

FINDINGS

General Plan Amendment GPA21-0001/Rezone Z21-0001 Tentative Parcel Map P21-0002/Rizzuto Planning Commission/August 10, 2023

1.0 CEQA FINDINGS

- 1.1 A Notice of Determination has been prepared for this project where a Mitigated Negative Declaration is recommended for approval. Review of the Initial Study determined that the project, with mitigation, will have no significant effect on the environment.
- 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 El Dorado County Planning and Building Department, at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 **The project is consistent with General Plan Policy 2.2.1.2: To provide for an appropriate range of land use types and densities within the County, the following General Plan land use designations are established and defined. Low-Density Residential (LDR): This land use designation establishes 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.**

Rationale: As shown in Exhibit A, Attachment 1, this parcel is between two (2) Community Regions: on the edge of Rescue but on the border with El Dorado Hills. LDR is appropriate for single family dwellings in a rural setting, in a transition between Community Regions and Rural Centers, and applied to areas where infrastructure is generally not available. In this situation, an arterial roadway provides access, but public water and sewer are not available. Staff finds the change from Rural Residential (RR) to LDR is consistent with the General Plan.

- 2.2 **The project is consistent with General Plan Policy 2.2.5.2: 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: In this Staff Report are Findings of the policies of the General Plan. All

Findings have been made. Staff finds the project is consistent with the General Plan.

- 2.3 **The project is consistent with General Plan 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 (CIP) to increase service for existing land use demands;**
- 2. Availability and capacity of public treated water system;**
- 3. Availability and capacity of public wastewater treatment system;**
- 4. Distance to and capacity of the serving elementary and high school;**
- 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 present of active faults; and**
- 19. Consistency with existing Conditions, Covenants, and Restrictions.**

Rationale: Findings 1, 2, 3, 8, and 9 regarding availability and capability of public water are not applicable. The proposed parcels will be served by an existing private well and future septic system. A future well may be required depending on the ability of the existing well to meet water demands and fire flow for two (2) residences. This site is within the El Dorado High School District and the Rescue Union School District for elementary school. The nearest elementary school is approximately four (4) miles away and the nearest high school is approximately five (5) miles away. Both schools are currently accepting new students. Finding 4 can be made. Rescue Fire Protection District provided comments as a part of the Technical Advisory Committee meeting and confirmed that this site meets their response time standards. Finding 5 can be made. Finding 6 can be made because this site is sandwiched between two (2) community regions of Cameron Park and El Dorado Hills. Finding 7 can be made as the erosion hazard, as described in the Slope Map, (Exhibit A, Attachment 6), is low on 51% of the project parcel and has a slope of less than 5%. The remaining portion of the project parcel has slopes of less than

30% except for a very small portion of the project parcel that has been overly steepened due to grading for the berry farm (Exhibit A, Attachment 6). Finding 8 can be made because the septic systems for the two (2) proposed parcels have a septic system design with Conditions of Approval from County Environmental Management Department (EMD). Finding 9 can be made because there is an existing well on proposed Parcel 2 with a production report showing it can provide water for a residence. Planning has no evidence that a second well would not provide adequate water. Finding 10 has been made using the Biological Resources Analysis for the Rizzuto Project Parcel Split prepared by Madrone Ecological Consulting (Exhibit A, Attachment 9). Those recommended mitigation measures are included in the Initial Study. Findings 11, 12 and 13 are not applicable in this project as this project parcel has no timber and is not part of a recognized agricultural or mineral resource area. The existing transportation capacity of Green Valley Road is sufficient to provide for these two (2) proposed project parcels. An Initial Transportation Impact Study – Initial Determination is not required for a project which creates four (4) or less single-family homes. Finding 14 can be made. Existing land use patterns are consistent with this proposed change. As shown on Attachments 4 and 5 of Exhibit A (Initial Study), Neighboring properties on the north and south sides of this project parcel are already zoned Residential Estate, Five Acres (RE-5) and LDR (Exhibit A, Attachment 5). Finding 15 can be made. There is a portion of the Green Spring Creek on this parcel. Development is not anticipated in this area. Mitigation measures included in the Initial Study and in the Conditions of Approval reflect protections for this portion of Green Spring Creek. Finding 16 can be made. A Cultural Resources Assessment was made on this land by Windmiller Consulting Inc. A cultural resources records search using the North Central Information Center, California Historical Resources Information System, concluded that the site was sensitive for cultural resources. Those resources are associated with recorded historic-period cultural resources. The archaeologist requested a Sacred Lands File search. The search results were negative. No prehistoric-period resources were discovered. Resources are associated with the historic section of Green Valley Road adjacent to Green Spring Creek. Letters as required by Assembly Bill (AB) 52 and Senate Bill (SB) 18 have been mailed as a part of this project. To date, two (2) Tribes have requested consultation. Discussion is included in the Initial Study. There were no Conditions of Approval requested by the Tribes. Consultation was closed on April 26, 2023. Mitigation recommended in the Cultural Resources Assessment is part of the Initial Study. Finding 17 can be made. No faults are present in this location according to the U.S. Geologic Survey. Finding 18 can be made. No known Conditions, Covenants, and Restrictions affect this project. Finding 19 can be made.

- 2.4 **The project is consistent with General Plan Policy 2.2.5.21: 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: This project will be compatible with the existing single-family dwellings on five (5) acre parcels to the north and to the south in the Green Springs Ranch subdivision. The properties to the west are larger than five (5) acres but are within the Community Region of El Dorado Hills and part of the denied Dixon Ranch subdivision (Exhibit A, Attachments 4 and 5). Findings for Policy 2.2.5.21 can be made.

2.5 The project is consistent with General Plan Policy 5.2.1.2: An adequate quantity and quality of water for all uses, including fire protection, shall be provided for with discretionary development.

Rationale: Both EMD and Rescue Fire Protection District (RFPD) have reviewed the proposed project. EMD found that the site has adequate water. RFPD has reviewed the proposed project and their comments have been made part of the mitigation measures. Findings have been made.

2.6 The project is consistent with General Plan Policy 5.2.1.9: In an area served by a public water purveyor or an approved private water system, the applicant for a tentative map or for a building permit on a parcel that has not previously complied with this requirement must provide a Water Supply Assessment that contains the information that would be required if a water supply assessment were prepared pursuant to Water Code section 10910. In order to approve the tentative map or building permit for which the assessment was prepared the County must (a) find that by the time the first grading or building permit is issued in connection with the approval, the water supply from existing water supply facilities will be adequate to meet the highest projected demand associated with the approval on the lands in question; and (b) require that before the first grading permit or building permit is issued in connection with the approval, the applicant will have received sufficient water meters or a comparable supply guarantee to provide adequate water supply to meet the projected demand associated with the entire approval. A water supply is adequate if the total entitled water supplies available during normal, single, dry, and multiple dry years within a 20-year projection will meet the highest projected demand associated with the approval, in addition to existing and 20-year projected future uses within the area served by the water supplier, including but not limited to, fire protection, agricultural, and industrial uses, 95% of the time, with cutbacks calculated not to exceed 20% in the remaining 5% of the time.

Rationale: EMD has reviewed the proposed project and found that the site with private well water has adequate water. Findings have been made.

2.7 The project is consistent with General Plan Policy 5.2.3.4: 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 has reviewed the proposed project and found the site to have adequate water. Findings have been made.

- 2.8 The project is consistent with General Plan Policy 5.3.2.3: Ensure the development of efficient and environmentally safe individual sewage disposal systems in rural areas while encouraging and promoting alternative and innovative wastewater treatment. Consider private community wastewater collection and on-site disposal systems and/or package wastewater treatment plants as an acceptable alternative to traditional wastewater treatment if managed by a public entity.**

Rationale: EMD has reviewed the proposed project and provided comments on the design of the septic system. Those comments have been added as mitigation measures. Findings have been made.

- 2.9 The project is consistent with General Plan Policy 5.7.2.1: Sufficient emergency water supply, storage, and conveyance facilities for fire protection, together with adequate access are available, or are provided for, concurrent with development. 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: RFPD has reviewed the proposed project and their comments have been made part of the mitigation measures. Findings have been made.

- 2.10 The project is consistent with General Plan Policy 6.2.1.1: All new development and structures shall meet “defensible space” requirements and adhere to fire code building requirements to minimize wildland fire hazards. Implement Fire Safe ordinance to attain and maintain defensible space through conditioning of tentative maps and in new development at the final map and/or building permit stage.**

Rationale: RFPD has reviewed the proposed project and their comments have been made part of the mitigation measures. Findings have been made.

- 2.11 The project is consistent with General Plan Policy 6.2.3.2**

Rationale: RFPD has reviewed the proposed project and their comments have been made part of the mitigation measures. Findings have been made.

3.0 ZONING FINDINGS

- 3.1 **The project is consistent with 130.63.020.D: 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 Policy 2.2.5.3 have been made. This Finding has been made.