

**COUNTY OF EL DORADO  
PLANNING AND BUILDING DEPARTMENT  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** February 22, 2024

**Staff:** Bianca Dinkler

**GENERAL PLAN AMENDMENT/REZONE/TENTATIVE PARCEL MAP**

**FILE NUMBER:** GPA22-0004/Z22-0004/P22-0010 McMann

**APPLICANT:** David McMann

**PROPERTY OWNER:** David McMann

**REQUEST:** The proposed project consists of the following requests:

1. General Plan Amendment from Rural Residential (RR), to Low-Density Residential (LDR);
2. Rezone from Rural Land, Ten-acre (RL-10) to Residential Estate, Five-acre (RE-5); and
3. Tentative Parcel Map to create two (2) five (5)-acre parcels from an existing 10-acre parcel.

**LOCATION:** On the west side of Deer Valley Road, approximately 1.8 miles northeast of the intersection with Green Valley Road, in the Rescue area, Supervisorial District 4. (Exhibits A and B).

**APN:** 102-070-058 (Exhibit C)

**ACREAGE:** 10-acres

**GENERAL PLAN:** Rural Residential (RR) (Exhibit D)

**ZONING:** Rural Land, Ten-acre (RL-10) (Exhibit E)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration prepared based on an Initial Study in accordance with the California Environmental Quality Act (CEQA) Guidelines (Exhibit H).

**RECOMMENDATION:** Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff in accordance with the CEQA Guidelines;
2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines Section 15074(d), incorporated as Conditions of Approval; and
3. Approve General Plan Amendment GPA22-0004, Rezone Z22-0004, and Tentative Parcel Map P22-0010 based on the Findings and subject to the Conditions of Approval as presented.

## **EXECUTIVE SUMMARY**

The proposed project is comprised of a General Plan Amendment (GPA22-0004), Rezone (Z22-0004), and Tentative Parcel Map (P22-0010) to create two (2) five (5)-acre parcels from an existing 10-acre parcel. The requested General Plan Amendment would change the existing General Plan Land Use from Rural Residential (RR), to Low-Density Residential (LDR). The requested rezone would change the existing zoning from Rural Land, Ten-acre (RL-10) to Residential Estate, Five-acre (RE-5). The proposed project has been reviewed for consistency with the County Zoning Ordinance, General Plan Policies, and an environmental review and determination have been prepared. (Exhibits F and G).

## **EXISTING CONDITIONS/SITE CHARACTERISTICS**

**Site Description:** The project site is an undeveloped 10-acre parcel. The land slopes gently towards the south and west with slopes ranging from two (2) percent to 15 percent and located at an elevation of 1,300 to 1,364 feet above mean sea level. As shown on the Tentative Parcel Map, there are existing easements on the property that would remain unchanged, including an existing 20-foot trail easement located through proposed Parcel 1 (north/south direction); 20-foot trail easement along the eastern property boundary of proposed Parcel 2; 50-foot public utility easement located along the southern property boundary of both parcels; and 150-foot non-exclusive ingress/egress easement at the eastern property boundary along Deer Valley Road. The soil types on-site are ReC (Rescue sandy loam, nine (9) to 15 percent slopes), RfD (Rescue very stony sandy loam, 15 to 30 percent slopes), and RgE2 (Rescue extremely stony sandy loam, three (3) to 50 percent slopes, eroded). The vegetation on-site includes oak woodland with blue oak and interior live oak, and an understory of native and non-native annual grasslands. The drainage on-site flows from the north through the site to the southwest, and to the south along Deer Valley Road, and then to the west along the southern property line. Martel Creek is located towards the south of the property however does not flow across the property.

**Mitigation Area 1:** The project site is located within Mitigation Area 1 which are lands within an area described as a rare soils study area. Based on the summary of the Rare Plant Assessment prepared by Fremont Environmental Consulting (Exhibit H), no special status plant species were observed during focused botanical surveys and special status plant species are presumed absent from the site. 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.

**Adjacent Land Uses:** The adjacent parcels are similarly zoned as RL-10 and RE-5 and a General Plan land use designation of RR and LDR.

**Table 1. Adjacent Uses**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site (E)</b>	RL-10	RR	Undeveloped land
<b>Site (P)</b>	RE-5	LDR	Undeveloped land
<b>North</b>	RL-10	RR	Undeveloped land
<b>East</b>	RL-10/RE-5	RR/LDR	Residential development
<b>South</b>	RL-10/RE-5	RR/LDR	Residential development
<b>West</b>	RL-10	RR	Undeveloped land

(E)=Existing (P)=Proposed

**PROJECT DESCRIPTION**

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. Access to the proposed parcels would be from a private driveway easement from Vista Cielo, a non-County maintained roadway. Each parcel would be served by private well water for potable water and emergency water supply, and private, on-site septic systems. Electric service would be provided by connecting to Pacific Gas and Electric (PG&E) (Exhibits F and G).

**Covenants, Conditions and Restrictions (CC&Rs):** The project would include maintaining the existing CC&Rs for Vista Cielo for the purpose of a 20-foot-wide trail easement. The CC&Rs shall be included and filed with the final map.

**STAFF ANALYSIS**

**General Plan Consistency:** The project is consistent with all applicable General Plan policies including: Policy 2.1.3.1 (Rural Regions), Policy 2.2.1.2 (General Plan Land Use Designations), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.3 (Future Rezoning), Policy 2.2.5.21

(Compatibility with Adjoining Land Uses), Policies TC-Xa through TC-Xi (Transportation and Circulation Element), Policy 5.2.3.4 (Groundwater Systems), Policy 5.3.2.4 (Septic Systems), Policy 5.4.1.2 (Protection of Natural Drainage Patterns), Policy 5.7.2.1 (Fire Protection Rural Regions), Policy 7.4.2.8 (Biological Resources), and Policy 7.5.1.3 (Cultural Resources). Further analysis of each policy is discussed in the Findings section below.

**Zoning Ordinance Consistency:** Staff has determined that the proposed project, as conditioned, is consistent with all applicable standards and requirements of Title 130 of the County Zoning Ordinance. The proposed project would rezone the subject parcel from RL-10 to RE-5. The project has been analyzed in accordance with all applicable development standards for this zone district. No development is proposed at this time; however, future residential development of each parcel would be reviewed at the time of grading and building permit submittal for compliance with the zoning development standards. As conditioned, the proposed project would be consistent with the RE-5 zoning requirements, as more fully described in the Findings section below.

**Private Well Water and Private Septic Systems:** The El Dorado County Environmental Management Department (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. 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.

**Fire Protection Services and Rural Standard D-003:** The Rescue Fire Protection District (RFPD) reviewed the project and provided comments regarding the ability to provide service to the parcels. It was determined by RFPD 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. These requirements have been incorporated as Conditions of Approval.

**Access to Proposed Parcels:** Access to the proposed parcels would be from two (2) private driveways from Vista Cielo, a non-County maintained roadway. Grading would be necessary for the future driveways and future residential pads; however, no grading is proposed at this time. Any future development would be subject to a grading permit and would be reviewed at that time. The County Department of Transportation (DOT) reviewed the project and provided comments that are incorporated as Conditions of Approval.

**Grading, Drainage, and Utilities:** A Preliminary Drainage Report was prepared by Lebeck Engineering, Inc., report dated October 2022, to show the on-site drainage. Grading would be necessary for the future driveways and future residential pads; however, no grading is proposed at this time. Any future development would be subject to a grading permit and building permit and improvement plans would be reviewed at that time. Electric utilities service would be provided by connecting to existing PG&E infrastructure.

**Wildland Fire Safe Plan (WFSP):** Based on review of the California Fire Hazard Severity Zone Viewer map for 2020, the project site is in a Moderate Fire Severity Zone; therefore, a WFSP was not required for the proposed project. Although a WFSP is not required, requirements from the RFPD are included as standard Conditions of Approval.

**Staff Analysis and Conclusion:** The proposed project has been designed to be consistent with all of the applicable requirements for a General Plan Amendment, Rezone, and Tentative Parcel Map, as discussed in the analysis above, and below in the Findings and Conditions of Approval in this Staff Report.

## **PROJECT COMMENTS**

The project was distributed to all applicable local and state agencies for review and comment including El Dorado County Air Quality Management District (AQMD), El Dorado County Building Services, EMD, DOT, El Dorado County Parks and Trails, El Dorado County Stormwater Coordinator West Slope, El Dorado County Surveyor's Office, El Dorado Irrigation District (EID), RFPD, California Department of Fish and Wildlife (CDFW), and PG&E. Comments received have been considered and if applicable, incorporated as Conditions of Approval for the project.

## **PUBLIC NOTICE**

The project was duly noticed with a public notification range of 1,000 feet and a legal advertisement was published in the applicable newspapers. No formal public outreach was conducted by the County. No physical sign posting or public outreach plan is required for this project pursuant to the County Zoning Ordinance.

## **RESPONSE TO CEQA PUBLIC COMMENTS**

In response to the public review period for the Initial Study with proposed Mitigated Negative Declaration, which published a Notice of Intent with a 30-day public review period from September 7, 2023 through October 6, 2023, staff received two (2) phone calls with general inquiry as to the purpose of the Notice of Intent to adopt the Initial Study with proposed Mitigated Negative Declaration for the project. Staff returned both calls and no further comments were received.

## **ENVIRONMENTAL REVIEW**

In accordance with CEQA, staff has prepared an Initial Study analyzing the potential environmental effects resulting from the implementation of the project. Based on the Initial Study, a Mitigated Negative Declaration has been prepared. (Exhibit H).

The CEQA Guidelines Section 15075, filing a Notice of Determination, is required to initiate a 35-day statute of limitations on legal challenges to the County's decision. The applicant shall submit a **\$50.00** recording fee to the El Dorado County Planning and Building Department, Planning Division (Planning Division) for the El Dorado County Recorder to file the Notice of Determination within 48 hours of any decision-making body approving the project. Checks shall be made payable to El Dorado County. In addition to the Notice of Determination recording fee,

the applicant shall submit the current CDFW CEQA review fee for a Mitigated Negative Declaration, to the Planning Division. The 2024 fee is **\$2,916.75**: [CEQA Environmental Document Filing Fees \(ca.gov\)](#)

## SUPPORT INFORMATION

### Attachments to Staff Report:

Findings	
Conditions of Approval	
Exhibit A.....	Location Map
Exhibit B.....	Aerial Map
Exhibit C.....	Assessor's Parcel Page
Exhibit D.....	General Plan Land Use Map
Exhibit E.....	Zoning Map
Exhibit F.....	Tentative Parcel Map
Exhibit G.....	Proposed Zone Change and General Plan Amendment
Exhibit H.....	Proposed Mitigated Negative Declaration Initial Study