

## **FINDINGS**

### **Promontory Specific Plan – Lot 39 Amendment and Rezone (SP-R23-0002) Planning Commission/March 13, 2025**

#### **1.0 California Environmental Quality Act (CEQA) FINDINGS**

- 1.1 The project is determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) under class 5, Section number 15305 (Minor Alterations in Land Use Limitations) which includes minor alterations in land use limitations in areas with an average slope of less than 20 percent, which does not result in any changes in land use or density.
- 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 Promontory Specific Plan Area. 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 consists of a rezone from Promontory Hillside Large Lot (PRHLL) to Promontory Large Lot (PRLL) and does not include a change in allowed uses or any proposed development. Therefore, the project would be consistent with the objectives for Rural Regions and with this policy.

##### **2.2 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 consists of a rezone from (PRHLL) to (PRL) and does not include a change in allowed uses or any proposed development. Therefore, the project would be consistent with the General Plan and with this policy.

### 2.3 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 includes a request for a Rezone from PRHLL to PRL. Rationale responses to the required criteria:

- 1) The El Dorado Irrigation District received an initial consultation letter but did not provide any comments.
- 2) The El Dorado Irrigation District received an initial consultation letter but did not provide any comments.

- 3) The El Dorado Irrigation District received an initial consultation letter but did not provide any comments.
- 4) N/A, the proposed project is not a growth inducing project and would not have an impact on schools.
- 5) The El Dorado Hills Fire Department (EDHFD) reviewed the project and had no additional thoughts other than the original comments.
- 6) The property is located in the Promontory Specific Plan, which is an area outside of the Community Region and Rural Center boundaries.
- 7) No grading or development is proposed with this project, so no erosion hazards were identified. Any future development would require review during grading and/or building permit submittal.
- 8) Environmental Management Department (EMD) reviewed the project and provided no additional comments.
- 9) EMD reviewed the project and provided no additional comments.
- 10) N/A, the proposed project does not impact any critical flora or fauna habitat areas.
- 11) N/A, the project site is not in an important timber production area.
- 12) N/A, the project site is not in an important agricultural area.
- 13) N/A, the project site is not in an important Mineral Resource Area.
- 14) The El Dorado County Department of Transportation (DOT) reviewed the project and did not have any additional comments.
- 15) The existing land use pattern is similar with adjacent parcels zoned as Promontory Hillside Large Lot.
- 16) A perennial water course is not located on-site (year-round) and no direct impacts are possible as a result of the project.
- 17) Historical/archaeological sites are not located on-site and no direct impacts are possible as a result of the project.
- 18) N/A, no seismic hazards or presence of active faults are present on the project site or nearby vicinity.
- 19) N/A, no CC&Rs.

The Findings for General Plan 2.2.5.3 have been made and the proposed project is consistent with this policy.

#### **2.4 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 has been analyzed for compatibility with adjacent uses, and the proposed project would not create an incompatible use. The

project is consistent with this policy.

**2.5 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 proposed project consists of a rezone from (PRHLL) to (PRL) and does not include a change in allowed uses or any proposed development.

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: The proposed project consists of a rezone from (PRHLL) to (PRL) and does not include a change in allowed uses or any proposed development.

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: The proposed project consists of a rezone from (PRHLL) to (PRL) and would not 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 proposed project consists of a rezone from (PRHLL) to (PRL) and does not include a change in allowed uses or any proposed development.

**2.6 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: The proposed project consists of a rezone from (PRHLL) to (PRLL) and does not include a change in allowed uses or any proposed.

**2.7 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: The proposed project consists of a rezone from (PRHLL) to (PRLL) and does not include a change in allowed uses or any proposed development that would impact LOS or increase ADT.

**2.8 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 proposed project consists of a rezone from (PRHLL) to (PRLL) and does not include a change in allowed uses or any proposed development and would not add any additional vehicle trips.

**2.9 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: The proposed project consists of a rezone from (PRHLL) to (PRLL) and does not include a change in allowed uses or any proposed development.

**2.10 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 did not provide comments or Conditions of Approval. The project is consistent with this policy.

**2.11 The project is consistent with General Plan Policy 5.3.2.4.**

General Plan Policy 5.3.2.4 states that the EMD shall develop a septic system monitoring program.

Rationale: The proposed project consists of a rezone from (PRHLL) to (PRLL) and does not include a change in allowed uses or any proposed development. In addition, EMD reviewed the project and did not provide comments or Conditions of Approval. The project is consistent with this policy.

**2.12 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: The proposed project consists of a rezone from (PRHLL) to (PRLL) and does not include a change in allowed uses or any proposed development; therefore, natural drainage patterns would not be adversely impacted by the proposed project.

**2.13 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 proposed project consists of a rezone from (PRHLL) to (PRLL) and does not include a change in allowed uses or any proposed development. In addition, EDHFD reviewed the project and did not provide comments or

Conditions of Approval.

**3.0 ZONING FINDINGS**

**3.1 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 proposed project consists of a rezone from (PRHLL) to (PRL) and does not include a change in allowed uses or any proposed development. In addition, wetlands or sensitive riparian habitats do not exist on or within 50 feet of the project site.

**3.2 The 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: The proposed project consists of a rezone from (PRHLL) to PRL, which would not be a change to a higher density or intensity zone.