

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



Agenda of: August 10, 2023

Staff: Melanie Shasha

GENERAL PLAN AMENDMENT, REZONE, TENTATIVE PARCEL MAP

FILE NUMBER: GPA21-0001, Z21-0001, P21-0002/Rizzuto

APPLICANT: Michael Rizzuto

REQUEST: The project consists of the following requests:

1. General Plan Amendment from Rural Residential (RR) to Low Density Residential (LDR);
2. Rezone from Residential Estate, Ten Acres (RE-10) to Residential Estate, Five Acres (RE-5); and
3. Tentative Parcel Map to create two (2) parcels of 5.13 acres and 5.17 acres in size from an existing 10.3-acre parcel.

LOCATION: Located on the west side of Green Valley Road, approximately 0.6 miles northwest of the intersection with Deer Valley Road, in the El Dorado Hills area, Supervisorial District 1 (Exhibit A, Attachments 1 and 2).

APN: 115-080-004 (Exhibit A, Attachment 3)

ACREAGE: 10.3 acres

GENERAL PLAN

LAND USE DESIGNATION: Rural Residential (RR) (Exhibit A, Attachment 4)

ZONING DESIGNATION: Residential Estate, Ten Acres (RE-10) (Exhibit A, Attachment 5)

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

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 Reporting Program in accordance with CEQA Guidelines Section 15074(d), incorporated as Conditions of Approval; and
3. Approve General Plan Amendment GPA21-0001, Rezone Z21-0001, and Tentative Parcel Map P21-0002 based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

This project, if approved, would allow the creation of two (2) parcels of 5.13 acres (Parcel 1) and 5.17 acres (Parcel 2) in size from an existing 10.3-acre parcel. The General Plan Land Use Designation would change from RR to LDR and the accompanying zoning would change from RE-10 to RE-5. Both changes would be consistent with the surrounding land use and zoning. Staff recommends approval of these requests pursuant to the attached Conditions of Approval.

OTHER PROJECT CONSIDERATIONS

The site is a former berry farm with a history of stockpiling soil for agricultural use (permit 138301, 117403), a grading violation (record 195933), a barn (permit 120227), accessory structure used as a berry sales stand (no permit found), and a well house (permit 132370) on proposed Parcel Two. There were also several unsuccessful attempts to permit a manufactured dwelling on the project parcel. Notifications to the local Tribes resulted in consultation with two (2) Tribes. The egress from Green Valley Road is existing, part of a recorded access easement and connects to an existing road and public utility easement.

BACKGROUND/ HISTORY/SITE CHARACTERISTICS AND CONDITIONS

The project parcel currently contains a permitted well and agricultural buildings including two (2) barns. The site was formerly operated as Green Valley Family Farms and was mainly used for growing and sales of berries. The site is currently vacant except for the two (2) barns and the well house. Vegetation consists of non-native forbs and grasses within the graded area by the road. The area of the project parcel near Spring Creek includes Valley Oak, Blue Oak, and Grey Pine trees with shrubs and seasonal wetland vegetation.

PROJECT DESCRIPTION

The project consists of a General Plan Amendment, Rezone, and Tentative Parcel Map to develop the site as two (2) residential project parcels.

No special requests or project entitlements are part of this request. Water will be provided by an existing well. If the well is unable to provide water sufficient for the project, a second well will be required. A septic analysis has been completed for the two (2) proposed parcels. Parcel 1 has sufficient treatment area and depth for septic. Parcel 2 has sufficient treatment area but needs an advanced design due to high ground water (Exhibit A, Attachment 6). The egress will be at the existing driveway and must be improved to meet current County Department of Transportation standards. It is expected that any future construction approved after recordation of this map will be consistent with the proposed zoning designation and general plan land use.

STAFF ANALYSIS

General Plan Consistency: This site currently has the designation of RR. It is not within a Community Region or Rural Center. Findings have been made for General Plan Policy 2.2.1.2. (Low-Density Residential Land Use Designation), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.3 (General Policy Section), Policy 2.2.5.21 (Compatibility with Adjoining Land Uses), Policy 5.2.1.2 (Adequate Quantity and Quality of Water for all Uses, Including Fire Protection), 5.2.1.9 (County-Wide Water Resources Program), Policy 5.2.3.4 (Groundwater Systems), Policy 5.3.2.3 (Rural Sewage Disposal/Alternative Wastewater Systems), and Policy 5.7.2.1 (Fire Protection in Rural Regions and Rural Centers). Further details are discussed in the Findings section below.

Zoning Consistency: This site currently has a zone use of RE-10. There are no overlays. The two (2) proposed parcels will have new zoning of RE-5. Setbacks will remain 30 feet from all project parcel lines. Findings have been made for the requested higher density zoning as required by section 130.63.020.D.

Table 1
Development Standards from Table 130.24.030
(Residential Zones Development Standards)

Development Attribute	RE-5	Proposed Parcel 1	Proposed Parcel 2
Minimum Project parcel Size (in acres)	5 acres	5.13 acres	5.17 acres
Minimum Project parcel Width (in feet)	100	162.33 feet at narrowest point	366.99 feet at narrowest point
Setbacks (in feet)		No development is proposed as part of this proposal. However, all development currently on site complies with these zoning development standards. Any future development must comply with these zoning development standards.	
Front	30		
Secondary Front	30		
Side	30		
Rear	30		

The completed Environmental Questionnaire as well as the Tentative Parcel Map submittal questionnaire resulted in two (2) supplemental studies: an Onsite Biological Study and a Cultural Resources Study. They provided mitigation measures included as part of the Mitigated Negative Declaration required by CEQA for all projects.

Most of the mitigation measures required in the Biological Resources Analysis center around Spring Creek and associated wetlands. If the project avoids this area by at least 100 feet, those conditions are not applicable. Other measures required include bat and roosting bird surveys 14 days prior to construction, American badger and coast horned lizard surveys 48 hours prior to construction, and worker environmental awareness training. There is also the requirement for an additional survey if construction has not begun by the end of 2023.

The Cultural Resources Assessment had a single recommendation to halt work and call the permitting agency and/or the County Coroner if materials or human remains are found during excavation.

A Cultural Resources Assessment was completed for the project site in May 2021. No historical resource, historic property, unique archaeological resource, or tribal place was identified. Assembly Bill (AB) 52 notification letters were distributed to seven (7) tribes on July 6, 2021 and one (1) tribe requested to consult, United Auburn Indian Community of the Auburn Rancheria (UAIC). Senate Bill (SB) 18 notification letters were distributed to ten (10) tribes on November 23, 2021 and one (1) tribe requested to consult, Wilton Rancheria. Both UAIC and Wilton Rancheria confirmed conclusion of consultation. Further discussion is contained in the Initial Study.

AGENCY COMMENTS:

The project was distributed to all applicable local, County, and State agencies for review and comment. Comments were received from the Central Valley Regional Water Quality Control Board, County Department of Transportation, County Environmental Management Division, El Dorado Irrigation District, Air Quality Management District, County Surveyor's Office, and the Rescue Fire Protection District. None of these agencies expressed any issues or concerns regarding this project. These agencies provided Conditions of Approval which have been incorporated into the project.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Exhibit A). There is no substantial evidence that the proposed project would have a significant effect on the environment and a Mitigated Negative Declaration has been prepared.

Mitigated Negative Declaration Fee: An administration fee was required by the County Recorder to file the Mitigated Negative Declaration. This fee was payable to El Dorado County and was paid upon public comment period.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....Proposed Mitigated Negative Declaration Initial Study

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