

Findings

1.0 CEQA Findings

- 1.1 This project has been found to be Exempt from the requirements of CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines stating that The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The site was previously developed and contains no native vegetation that is proposed to be removed, is not adjacent to riparian habitat or wetlands, is not located in an area known to contain protected species, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. There is no impact to the County's inventory of timberlands as the project site was determined by the Agricultural Commission to not be suitable and an economically viable timber operation was never achieved due to the parcels size and elevation.
- 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 Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 General Plan Findings

- 2.1 The zone change from TPZ to RE-5 is consistent with General Plan Policy 2.2.5.3 as the proposal was reviewed against the 19 specific criteria under policy 2.2.5.3 and found to be consistent with applicable criteria such as important timber production areas and existing land use pattern. There are no existing CC & R's.
- 2.2 The proposed Williamson Act Contract is consistent with policies 2.1.2.2 and 2.1.2.3 (Rural Centers), 2.2.5.2 (General Plan Consistency), and 8.3.1.3 (Suitability for Timber Lands) of the El Dorado County General Plan, as discussed in the General Plan section of the staff report.

3.0 Zoning Findings

- 3.1 The subject parcel meets the design standards of the proposed RE-5 zone district pursuant to 17.28.210.A of the Zoning Ordinance.

4.0 Administrative Findings

- 4.1 TPZ Conversion and Rezone:
 - 4.1.1. The project is consistent with Government Code Section 5113 as it applies to the immediate rezone of Timberland Production zoned lands;

- 4.1.2. A public hearing was held with notice of the hearing being given to all owners of land situated within one mile of the exterior boundary of the land proposed to be immediately rezoned;
- 4.1.3. Granting the immediate rezoning of this property is not inconsistent with the purposes of the TPZ zoning as found in California Constitution Article XIII section 3(j) and Government Code Sections 551101, 51102, and 51103. Specifically, the parcel subject to rezoning is not suited for an economically viable timber production due to its size, elevation, location, and necessity for irrigation. These combined effects lead to a relatively low volume of tree production that would not be economically viable;
- 4.1.4 The conversion and rezoning serves the public's interest in that it cannot produce commercial timber at a rate and volume to allow for it to meet any fair share of the tax burden under a yield tax. Further, the rezoning and conversion serves the public's interest in that the area has been designated for residential use in the County's General Plan. Making property available for housing as designated in its General Plan is important to the County to meet its regional housing needs allocation required by the State;
- 4.1.5 The immediate rezoning does not have a substantial and unmitigated adverse effect upon the continued timber-growing use or open-space use of other land zoned as timberland production and situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed;
- 4.1.6 The conversion would not prevent or make existing access to other nearby TPZ lands more difficult so as to not make their timber management or harvest more difficult.