

4 LAND USE

INTRODUCTION

This chapter presents a summary of existing and planned land uses within and nearby the project area. It describes land use effects of developing the project. In addition, this chapter includes background information with regard to the land use development history of Rancho Murieta. This chapter considers the projects' consistency with General Plan policies and designations, the Rancho Murieta Master Plan policies and land use designations, and the existing and proposed zoning. Note that consistency issues associated with General Plan and Master Plan policies associated with specific environmental impacts to traffic, air quality, etc. are evaluated within each chapter on the subject in question.

BACKGROUND

The Rancho Murieta community, approved in 1969, is a Planned Development of about 3,500 acres in the east central portion of Sacramento County along the Cosumnes River, near the Amador County line. The Master Plan was initially slated to allow development of 7,000 potential dwelling units. The Rancho Murieta Planned Development (PD) Ordinance and Rancho Murieta Master Plan regulate land uses in Rancho Murieta, both of which have been amended several times since their original adoption in 1969. The County's General Plan also guides development within Rancho Murieta, though to a more general level. The California Environmental Quality Act (CEQA) was not law in 1969, thus no CEQA review was conducted on the project.

In 1973 the Master Plan for the entire Rancho Murieta area was revised. Generally, the 1973 Master Plan consisted of a conceptual map and a resolution with a number of policy statements. Among 1973 revisions were a reduction in dwelling units from 7,000 to 5,000, additional reservoir storage, an equestrian center, revised circulation, and a greater mix of dwelling unit types, including apartments. The 1973 Master Plan underwent CEQA review and a Final EIR was certified in May 1973. Significant impacts included loss of wildlife habitat, water quality degradation, and growth inducement.

In 1984 the Board of Supervisors updated the 1973 Master Plan. Generally, the update followed the same format of the 1973 Master Plan, but its land use diagram provided greater detail and the policy statements provided greater specificity. The 1984 Planned Development Ordinance 77-PD-10E explicitly states that buildout shall not exceed 5,000 units (plus an additional 189 mobile home units south of Highway 16). This residential unit cap pertained to the entire Rancho Murieta development. Additionally, the Master Plan was revised to adopt or modify existing goals and policies intended to minimize

adverse environmental impacts. Decreased residential density limits were established in sensitive habitat areas. The 1984 Master Plan underwent CEQA review and a Final EIR was published in 1983, and certified as part of the Master Plan adoption process. Significant impacts identified in the Final EIR included cumulative loss of grassland and oak woodland habitats, cumulative impacts to wildlife habitat and associated wildlife, cumulative impacts to air quality, cumulative impacts to the Highway 16 corridor, and potentially significant impacts to historic/cultural resources.

Currently, Rancho Murieta has 2,478 homes, the vast majority being single-family detached dwellings. Although the Rancho Murieta Planned Development Ordinance caps development at 5,000 units, future residential build out is currently estimated at 4,183 dwelling units, according to the Rancho Murieta Community Service District.

For additional background on the chronological development of Rancho Murieta, the Sacramento County Planning and Community Development Department has prepared a chronology of the Planned Development Ordinance for Rancho Murieta from 1969 to 1995, which can be viewed in Sacramento County's Department of Environmental Review and Assessment, 827 7th Street, Room 220. The 1973 and 1983 EIRs, incorporated here by reference, can also be viewed at this location.

LAND USE SETTING

The projects are located within the Rancho Murieta community, in eastern Sacramento County. The projects' site is approximately 53 acres of undeveloped land on the south-southwest side of Jackson Highway. The Rancho Murieta Airport occupies the land to the south-southeast, a small commercial area to the north-northwest (called the Rancho Murieta Plaza) and a manufactured home residential area to the west (Murieta Village). A portion of the Rancho Murieta North golf course occupies the land across Jackson Highway. The project site is inside the discontinuous segment of the Urban Services Boundary and the Urban Policy area that surrounds Rancho Murieta.

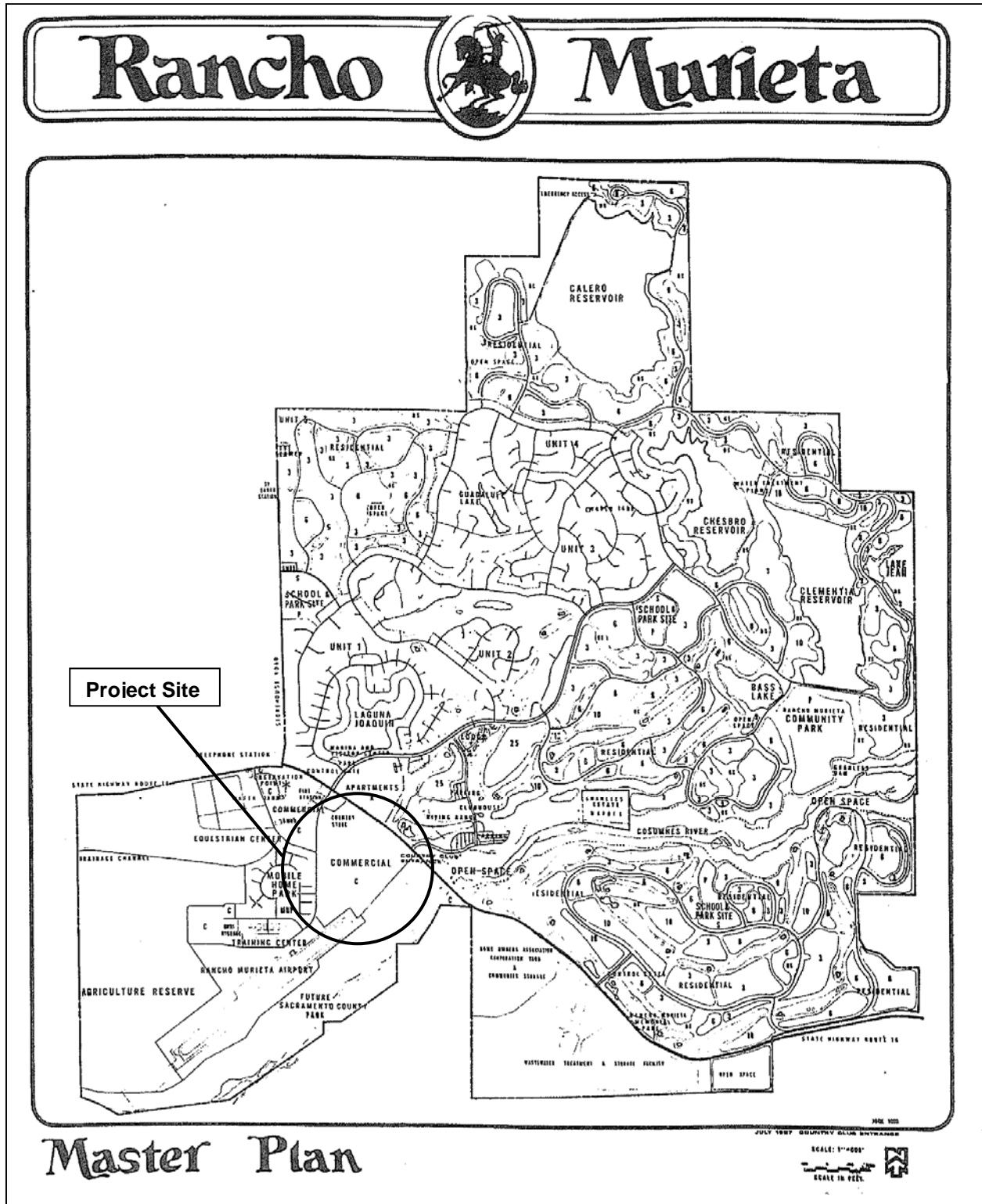
REGULATORY SETTING

RANCHO MURIETA MASTER PLAN CONSISTENCY

The project site is designated for Commercial uses on the Rancho Murieta Master Plan (refer to Plate LA -1). The Rancho Murieta Master Plan is a map showing designations for each area; there is no accompanying text to define the designations or to indicate what types of uses would be considered compatible with each designation. After discussion with the Planning Department, it was determined that the most appropriate course is to defer to the definitions and provisions within the Sacramento County General Plan and the Zoning Code for Commercially designated and zoned properties.

Based on that premise, the proposed projects appear to be consistent with the Rancho Murieta Master Plan (refer to the following section).

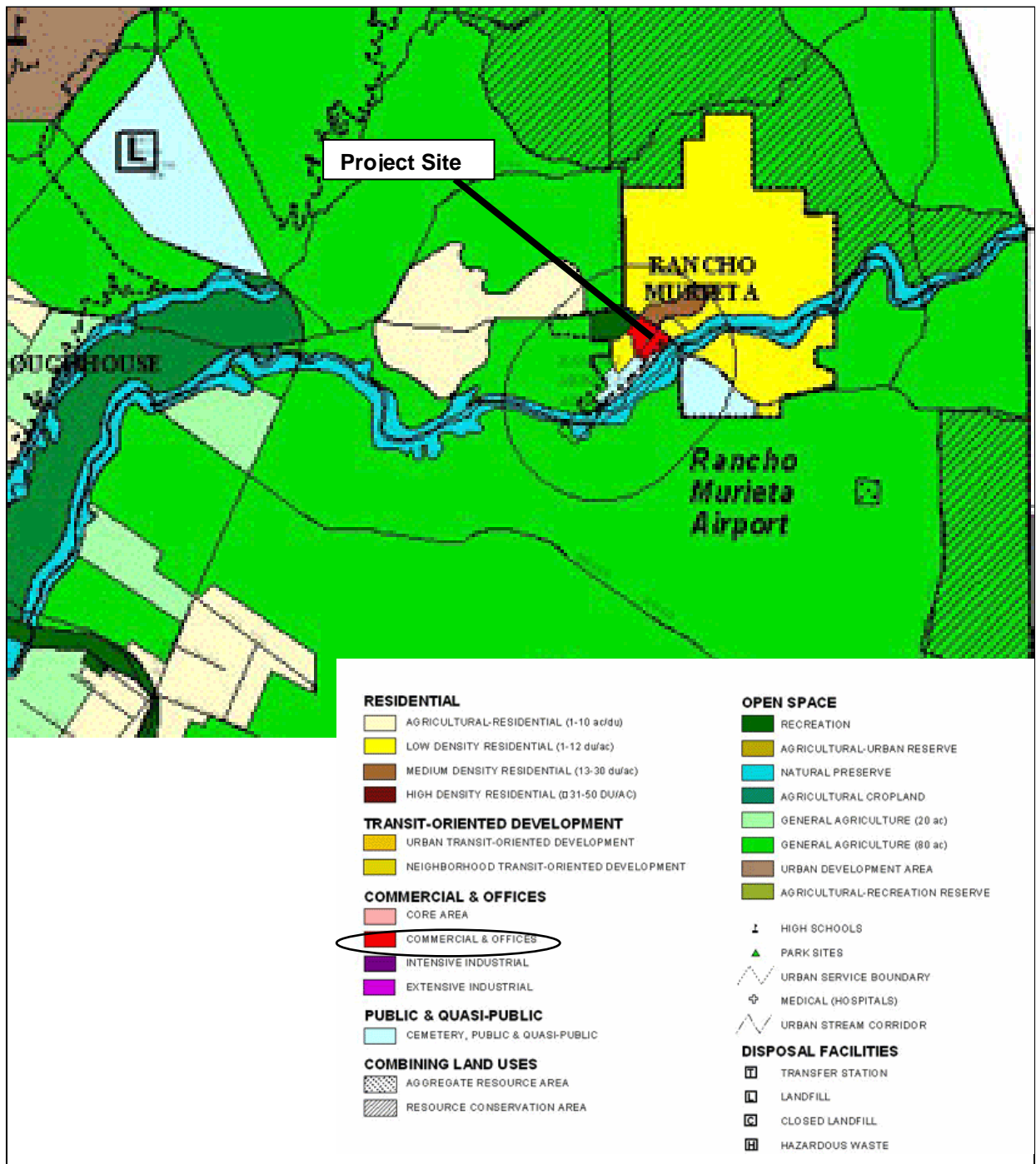
Plate LA -1 Rancho Murieta Master Plan



GENERAL PLAN CONSISTENCY

In 1993, Sacramento County updated the General Plan. However, the update did not change General Plan land use designations within the Rancho Murieta Community and the General Plan's land use designations remained consistent with those identified in the Rancho Murieta Master Plan, as approved in 1984, per resolution 84-737.

Plate LA -2 General Plan in the Rancho Murieta Vicinity



The existing General Plan designation for the projects' site is Commercial and Office (refer to Plate LA -2 for a close-up view of the General Plan designations for Rancho Murieta). According to the Sacramento County General Plan:

The Commercial and Office designation provides for a full range of neighborhood, community and regional shopping centers and a variety of business and professional offices. Uses include locally-oriented retail, professional offices, and regional commercial operations. The location and size of commercial areas is based upon accessibility, historic development patterns, community and neighborhood needs, and minimization of land use conflicts. Ideally, commercial areas are designed to integrate with the community, including the provision for pedestrian amenities. The standard for commercial Floor Area Ratios is between 0.25 to 2.5.

The Commercial and Office designation is not exclusive to obviously commercial uses. Mixed use developments are encouraged, where residential, retail and office occupy the same land. Many of the commercial zoning classifications, such as LC and GC, allow the inclusion of single- or multiple-family homes.

ZONING CODE CONSISTENCY

The existing zoning on the project site is A-2, which is an interim agricultural-residential zone allowing densities of one single-family home for every two acres. The existing A-2 zone is not consistent with either the existing Sacramento County General Plan or Rancho Murieta Master Plan designations. This circumstance has arisen due to the fact that, as a general rule, when the General Plan and/or the equivalent to a Community Plan (which, in this case, is the Rancho Murieta Master Plan) are adopted, the underlying land is not rezoned. The Rezone is requested when the land is actually proposed to be developed, as it is now.

The Murieta Gardens I project includes a Rezone to Limited Commercial (LC) that would achieve consistency with the General Plan and the Master Plan. Section 225-41 of the Sacramento County Zoning Code states that the permitted uses of the LC zone are as follows:

Buildings and structures may be erected, structurally altered or enlarged and land may be used within this zone for commercial, service office and other uses provided in the Commercial Use Tables; Article 2 of this Chapter. The entire business operation shall be conducted within a completely enclosed building or within the buildable area of the lot.

The Commercial Use Tables span sixteen pages and specify all of the types of uses that are permissible in the various commercial zones, and whether or not the uses are simply permitted or are permitted subject to conditions. The use types in the table are very specific (e.g. computer sales, furniture rentals, photocopy service, etc), while most of the proposed project uses are still in a generalized state (offices and general

commercial). As with many commercial developments involving the creation of multiple lots and buildings, the identified site uses are general because specific tenants of the commercial lots will not be definitively determined unless the Murieta Gardens I project is approved and the buildings are either complete or nearing completion. The only building that is intended for a more specific use is the grocery store (labeled market); a specific company hasn't been identified, but the applicant states that some have been approached. The "Church Site" shown on the site plan is no longer intended to be a church. The church was granted land in a different location by a different property owner and has withdrawn interest in the parcel. This lot is intended to be used for general commercial purposes instead.

All zoning grants the property owner a certain amount of development rights without the need to acquire any other hearing body approvals. For a property zoned LC, every use noted in the Commercial Use Tables that is listed as unconditionally permissible in the LC zone could be built without the need for further discretionary actions by a hearing body. The developer would still need to acquire various permits, such as grading and building permits, and the development plans would be reviewed for compliance with zoning code standards. However, as long as those uses and the development plans strictly complied with the LC zoning standards, even if none of the other requested entitlements of either project is granted, the Rezone alone would allow the property owner to fully develop the rezoned area with commercial uses.

One of the ramifications of the above is that the current commercial building layouts and generalized use proposals are inherently conceptual. Although the applicant fully intends at this time to construct the buildings and other features as shown, and to seek out businesses that reflect the proposed uses, an approval of the project would not require the applicant to adhere to those plans after approval. Therefore, all of the analyses in this document analyze two scenarios: the projects as they are currently proposed and the impact of the Rezone itself in absence of any specific proposals.

ANALYSIS OF THE REZONE

As part of the traffic impact analysis prepared for this EIR (refer to the "Traffic and Circulation" chapter), the amount of commercial square footage that could be expected if the site were developed entirely with commercial uses was estimated. Based on typical commercial development in the County, with consideration given to the project area, it was assumed that approximately 25% of the site would be occupied by commercial floor space, resulting in a total of 578,259 square feet of floor space on the 53-acre site. The remaining land would be occupied by parking and other appurtenant structures. This number is an estimate only, intended to capture a "worst case" scenario.

If the proposed Rezone to LC is approved, any development plan proposed on the approximately 53-acre site would be required to comply with the provisions of Title III, Chapter 15 of the Sacramento County Zoning Code. If the development plans deviated from the various standards in the Zoning Code and these deviations were not already approved as part of the Murieta Gardens I or II projects, the developer would either be

required to redesign the project plans or the development plan would require approval by a hearing body. As previously noted, the types of unconditionally acceptable uses on the site are contained in the Commercial Use Tables of the Zoning Code. A wide variety of uses are unconditionally permissible, from auto sales to martial arts schools.

The provisions of the Zoning Code are designed to minimize or eliminate conflict between different types of uses. Given that any subsequent development plan on the rezoned project site would be required to comply with those provisions or undergo further review, no significant land use conflicts are anticipated due to the proposed rezone.

ANALYSIS OF SPECIFIC DEVELOPMENT PROPOSALS

There are two use types that have been specifically identified in the proposed projects: a market as part of Murieta Gardens I and the Murieta Gardens II single-family detached residential development. According to the Commercial Use Table, a food market is unconditionally permissible in the LC zone. Single-family residential uses (the “Residential Uses, Other” category) are permissible in the LC zone subject to the issuance of a Conditional Use Permit and subject to the development provisions of Sacramento County Zoning Code Title III.

Title III of the Sacramento County Zoning Code specifies the design standards for residential development. The standards for single-family detached dwellings (i.e. not duplexes or other dwellings that share a wall) are found in Sections 305-01 through 305-09.5 of Title III. In the case of the proposed project, the applicant has requested a Special Development Permit to allow deviations from some of the setback requirements. Plate LA -3 and Plate LA -4 show one of the four design proposals that will be used in the development (for both interior and corner lots).

All of the homes within the proposed residential subdivision are intended to be two-story buildings. Section 305-04 of the Zoning Code states that a residential building cannot exceed the two-story maximum, and that the total height cannot exceed 30 feet; the applicant is not proposing a deviation from this requirement. However, the applicant proposes to have a minimum setback of 20 feet from the garage to the private street, a minimum setback of 12.5 feet from the porch and living area to the private street, a minimum 12.5 foot front and side yard setback adjacent to the private street, and a minimum 3-foot setback for side yards adjacent to homes and rear yards. Table LA-1 compares these setbacks to the setbacks stipulated in Title III.

Plate LA -3 and Plate LA -4 show one version of the proposed development standards for corner lots and for interior lots. Note that on the corner lot exhibit, the corner of the building and/or porch area will project into the side/front yard setback. Also note that although the exhibits provided a scale (1 inch = 20 inches), not all portions of the drawing are drawn to scale. Specifically, the rear yard setback area on the corner lot exhibit is labeled as 3 feet but when measured by the scale it represents 10 feet. In order to represent 3 feet, the 3-foot rear yard area should be shown as close to the lot line as is the side yard adjacent to the house.

Table LA-1 Setback Comparisons

Setback Type	Proposed (ft)	Title III (ft)
Garage to Street	20	20
Porch to Street	12.5	No provision
Side/Front to Street	12.5/12.5	12.5/20
Side to Home	3	5
Rear Yard	3	15

Plate LA -3 Proposed Corner Lot Design Standards

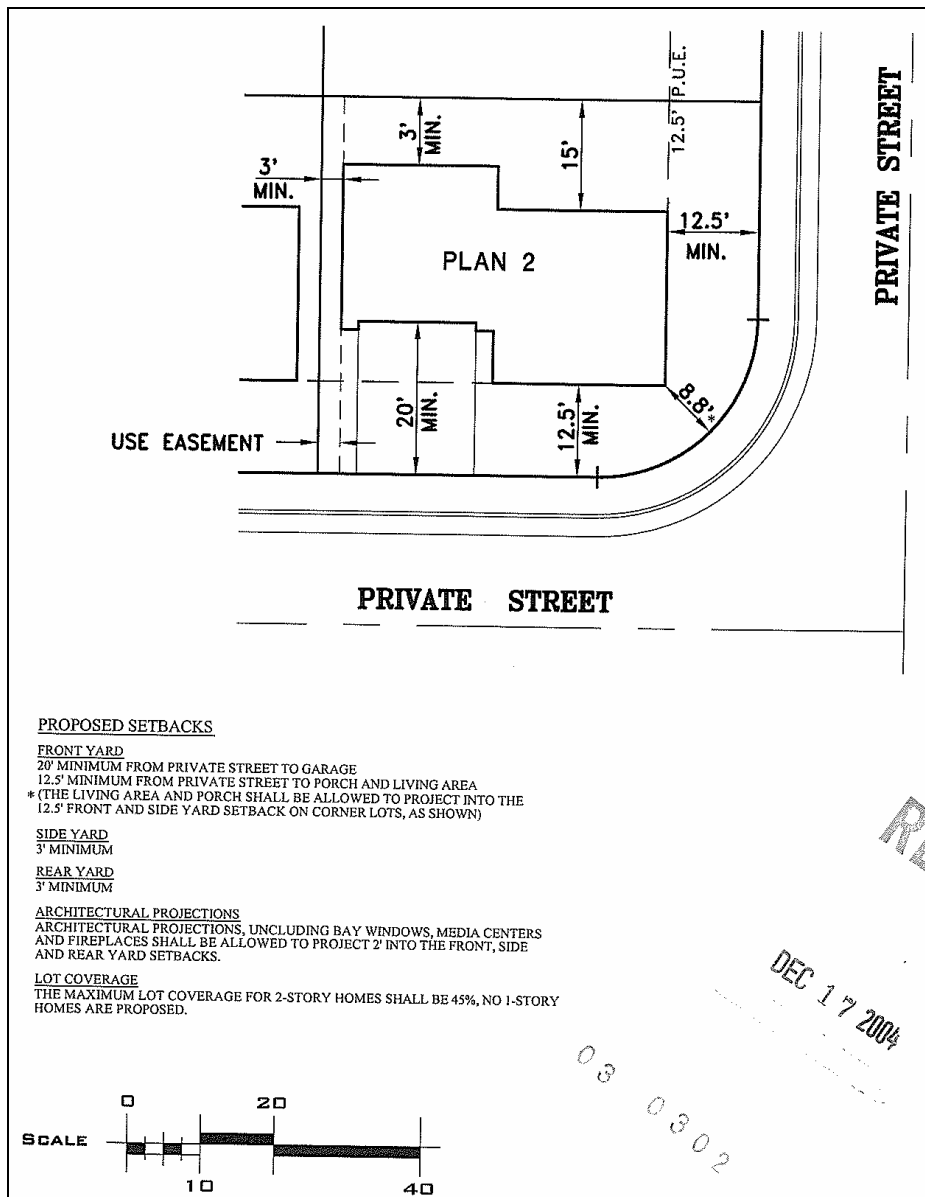


Plate LA -4 Proposed Interior Lot Design Standards

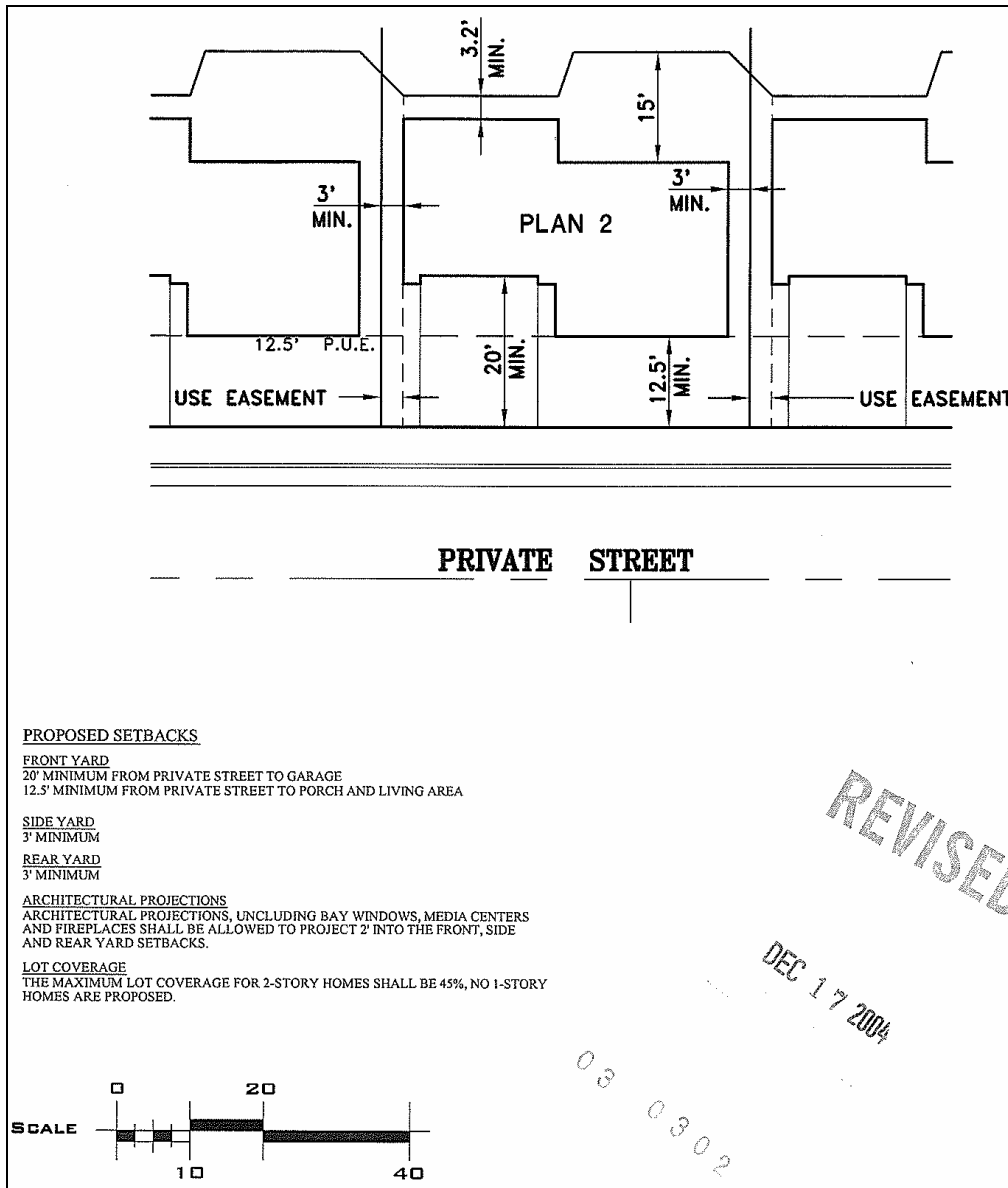


Plate LA -5 shows a close-up of the lot arrangement that will be created through the use of the individual lot designs shown above. The homes on back-to-back lots will be arranged in mirror image of one another. For instance, on Lot 195 the garage of the home will be on the west side of the lot and will back up to within 3 feet of the rear lot boundary. The living space of the home, on the other hand, will be approximately 15 feet (some are shown at 14.8 feet, some at 15 feet) from the rear lot boundary. The home on Lot 188 will be the opposite orientation. The lots to the right of 195 and 188 on Plate LA -5 have been used to show what this arrangement will look like. Each residence's backyard will abut the garage of the residence to the rear.

Plan (1-12 homes per acre). Thus, this higher density is not expected to result in significant environmental effects related to land use incompatibility.

AFFORDABLE HOUSING PLAN

On December 8, 2004 the Board of Supervisors adopted an Ordinance adding Chapter 22.35 of Title 22 to the Sacramento County Code requiring an affordable housing component in certain new development projects. The available options for meeting the requirement include land dedication, in lieu fee payment or the inclusion of affordable housing in the proposed development. The Murieta Gardens I project does not involve residential development, and thus the Affordable Housing Ordinance does not apply. In the case of the Murieta Gardens II project, land dedication is not an option because the total land dedication would be too small (less than 4 net acres). Utilizing fees is not an option because in-lieu fees are only available if the development includes less than 100 residential units. Therefore, on-site construction is required.

A total of 15% of the units on site must be affordable housing units. The proposed project includes a request for 208 single-family homes, which results in an affordable housing obligation of 31 units. All 31 affordable housing units will be marketed at the "low income" bracket, which is defined as a household whose income is no greater than 80 percent of the median applicable to Sacramento County. According to the United States Department of Housing and Urban Development (HUD), the median annual income for Sacramento County in Fiscal Year 2005 was \$64,100. According to the HUD income limits data, this means that "low income" households of two people would have an income no greater than \$41,000 annually and households of four people would have an income no greater than \$51,300 annually.

CONCLUSIONS AND MITIGATION MEASURES

IMPACT:

The projects are consistent with the General Plan and Master Plan designations, and with the proposed zoning for the site. The proposed residential and commercial uses are generally consistent with adjacent development, though deviations from setbacks are requested. Implementation of the affordable housing plan on the site will not result in any significant environmental effects. Land use-related environmental impacts associated with the proposed projects are **less-than-significant**.

MITIGATION MEASURES:

None recommended.