

FINDINGS

Tentative Parcel Map P20-0007/Rezone Z21-0002/Yancey Parcel Map and Rezone Planning Commission/November 18, 2021

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgement of the County and has been completed in compliance with the California Environmental Quality Act (CEQA) and is adequate for this proposal.
- 1.2 The Initial Study identified no significant impacts to the environment as a result of this project.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department, Planning Services Division, at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 identifies that the purpose of the Low Density Residential (LDR) land use designation is to provide areas for the transition of land uses from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County. Lands designated as LDR can be located in Community Regions and in Rural Centers.

Rationale: The proposed Tentative Parcel Map is consistent with this policy. The site is within the Cameron Park Community Region. The proposed project is compatible with the land use designation.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

This policy requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Staff has prepared this section on General Plan findings to document the project's consistency with the policies of the General Plan.

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

This policy requires that the County 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 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; and
18. Seismic hazards and presence of active faults.
19. Consistency with existing Conditions, Covenants, and Restrictions.

Rationale: The proposed rezone from Residential Estate – Five-Acre, Planned Development (RE-5-PD) to Residential Estate – Five-Acre (RE-5) will not result in a more dense or intense zoning district. This will result in the removal of the Planned Development (–PD) overlay from the site and no change to the RE-5 base zone district. The project site will remain subject to the same base zone development standards. The proposed parcel map will create three parcels of five-acres each, which is consistent with the minimum lot size required of the RE-5 zoning district. The proposed rezone will not result in any changes to the specific criteria as listed above as the project site will be allowed to develop the site for similar residential uses regardless of the application of a –PD overlay.

2.3 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The project site is currently undeveloped for residential uses. The adjoining properties are similarly zoned and designated as RE-5. Therefore, the project has been located and designed to be compatible with adjoining land uses.

2.4 The project is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The Environmental Management Department (EMD) reviewed this project and confirmed that a soil percolation test had been completed on each proposed parcel. The soil percolation rates meet EMD requirements for parcel splits that will be served by a well and a septic system. Additionally, well production data was provided for parcels surrounding this project. The data showed that it is reasonable to conclude that each proposed parcel in this project will have an adequate water supply once a well is drilled on it. No additional information was requested by EMD for project approval.

2.5 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The project was reviewed by EMD and El Dorado County Fire Protection District (EDCFPD). EMD confirmed that the site will have adequate water supply once wells are drilled on each proposed parcel. EDCFPD issued

several standard project conditions, which when implemented, will ensure the site has adequate water supply for fire protection.

2.6 The project is consistent with General Plan Policy 5.7.2.1.

General Plan Policy 5.7.2.1 (Fire Protection in Rural Regions and Rural Centers) requires the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection would be provided concurrent with development.

Rationale: The EDCFPD currently provides fire protection service to the project site. The EDCFPD has imposed standard conditions of approval to ensure adequate water supply, storage, conveyance and site access for fire protection remains adequate for both proposed parcels.

2.7 The project is consistent with General Plan Policy 6.2.2.2.

General Plan Policy 6.2.2.2 (High Fire Hazard Area Wild Fire Safe Plan) compels the county to preclude development in areas of high and very high wildland fire hazard or in areas identified as wildland-urban interface (WUI) communities within the vicinity of Federal lands that are a high risk for wildfire, unless such development can be adequately protected from wildland fire hazard, as demonstrated in a WUI Fire Safe Plan prepared by a qualified professional as approved by the El Dorado County Fire Prevention Officers Association.

Rationale: The project is located in an area of high fire hazard and has been conditioned by the EDCFPD to prepare a Wild Fire Safe Plan to be approved by EDCFPD prior to final parcel map recordation. Therefore, the project is compliant with this policy.

2.8 The project is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2 (Adequate Access for Emergencies) requires the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: EDCFPD reviewed the project application materials and issued a condition concerning the required creation, implementation, and ongoing maintenance of a Wild Fire Safe Plan prior to final recordation of this parcel map. Additional standard project conditions have been applied to ensure adequate access is provided for emergency vehicles and evacuation routes for private vehicles evacuating the area.

2.9 General Plan Policy TC-Xa does not apply.

(1) Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service F (LOS) (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 project would create two new residential parcels; therefore, this policy does not apply.

(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 voter's approval.

Rationale: This policy is not applicable to the Project.

(3) and (4). Intentionally blank as noted in the General Plan.

(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 policy is not applicable as the Project.

(6) Intentionally blank as noted in the General Plan.

(7) Before giving approval of any kind to a residential development project of five or more units or parcels of land, the County shall make a 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 the public's 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 would create two new residential parcels; therefore, this policy does not apply.

2.10 General Plan Policy TC-Xb does not apply.

Policy TC-Xb ensures that potential development in the County does not exceed available roadway capacity.

Rationale: This policy is not applicable to this project.

2.11 The project is consistent with General Plan Policy TC-Xc.

Policy TC-Xc directs that developer paid traffic impact fees 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.

Rationale: This policy is not applicable to this project.

2.12 General Plan Policy TC-Xd does not apply.

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 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 will not worsen LOS for any County-maintained road or state highway.

2.13 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:

- (1) A two-percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily,
or
- (2) The addition of 100 or more daily trips, or
- (3) The addition of ten or more trips during the a.m. peak hour or the p.m. peak hour.

Rationale: This project will generate fewer than ten-trips in the peak hour, and fewer than 100 daily trips. The thresholds in criteria A, B, and C of this policy are not met.

2.14 General Plan Policy TC-Xf does not apply.

At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one 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 Capital Improvement Program (CIP).

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service 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: The project would create two residential parcels and will not worsen traffic on the County road system. Therefore, this policy does not apply.

2.15 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 the development. This policy shall remain in effect indefinitely unless amended by voters.

Rationale: This policy is not applicable to this project.

2.15 The project is consistent with General Plan Policy TC-Xh.

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

Rational: This project will pay Traffic Impact Mitigation/Traffic Impact Fees (TIM/TIF) fees at the time a building permit is issued.

2.16 General Plan Policy TC-Xi does not apply.

General Plan TC-Xi directs the County to coordinate and work with other agencies to plan for the widening of U.S. Highway 50.

Rationale: This is policy is not applicable to the project.

3.0 ZONING FINDINGS

3.1 The project is consistent with Section 130.23.030.

Section 130.24.030 (Residential/RE-5 Zones Development Standards) prescribes site-specific development standards for new lots, allowed uses and associated structures within the RE-5 Zone District.

Rationale: The proposed parcels meet the required minimum lot size, and lot width as required in Section 130.24.030.

4.0 PARCEL MAP FINDINGS

4.1 The proposed tentative map, including design and improvements, is consistent with the General Plan.

Rationale: The project proposes to create three parcels from a 15-acre parcel. The resulting lots would be approximately five-acres each. The project parcel is adjacent to, but not within the Cameron Park Community Region and the parcel's General Plan Land Use Designation is Low Density Residential Zone (LDR). The proposed Parcel Map has been found consistent with all applicable General Plan policies as set forth in Finding 2.2.

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

Rationale: The proposed parcels have been analyzed and conditioned in accordance with the Low Density Residential Zone (LDR) and will comply with all applicable development standards for new lots in that zone. As proposed and conditioned, the Parcel Map conforms to the Minor Land Division Ordinance.

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

Rationale: No additional development is proposed as part of the project. The existing residential development meets the type and density requirements of the LDR. The proposed parcels, including existing structures/improvements, meet the required minimum lot size, lot width, and building setback standards of the LDR Zone District.

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: An Initial Study – Mitigated Negative Declaration (Exhibit G) has been prepared for this project pursuant to the CEQA Guidelines. After reviewing the reports prepared for the proposed Tentative Parcel Map, it has been determined that, with mitigations applied, the Tentative Parcel Map will not result in substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat and is consistent with existing and planned development in the Cameron Park vicinity.

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

Rationale: The proposed subdivision has been reviewed for potential public health hazards. Each proposed parcel will meet the minimum five-acre size requirement for parcels served by a well and a septic system. The project has been conditioned to mitigate any potential impacts associated with potential future residential development and occupancy including air quality, storm water management, and fire safety.

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

Rationale: El Dorado County Fire Protection District reviewed this project and provided no additional comments or conditions to the project. The project site is required to continue meeting all standard fire safe requirements including maintaining defensible space of 100-feet from each side and from the front and rear of structures on site. With adherence to standard fire safe requirements, the project will be in compliance with the requirements of Public Resources Code Section 4291.

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 will 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, the project as proposed will not result in any changes to an existing easement.