

FINDINGS

General Plan Amendment GPA22-0004/Rezone Z22-0004/ Tentative Parcel Map P22-0010 McMann Planning Commission/February 22, 2024

1.0 California Environmental Quality Act (CEQA) FINDINGS

- 1.1 An Initial Study has been prepared analyzing potential environmental impacts with implementation of the project. Based on the Initial Study, impacts have been identified to be less than significant with the implementation of Mitigation Measures, and a Mitigated Negative Declaration has been prepared.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning Division at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.1.3.1.

General Plan Policy 2.1.3.1 establishes all lands not contained within the boundaries of a Community Region or a Rural Center are classified as Rural Regions.

Rationale: The proposed project is located in the Rescue Rural Region. As stated in General Plan Objective 2.1.3, the Rural Regions provide a land use pattern that maintains the open character of the County, preserves its natural resources, recognizes the constraints of the land and the limited availability of infrastructure and public services, and preserves the agricultural and forest/timber area to ensure its long-term viability. The proposed project would be consistent with the objectives for Rural Regions. The project is consistent with this policy.

2.2 The project is consistent with General Plan Policy 2.2.1.2.

(Existing) General Plan Policy 2.2.1.2 identifies the purpose of the Rural Residential (RR) land use designation as areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substandard access as well as “choice” agricultural soils. The RR designation shall be used as a transition between Low-Density Residential (LDR) and the Natural Resource (NR) designation. Clustering of residential units under allowable densities is encouraged as a means of preserving large areas in their natural state or for agricultural production. Typical uses include single-family residences, agricultural support structures, a full range of agricultural production uses, recreation, and

mineral development activities. The allowable density for this designation is one (1) dwelling unit per 10 to 160 acres. This designation is considered appropriate only in the Rural Regions.

(Proposed) General Plan Policy 2.2.1.2 identifies LDR land use designation as areas for single-family residential development in a rural setting. In Rural Regions, this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available. This land use designation is also appropriate within Community Regions and Rural Centers where higher density serving infrastructure is not yet available. The maximum allowable density shall be one (1) dwelling unit per five (5)-acres. Parcel size shall range from five (5)-acres to 10-acres. Within Community Regions and Rural Centers, the LDR designation shall remain in effect until a specific project is proposed that applies the appropriate level of analysis and planning and yields the necessary expansion of infrastructure.

Rationale: The proposed project is located in the Recue Rural Region. The proposed project includes an amendment to the General Plan land use designation from RR to LDR. RR (existing) and LDR (proposed) are appropriate for Rural Regions. The proposed rezone from Rural Land, Ten-acre (RL-10) to Residential Estate, Five-acre (RE-5), and proposed Tentative Parcel Map to create two (2) five (5)-acre parcels would meet the maximum allowable density for LDR of one (1) dwelling unit per five (5)-acres. The project was reviewed by the El Dorado County Environmental Management Department (EMD), and the project would meet the requirements for private wells and on-site septic systems. The proposed project would not necessitate the expansion of public infrastructure. The project is consistent with this policy.

2.3 **The project is consistent with General Plan Policy 2.2.5.2.**

General Plan Policy 2.2.5.2 states that all applications for discretionary projects or permits including, but not limited to, General Plan Amendments, zoning boundary amendments, Tentative Maps for major and minor land divisions, and Special Use Permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan Amendments, such Amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.

Rationale: The proposed project would amend the General Plan land use designation from RR to LDR, rezone from RL-10 to RE-5, and a Tentative Parcel Map to allow the creation of two (2) five (5)-acre parcels. This change would not

necessitate the modification or deletion of any further General Plan provisions or policies. As conditioned, the proposed project is consistent with applicable General Plan Policies, as discussed in this Staff Report. The project is consistent with this policy.

2.4 **The project is consistent with General Plan Policy 2.2.5.3.**

General Plan Policy 2.2.5.3 states 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;
- 4) Distance to and capacity of the serving elementary and high schools;
- 5) Response time from nearest fire station handling structure fires;
- 6) Distance to nearest Community Region or Rural Center;
- 7) Erosion hazard;
- 8) Septic and leach field capability;
- 9) Groundwater capability to support wells;
- 10) Critical flora and fauna habitat areas;
- 11) Important timber production areas;
- 12) Important agricultural areas;
- 13) Important mineral resource areas;
- 14) Capacity of the transportation system serving the area;
- 15) Existing land use pattern;
- 16) Proximity to perennial water course;
- 17) Important historical/archeological sites;
- 18) Seismic hazards and presence of active faults; and
- 19) Consistency with existing Covenants, Conditions, and Restrictions (CC&Rs).

Rationale: The proposed project is a request for a General Plan Amendment to amend the land use designation from RR to LDR, a Rezone from RL-10 to RE-5, and a Tentative Parcel Map to create two (2) five (5)-acre parcels from an existing 10-acre parcel. The proposed parcels would be compatible with the proposed land use designation LDR, which allows a five (5)-acre minimum parcel size; and would be compatible with proposed rezone to RE-5, which would allow a five (5)-acre minimum parcel size. The proposed use of the land would allow for residential development on each parcel. No development is proposed at this time. Future development would allow a single-unit residential dwelling unit and an Accessory Dwelling Unit

(ADU) for a total of two (2) residences per parcel (or four (4) total residences for both parcels).

Rationale responses to the required criteria:

- 1) N/A, project site not serviced by public water/sewer service.
- 2) N/A, project site not served by public treated water system.
- 3) N/A, project site not served by public treated wastewater system.
- 4) The proposed project would allow two (2), five (5)-acre parcels that could have future residential development for a total of four (4) residences possible which would not be considered a significant impact. The Initial Consultation Notice was provided to the Rescue School District and no comments or concerns were received.
- 5) The Rescue Fire Protection District (RFPD) reviewed the project and provided comments which are included as Conditions of Approval.
- 6) The property is located in the community of Rescue in a Rural Region, which is an area outside of the Community Region and Rural Center boundaries. The approximate distance to the nearest Community Region is 1.75 miles (Green Valley Road, west of site), and nearest Rural Center is 1.87 miles (Green Valley Road, east of site).
- 7) No grading or development is proposed at this time. A Preliminary Drainage Report was included and did not identify any erosion hazards. Future review would be at grading and building permit submittal.
- 8) EMD reviewed the project and determined the project can support septic system and repair area (leach field). Comments are included as Conditions of Approval.
- 9) EMD reviewed the project and determined the project site has adequate groundwater to support the proposed project with private well water for the two (2) proposed parcels, Parcel 1 and Parcel 2.
- 10) A Rare Plant Assessment and Biological Resources Evaluation was prepared for the project and did not identify any special-status plant species or special-status wildlife species on-site; however, the property owner would pay the Mitigation Area 1 ecological preserve impact fee at the time of future building permit per dwelling unit; and due to potential habitat for Coast Horned Lizard and nesting raptors (Cooper's Hawk), mitigation measures are included (BIO-1 and BIO-2) to require pre-construction survey.
- 11) N/A, project site not in an important Timber Production Area.
- 12) N/A, project site not in an important Agricultural Area.
- 13) N/A, project site not in an important Mineral Resource Area.
- 14) The El Dorado County Department of Transportation (DOT) reviewed the project and completed review of the Transportation Impact Study Initial Determination Form (TIS-ID) and issued a Waiver.
- 15) The existing land use pattern is similar, with adjacent parcels zoned as RL-10 and RE-5, and similar General Plan land use designations of RR

and LDR. The proposed project would not alter the existing land use pattern of rural, larger lot residential properties.

- 16) The Biological Resources Evaluation prepared for the project did identify an ephemeral drainage on-site (after rainfall, short duration), but no perennial water courses were identified on-site (year-round).
- 17) The Cultural Resources Report prepared for the project did not identify any historical/archaeological sites. Standard protective measures are included as Conditions of Approval.
- 18) N/A, no seismic hazards or presence of active faults are present on the project site or nearby vicinity.
- 19) The project is consistent with existing CC&Rs, particularly maintaining the established 20-foot trail easement.

The Findings for General Plan 2.2.5.3 have been made. As conditioned, the project is consistent with this policy.

2.5 **The project is consistent with General Plan Policy 2.2.5.21.**

General Plan Policy 2.2.5.21 requires 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. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

Rationale: The proposed project includes an amendment to the General Plan land use designation from RR to LDR, a Rezone of the site from RL-10 to RE-5, and a Tentative Parcel Map to create two (2) five (5)-acre parcels from an existing 10-acre parcel. The proposed project has been analyzed for compatibility with adjacent uses. As shown in the Table of Adjacent Uses in the Staff Report, the adjacent properties are similarly zoned RL-10 and RE-5, with a similar General Plan land use designation of RR and LDR. The proposed project would not be considered to create an incompatible use. Conditions of Approval are incorporated to ensure consistency with the applicable requirements for future development of each parcel. Further, by right in all residential zones (RL and RE), a parcel can develop one (1) single-unit residence and one (1) ADU; therefore, the proposed project would allow a total of four (4) residences (two (2) primary and two (2) ADUs). As conditioned, the project is consistent with this policy.

2.6 **The project is consistent with General Plan Policy TC-Xa.**

Except as otherwise provided, the following TC-Xa policies shall remain in effect indefinitely unless amended by voters:

1. Traffic from residential development projects of five (5) or more units or parcels of land

shall not result in, or worsen, Level of Service (LOS) F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the County.

Rationale: The residential project for a General Plan Amendment to amend the land use designation from RR to LDR, a Rezone from RL-10 to RE-5, and a Tentative Parcel Map to create two (2) five (5)-acre parcels, would not result in, or worsen, LOS F traffic congestion during weekday, peak-hour periods within the unincorporated areas of the County.

2. The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at LOS F without first getting the voters' approval.

Rationale: This is not applicable as the project is not requesting any modifications to Table TC-2.

3. Intentionally blank (Resolution 125-2019, August 6, 2019)
4. Intentionally blank (Resolution 159-2017, October 24, 2017)
5. The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

Rationale: This is not applicable as the project is not requesting the County create an Infrastructure Financing District.

6. Intentionally blank (Resolution 159-2017, October 24, 2017)
7. Before giving approval of any kind to a residential development of five (5) or more units or parcels of land, the County shall make the finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect public health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Rationale: The project is consistent with General Plan Policy TC-Xa.

2.7 **General Plan Policy TC-Xb does not apply.**

To ensure that potential development in the County does not exceed available roadway capacity, the County shall:

- A. Every year prepare an annual Capital Improvement Program (CIP) specifying expenditures for roadway improvements within the next 10 years. At least every five (5) years prepare a CIP specifying expenditures for roadway improvements within the next 20 years. Each plan shall contain

identification of funding sources sufficient to develop the improvements identified;

- B. At least every five (5) years, prepare a Traffic Impact Mitigation (TIM) Fee Program specifying roadway improvements to be completed within the next 20 years to ensure compliance with all applicable LOS and other standards in this plan; and
- C. Annually monitor traffic volumes on the County’s major roadway system depicted in Figure TC-1.

Rationale: This policy is not applicable as this policy refers to the County preparing a CIP, preparing a TIM Fee Program, and monitoring traffic volumes.

2.8 General Plan Policy TC-Xc does not apply.

Developer paid traffic impact fees (TIF) combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the County (Resolution 201-2018, September 25, 2018).

Rationale: This policy is not applicable as this policy directs how the County will pay for building the necessary road capacity.

2.9 The project is consistent with General Plan Policy TC-Xd.

LOS for County-maintained roads and State highways within the unincorporated areas of the County shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. LOS will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgement of the County Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak Hour traffic volumes.

Rationale: This project would not worsen LOS, as defined in General Plan Policy TC-Xe, for any County-maintained Road or State highway.

2.10 The project is consistent with General Plan Policy TC-Xe.

For the purposes of this Transportation and Circulation Element, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of

a use and occupancy permit for the development project:

- A. A two (2) percent increase in traffic during the AM Peak Hour, PM Peak Hour, or daily; or
- B. The addition of 100 or more daily trips; or
- C. The addition of ten (10) or more trips during the AM Peak Hour or the PM Peak Hour.

Rationale: The project, as proposed, would not worsen traffic operations and is therefore consistent with this policy. Using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, the project is anticipated to generate one (1) AM Peak Hour trips, and two (2) PM Peak Hour trips, and 19 trips daily.

2.11 **General Plan Policy TC-Xf does not apply.**

At the time of approval of a Tentative Parcel Map for a single-family residential subdivision of five (5) or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A], [B], or [C]) traffic on the County road system, the County shall do one (1) of the following: (1) condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County's 10-year CIP.

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A], [B], or [C]) traffic on County road system, the County shall do one (1) of the following: (1) condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County's 20-year CIP.

Rationale: This policy is applicable to projects that worsen traffic on the County road system as defined in Policy TC-Xe. The project, as proposed, would not worsen traffic operations, and therefore, this policy does not apply.

2.12 **General Plan Policy TC-Xg does not apply.**

Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of development. This policy shall remain in effect indefinitely unless amended by voters.

Rationale: The project, as proposed, would not worsen traffic conditions.

2.13 This project is consistent with General Plan Policy TC-Xh.

All subdivisions shall be conditioned to pay the TIF in effect at the time a building permit is issued for any parcel created by the subdivision.

Rationale: The project would pay TIF at the time a building permit is issued. Resolution 072-2022 of the Board of Supervisors of El Dorado County states, “Applicants shall pay the TIF rate in effect at the time of building permit issuance or at the time of approval of an application for a change in the use of a building or property as provided in County Code Chapter 12.28 and the TIF Administration Manual.”

2.14 General Plan Policy TC-Xi does not apply.

The planning for the widening of U.S. Highway 50, consistent with the policies of this General Plan, shall be a priority of the County. The County shall coordinate with other affected agencies, such as the City of Folsom, the County of Sacramento, and Sacramento Area Council of Governments (SACOG) to ensure that U.S. Highway 50 capacity enhancing projects are coordinated with these agencies with the goal of delivering these projects on a schedule agreed to by related regional agencies.

Rationale: This policy is not applicable to the project as it is direction to the County to coordinate with other Agencies, and the project does not include any U.S. Highway 50 capacity enhancements.

2.15 The project is consistent with General Plan Policy 5.2.3.4.

General Plan Policy 5.2.3.4 states that all applications for divisions of land and other discretionary or ministerial land uses which rely on groundwater for domestic use, or any other type of use, shall demonstrate that groundwater is adequate as part of the review and approval process. The County shall not approve any discretionary or ministerial projects unless the County finds, based on evidence provided by the applicant, or other evidence that may be provided, that the groundwater supply for the project in question is adequate to meet the highest demand associated with the approval in question.

Rationale: EMD reviewed the project and provided comments verifying adequate water availability for the proposed project. A study of surrounding wells demonstrated that there is adequate water supply for each proposed parcel with surrounding wells producing an average of 36 gallons per minute. EMD requirements are incorporated as Conditions of Approval. The project is consistent with this policy.

2.16 The project is consistent with General Plan Policy 5.3.2.4.

General Plan Policy 5.3.2.4 states that the Environmental Management Department shall

develop a septic system monitoring program.

Rationale: EMD reviewed the project and provided comments. A preliminary septic system evaluation of the proposed parcels found a soil percolation rate of 79 minutes per inch for Parcel 1 and 73 minutes per inch for Parcel 2. Both soil percolation rates meet the County's Local Agency Management Plan (LAMP) requirements. These requirements have been incorporated as Conditions of Approval. The project is consistent with this policy.

2.17 The project is consistent with General Plan Policy 5.4.1.2.

General Plan Policy 5.4.1.2 states discretionary development shall protect natural drainage patterns, minimize erosion, and ensure existing facilities are not adversely impacted while retaining the aesthetic qualities of the drainage way.

Rationale: A Preliminary Drainage Report prepared by Lebeck Engineering, Inc., dated October 2022, was submitted to the County for the proposed project. As stated in the study, the drainage area flows from the north through the site to the southwest. Drainage also flows to the south along Deer Valley Road and then to the west along the southern property line. Further, as stated in the Biological Resources Evaluation prepared by Fremont Environmental Consulting, Inc., dated January 2023, the project site includes an ephemeral drainage. Although no development is proposed at this time, future residential development of each parcel would require further review during grading and building permit submittal to ensure protection of natural drainage patterns, minimize erosion, and ensure existing facilities are not adversely impacted while retaining the aesthetic qualities of the drainage way. Future development would also be subject to Zoning Ordinance Section 130.30.050 - Setback Requirements and Exceptions, which requires a minimum setback distance of 25-feet from any intermittent stream, wetland, or riparian habitat. The project is consistent with this policy.

2.18 The project is consistent with General Plan Policy 5.7.2.1.

General Plan Policy 5.7.2.1 states prior to approval of new development, the responsible fire protection district shall be requested to review all applications to determine the ability of the district to provide protection services. The ability to provide fire protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as conditions of approval.

Rationale: The RFPD reviewed the project and provided comments and it was determined to allow the El Dorado County Fire Protection District Water Supplies for Suburban and Rural Fire Fighting Standard D-003. Each parcel that is developed would submit plans indicating water storage tank and drafting hydrant location. Size would be determined by square footage which is indicated in Table A of Standard D-003. The RFPD would review

the improvement plans again at submittal of the grading and building permits, to review in accordance with their standards, as applicable. The requirements from the RFPD have been incorporated as Conditions of Approval. As conditioned, the project is consistent with this policy.

2.19 The project is consistent with General Plan Policy 7.4.2.8.

General Plan Policy 7.4.2.8 states site-specific biological resources technical report will be required to determine the presence of special-status biological resources that may be affected by a proposed discretionary project.

Rationale: A Rare Plant Assessment was prepared by Fremont Environmental Consulting, Inc., dated May 23, 2022, and a Biological Resource Evaluation was prepared by Fremont Environmental Consulting, Inc., dated January 2023. Based on the summary of the reports, no special status plant species were observed during focused botanical surveys and special status plant species are presumed absent from the site. The property is in Mitigation Area 1 which are lands within an area described as a rare soils study area. Although the survey did not identify any special status plant species that could be present on gabbro soils, the property owner would pay the ecological preserve impact fee at the time of future building permit per dwelling unit. No special status wildlife species were observed in the project site. The project site does provide potential nesting and foraging habitat for Cooper's Hawk, a California Department of Fish and Wildlife (CDFW) Watch List Species, primarily within blue oak-foothill pine woodland; and potential habitat for the Coast Horned Lizard, a CDFW Species of Special Concern. Although no active bird nests were observed during the survey, nesting habitat for common raptors, migratory birds, and other native birds is present throughout the project site. Future development of each of the proposed residential parcels would require further review at the time of grading and building permit submittal. Mitigation measures are included with the Conditions of Approval requiring a preconstruction survey (BIO-1 and BIO-2) and this shall be noted on the final map. As conditioned, the project is consistent with this policy.

2.20 The project is consistent with General Plan Policy 7.5.1.3.

General Plan Policy 7.5.1.3 states cultural resource studies shall be conducted prior to approval of discretionary projects. Studies may include, but are not limited to, record searches through the North Central Information Center (NCIC) at California State University Sacramento and field surveys. The avoidance and protection of sites shall be encouraged.

Rationale: An initial record search was conducted by NCIC, report dated July 18, 2022. The results of the NCIC report indicated moderate potential for locating

indigenous-period/ethnographic-period cultural resources, historic-period cultural resources, and that the proposed project area is potentially sensitive. A Cultural Resource Assessment was prepared for the project by Peak & Associates, Inc., dated January 27, 2023. No prehistoric or historical artifacts, features, or other discoveries were made during the course of the survey. Standard protective Conditions of Approval are recommended and have been incorporated with the project. As conditioned, the project is consistent with this policy.

3.0 ZONING FINDINGS

3.1 The project is consistent with Section 130.24.010 C.6.

Section 130.24.010 C.6. Residential Estate, Five-acre (RE-5): The project site is currently zoned RL-10 however the request is to rezone to RE-5. The RE zone is intended to preserve the rural character of an area by providing for and regulating the development of low density and rural residential development at a range of densities to include one (1) dwelling unit per five (5)-acres and one (1) dwelling per 10-acres. Minimum lot size designations of five (5) and 10 are applied to this zone based on surrounding use compatibility, physical and infrastructural constraints, and General Plan use designation. Said designations represent the minimum number of acres allowed for each lot. Agricultural structures and uses are considered compatible with this zone.

Rationale: The proposed project includes a Rezone from RL-10 to RE-5 and a Tentative Parcel Map to create two (2) five (5)-acre parcels from an existing 10-acre parcel. The proposed parcels would be able to meet the RE-5 development standards including minimum lot size, lot width, and setbacks. The project is consistent with this section.

3.2 The project is consistent with Section 130.30.050 G.

Section 130.30.050 G. Protection of Wetlands and Sensitive Riparian Habitat establishes standards for avoidance and minimization of impacts to wetlands and sensitive riparian habitat. New ministerial and discretionary development shall avoid or minimize impacts to perennial streams, rivers or lakes, intermittent streams and wetlands, and any sensitive riparian habitat to the maximum extent practicable. Ministerial development, including single family dwellings and accessory structures, shall be set back a distance of 25 feet from any intermittent stream, wetland or sensitive riparian habitat, or a distance of 50 feet from any perennial lake, river, or stream. All discretionary development which has the potential to impact wetlands or sensitive riparian habitat shall require a Biological Resource Assessment to establish the area of avoidance and any buffers or setbacks required to reduce the impacts to a less than significant level.

Rationale: The Preliminary Drainage Report prepared by Lebeck Engineering, Inc., dated October 2022, was submitted to the County for the proposed project.

As stated in the study, the drainage area flows from the north through the site to the southwest. Drainage also flows to the south along Deer Valley Road and then to the west along the southern property line. Further, as stated in the Biological Resources Evaluation prepared by Fremont Environmental Consulting, Inc., dated January 2023, the project site includes an ephemeral drainage. Although no development is proposed at this time, future residential development of each parcel would require further review during grading and building permit submittal to ensure protection of natural drainage patterns, minimize erosion, and ensure existing facilities are not adversely impacted while retaining the aesthetic qualities of the drainage way. Future development would also be subject to Zoning Ordinance Section 130.30.050 - Setback Requirements and Exceptions, which requires a minimum setback distance of 25-feet from any intermittent stream, wetland, or riparian habitat. The project is consistent with this section.

3.3 The project is consistent with 130.39.070.

Section 130.39.070 Oak Tree and Oak Woodland Removal Permits - Discretionary Development Projects establishes standards for impacts to oak trees and oak woodlands as a result of discretionary development.

Rationale: The proposed discretionary development includes a request for a Tentative Parcel Map to create two (2), five (5)-acre parcels from an existing 10-acre parcel. No oak trees or oak woodlands are proposed for removal with this project. Future development on each new parcel would be subject to the requirements of Zoning Ordinance Section 130.39.060 - Oak Tree and Oak Woodland Removal Permits for Ministerial Development Projects. As conditioned, the project is consistent with this section.

3.4 The proposed project is consistent with 130.63.020 D.

Section 130.63.020 D. states that where a zone change amendment to a higher density or intensity zone is being proposed, the Commission and the Board shall consider the criteria identified in General Plan Policy 2.2.5.3, including, but not limited to, consistency with the General Plan as to minimum parcel size or maximum density, availability of adequate infrastructure and support services for the increased land use demands, and compatibility with surrounding land uses.

Rationale: Findings for General Plan 2.2.5.3 have been made as discussed in General Plan Findings Section 2.4. The project is consistent with this section.

4.0 PARCEL MAP FINDINGS

4.1 The proposed Tentative Parcel Map, including design and improvements, is consistent with the General Plan.

Rationale: The proposed Tentative Parcel Map would create two (2) five (5)-acre parcels from an existing 10-acre parcel. No development is proposed at this time. Future residential development is anticipated on each new parcel. In addition to the proposed Tentative Parcel Map, the proposed project includes a General Plan Amendment to amend the land use designation from RR to LDR, and Rezone from RL-10 to RE-5, which would allow a five (5)-acre minimum parcel size. The subject parcel is in the Rescue Rural Region. The surrounding area is developed with similar rural, larger lot, residential uses. The proposed project would be consistent with applicable General Plan policies as set forth in Finding Section 2.0. The project is consistent with this section.

4.2 The proposed Tentative Parcel Map conforms to the applicable standards and requirements of the County’s zoning regulations and Minor Land Division Ordinance.

Rationale: The proposed Tentative Parcel Map has been analyzed and conditioned in accordance with RE-5 zone and LDR General Plan land use designation. Future residential development on the resultant parcels would be reviewed for compliance with applicable development standards of the RE-5 zone. As proposed and conditioned, the project conforms to the RE-5 zone and with Title 120 of the County Code for Minor Land Divisions. The project is consistent with this section.

4.3 The site is physically suitable for the proposed type and density of development.

Rationale: The proposed project would create two (2) five (5)-acre parcels from an existing 10-acre parcel. Future residential development would be designed to meet the RE-5 residential development standards including minimum lot size, minimum lot width, and building setbacks. As shown on the Tentative Parcel Map, the site is physically suitable for the proposed type and density of development. The project is consistent with this section.

4.4 The proposed subdivision is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.

Rationale: A Rare Plant Assessment and Biological Resource Evaluation was prepared for the proposed project. Staff analyzed the results of the technical reports with further discussion in the Initial Study-Mitigated Negative Declaration. With the incorporation of mitigation measures and Conditions of Approval, the project would not result in substantial environmental damage or substantial avoidable injury to fish or wildlife, or their habitat and the type of proposed residential development is consistent with existing residential development in the Rescue vicinity. The project is consistent with this section.

4.5 The proposed subdivision is not likely to cause serious public health hazards.

Rationale: The proposed project has been reviewed for potential public health hazards. The project has been conditioned to mitigate potential impacts associated with future residential development and occupancy including air quality, storm water management, and fire safety. As conditioned, the proposed project would not cause serious public health hazards. The project is consistent with this section.

4.6 The proposed subdivision design and improvements are suitable and in compliance with the requirements of Public Resources Code Section 4291.

Rationale: RFPD reviewed the proposed project and provided comments which are included as Conditions of Approval. Future residential development is required to meet applicable fire safe requirements including maintaining defensible space from structures to property lines. With adherence to the fire safe requirements, the proposed project would be in compliance with the requirements of Public Resources Code Section 4291. The project is consistent with this section.

4.7 The proposed design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

Rationale: The project would not result in any changes to currently existing easements. Further, there are no off-site improvements proposed or required which would necessitate changes to, nor development within, any existing easements. Therefore, as proposed, the project would not result in any changes to an existing easement. The project is consistent with this section.

5.0 Government Code §1266.01 Fire Protection Findings (Parcel Maps)

5.1 Before approving a Tentative Map, or a Parcel Map for which a Tentative Map was not required, for an area located in a State Responsibility Area (SRA) or a Very High Fire Severity Zone, a legislative body of a County shall make the following findings: (1) A finding supported by substantial evidence in the record that the subdivision is consistent with: (A) regulations adopted by the State Board of Forestry or Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code, or (B) consistent with local ordinances certified by the State Board of Forestry or Fire Protection as meeting or exceeding the state regulations.

Rationale: RFPD reviewed the proposed project and provided comments which are included as Conditions of Approval. Future residential development is required to meet applicable fire safe requirements. With adherence to the

fire safe requirements, the proposed project would be in compliance with the Public Resources Code. The project is consistent with this section.

- 5.2 Before approving a Tentative Map, or a Parcel Map for which a Tentative Map was not required, for an area located in a State Responsibility Area (SRA) or a Very High Fire Severity Zone, a legislative body of a County shall make the following findings: a finding supported by substantial evidence in the record that structural fire protection and suppression services will be available for the subdivision through any of the following entities: (A) A County, City, Special District, Political Subdivision of the State, or another entity organized solely to provide fire protection services that is monitored and funded by a County or other public entity; (B) The Department of Forestry and Fire Protection by contract entered into pursuant to Section 4133, 4142, 4144 of the Public Resources Code.

Rationale: RFPD reviewed the proposed project and provided comments which are included as Conditions of Approval. Future residential development is required to meet applicable fire safe requirements. With adherence to the fire safe requirements, the proposed project would be in compliance with the Public Resources Code. The project is consistent with this section.