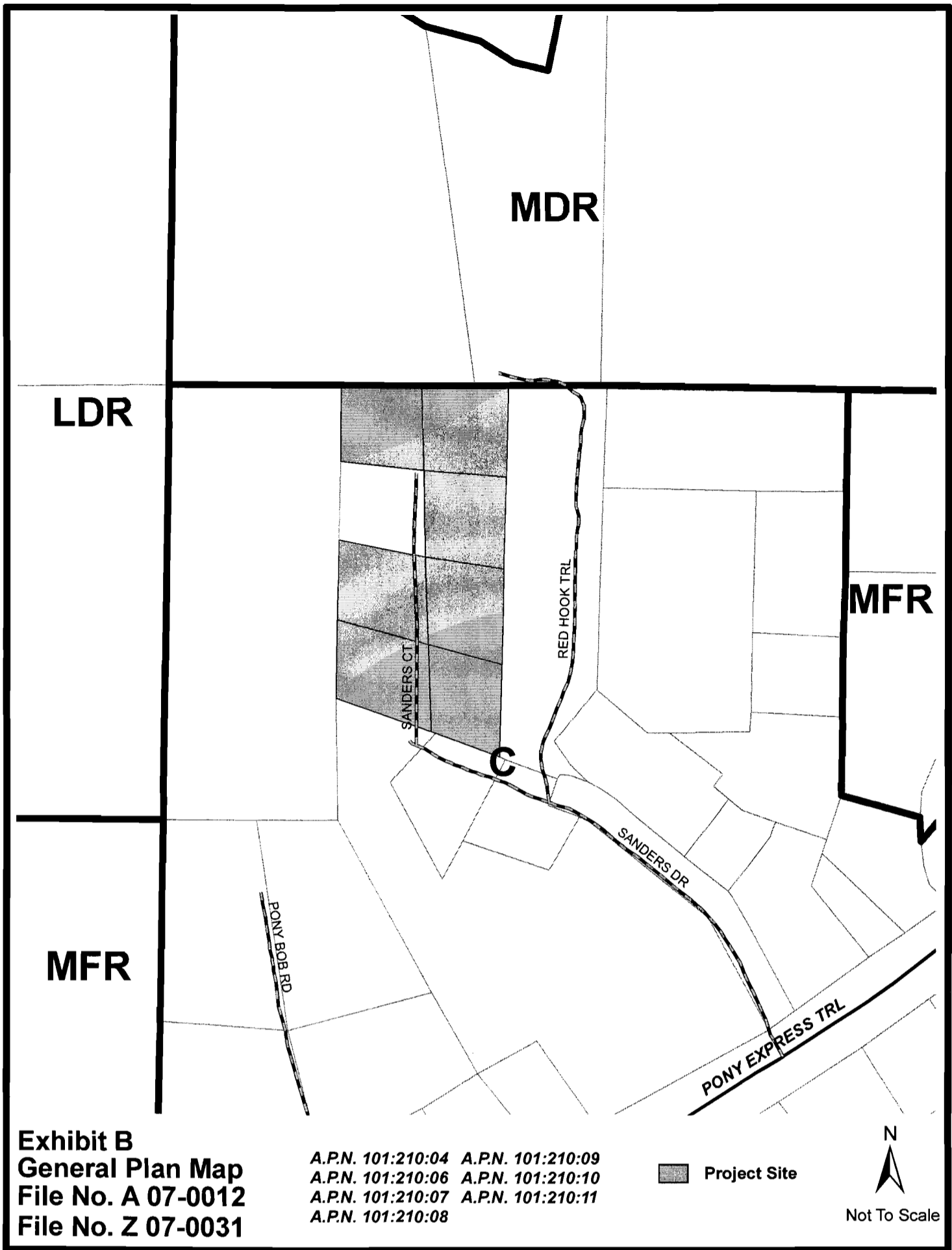


**Exhibit A**  
**Vicinity Map**  
**File No. A 07-0012**  
**File No. Z 07-0031**

A.P.N. 101:210:04 A.P.N. 101:210:09  
 A.P.N. 101:210:06 A.P.N. 101:210:10  
 A.P.N. 101:210:07 A.P.N. 101:210:11  
 A.P.N. 101:210:08

 Project Site

N  
  
 Not To Scale

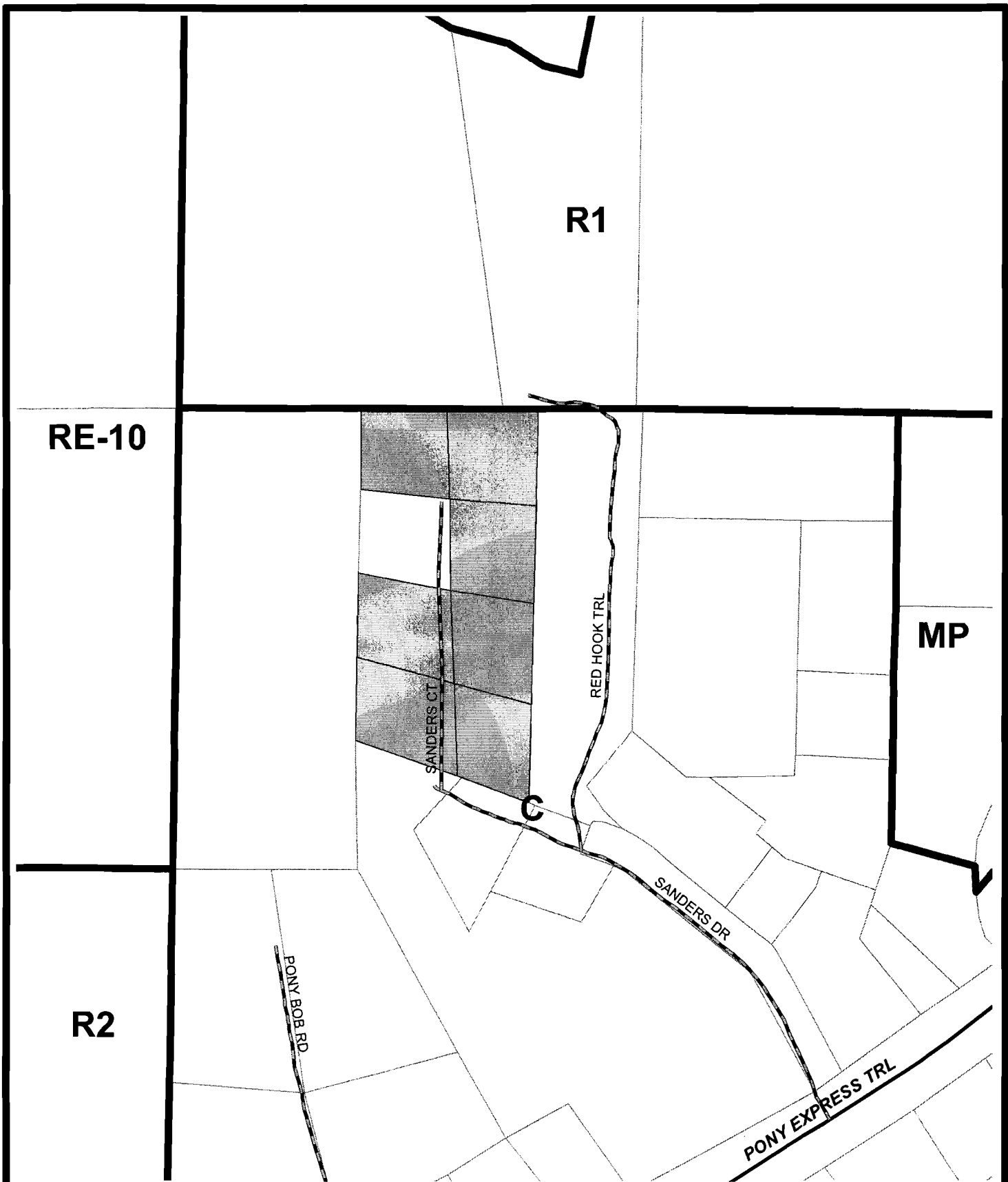


**Exhibit B**  
**General Plan Map**  
**File No. A 07-0012**  
**File No. Z 07-0031**

A.P.N. 101:210:04    A.P.N. 101:210:09  
 A.P.N. 101:210:06    A.P.N. 101:210:10  
 A.P.N. 101:210:07    A.P.N. 101:210:11  
 A.P.N. 101:210:08

 Project Site


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 Not To Scale



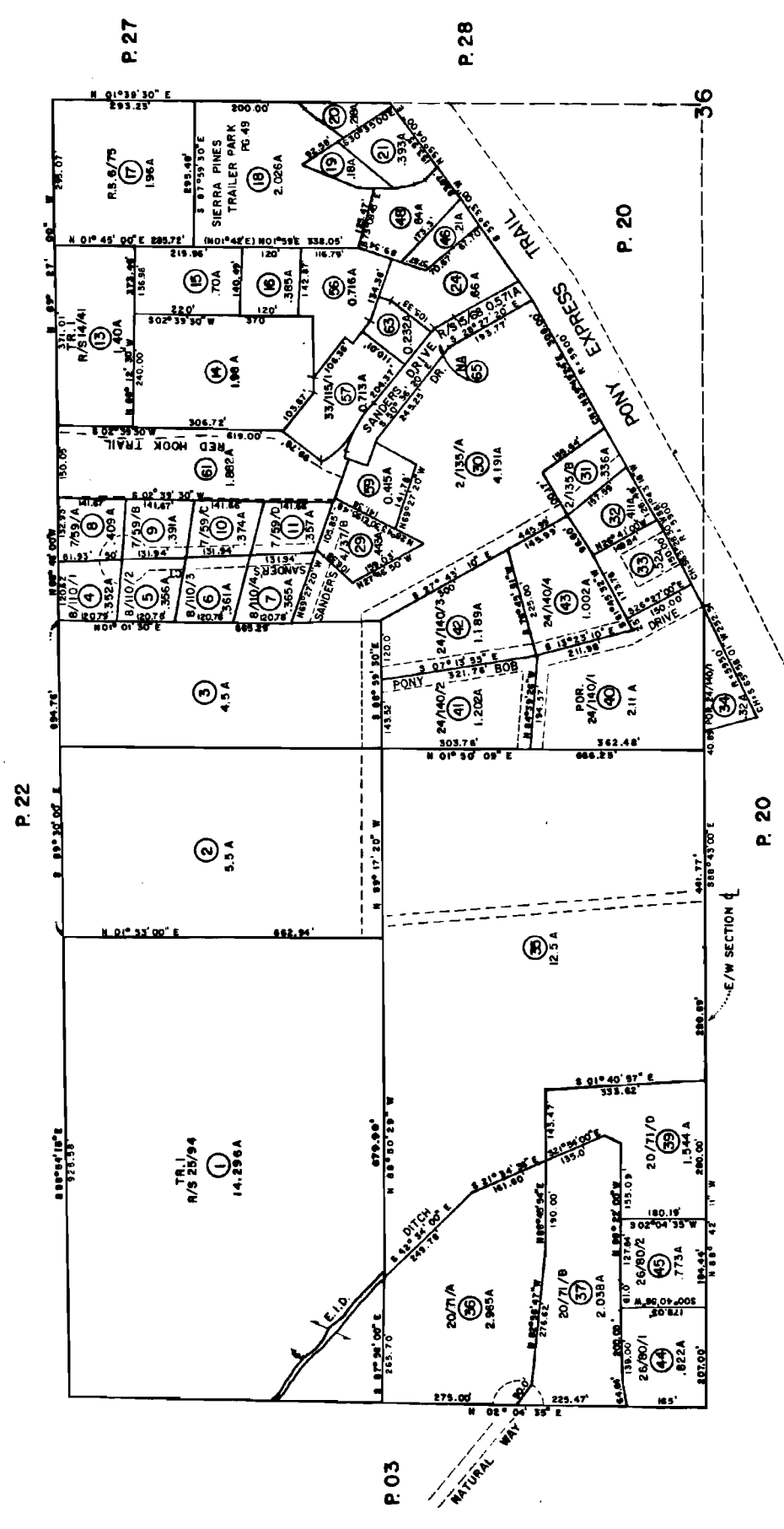
**Exhibit C**  
**Zoning Map**  
**File No. A 07-0012**  
**File No. Z 07-0031**

A.P.N. 101:210:04 A.P.N. 101:210:09  
 A.P.N. 101:210:06 A.P.N. 101:210:10  
 A.P.N. 101:210:07 A.P.N. 101:210:11  
 A.P.N. 101:210:08

 Project Site

N  
  
 Not To Scale

POR. S. 1/2 N.W. 1/4 SEC. 36 T. 11 N. R. 12 E. M.D.M.



Assessor's Map Bk. 101 - Pg. 21  
County of El Dorado, California  
JUL 18 2012

NOTE - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles

EXHIBIT D



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**Exhibit E**  
**Aerial Photo**  
**File No. A 07-0012**  
**File No. Z 07-0031**

*A.P.N. 101:210:04*   *A.P.N. 101:210:09*  
*A.P.N. 101:210:06*   *A.P.N. 101:210:10*  
*A.P.N. 101:210:07*   *A.P.N. 101:210:11*  
*A.P.N. 101:210:08*

 **Project Site**

**Disclaimer:**  
This depiction was compiled from unverified public and private sources and is illustrative only. No representation is made as to the accuracy of this information. Parcel boundaries are particularly unreliable. Users make use of this depiction at their own risk.



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Post-it® Fax Note	7671	Date	2/20/07	# of pages	3
To	GARY JENKINS		From	BOB BERRY	
Co./Dept.			Co.	EL DORADO COUNTY	
Phone #			Phone #	530-621-5355	
Fax #			Fax #		

Zoning prior to 07/26/1983.

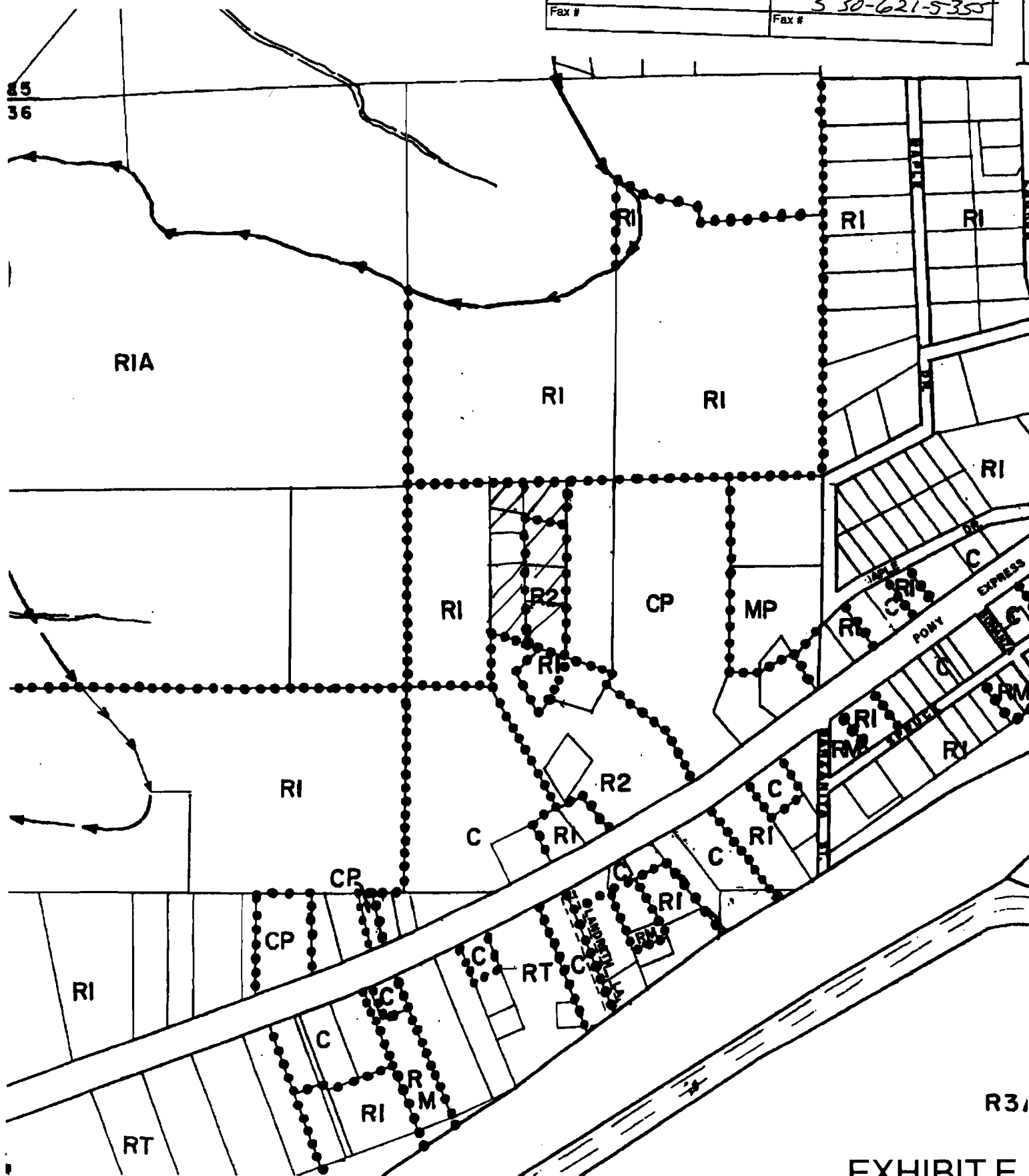


EXHIBIT F