

## **FINDINGS**

### **Rezone Z23-0002/Tentative Parcel Map P23-0003/Falco Planning Commission/October 10, 2024**

#### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The 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 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 states that the purpose of the High Density Residential (HDR) land use designation is to identify those areas suitable for intensive single-family residential development at densities from one (1) to five (5) dwelling units per acre. Lands designated as HDR are considered appropriate only within Community Regions and Rural Centers.

Rationale: The proposed project has a current land use designation of HDR and is surrounded by HDR lands on all sides. The proposed project does not propose any change in the land use designation of the site and does not propose to install infrastructure beyond that needed to serve the proposed parcels. The proposed project is consistent with this policy.

##### **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: The requested Rezone and Tentative Parcel Map are consistent with applicable General Plan policies as discussed in the Staff Report. The project is consistent with this policy.

##### **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 partially developed with one (1) single-family dwelling and associated accessory structures. The adjoining properties to the west and north are zoned Single-Family Residential (R1); to the east One-Acre Residential (R1A); to the south both R1 and R1A. All surrounding properties are developed for residential uses with the exception of one (1) vacant parcel to the north. The project has been located and designed to be compatible with adjoining land uses. The project is consistent with this policy.

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

Policy 2.2.5.3 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 there are 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 19 criteria:

1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;

Rationale: The El Dorado Irrigation District (EID) has reviewed the project and confirmed that there is adequate water supply for any future residential developments which may occur on the subject parcel.

2. Availability and capacity of public treated water system;

Rationale: EID reviewed the project and confirmed that there is adequate capacity of the public treated water system to serve the potential increase in residences.

3. Availability and capacity of public wastewater treatment system;

Rationale: EID reviewed the project and confirmed that there is adequate capacity of public wastewater treatment system to serve the potential increase in residences.

4. Distance to and capacity of the serving elementary and high school;

Rationale: The proposed project would allow three (3) parcels of less than one (1) acre that could have future residential development. The Initial Consultation Notice was provided to the Rescue School District and no comments or concerns were received.

5. Response time from nearest fire station handling structure fires;

Rationale: The Cameron Park Fire Department (CPFD) reviewed the project and provided comments which are included as Conditions of Approval.

6. Distance to nearest Community Region or Rural Center;

Rationale: The project parcel is located within the Cameron Park Community Region.

7. Erosion hazard;

Rationale: No grading or development is proposed as a part of this application. Erosion hazard review would be a part of any future development applications.

8. Septic and leach field capability;

Rationale: The project does not propose private septic sanitation systems.

9. Groundwater capability to support wells;

Rationale: The project does not propose any private wells. All parcels would be connected to existing EID infrastructure for water service.

10. Critical flora and fauna habitat areas;

Rationale: A Rare Plant Survey was conducted, and a report was prepared for the project. The survey did identify one (1) special-status plant species on the parcel, Layne's butterweed. As a result, the property owner would pay the Mitigation Area 1 ecological preserve impact fee at the time of future building permit per dwelling unit as required by County Code Section 130.71.

11. Important timber production areas;

Rationale: The project site includes scattered trees and is not located within an agricultural zone or district. There would be no impact to a timber production area.

12. Important agricultural areas;

Rationale: The project site is not located within or adjacent to an agricultural zone or district. There would be no impact to an important agricultural area.

13. Important mineral resource areas;

Rationale: The project site is not located within a mineral resource area. There would be no impact to a mineral resource area.

14. Capacity of the transportation system serving the area;

Rationale: The El Dorado County Department of Transportation (DOT) reviewed the project and completed review of the Transportation Impact Study Initial Determination form (TIS-ID) and determined the project would not impact the capacity of the transportation system serving the area.

15. Existing land use pattern;

Rationale: The project site is surrounded by similarly designated residential areas and would remain consistent with the expected residential uses for the Cameron Park Community Region.

16. Proximity to perennial water course;

Rationale: No perennial water courses have been identified on the subject parcel or in the vicinity of the project.

17. Important historical/archeological sites;

Rationale: A search of the California Historic Resources Information System (CHRIS) did not identify any historical/archaeological sites on or near the project site. Standard protective measures are included as Conditions of Approval.

18. Seismic hazards and presence of active faults; and

Rationale: There are no known active faults or extraordinary seismic hazards in the vicinity of the project.

19. Consistency with existing Conditions, Covenants, and Restrictions (CC&Rs).

Rationale: No CC&Rs exist for the subject parcel.

**2.5 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 project was submitted for review by the CPFDP, DOT, the County Environmental Management Department (EMD), and the EID for adequate public services and utilities. No comments regarding concerns about public services or utility impacts were received. Electric service is currently provided by Pacific Gas and Electric (PG&E) and there would

be no change to existing service as part of the project. As proposed and conditioned, the project is consistent with this policy.

**2.6 The project is consistent with General Plan Policy 5.1.2.2.**

General Plan Policy 5.1.2.2 requires adequate levels of public services be provided to new discretionary development, including quantity and quality of water and adequate fire protection services.

Rationale: The project was distributed to affected public service agencies and organizations serving the project parcel including CPFDP, DOT, EMD, and EID. No comments regarding concerns about quality or quantity of water and adequate fire protection services or other public services were received. As proposed and conditioned, the project is consistent with this policy.

**2.7 The project is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.2.1.2 states that an adequate quantity and quality of water for all uses, including fire protection, shall be provided for with discretionary development.

Rationale: The project was reviewed by EID and CPFDP for adequate supply for all uses. Neither agency indicated that emergency water supply was not available to serve the project. Water supply and conveyance facilities are currently available and sufficient to supply emergency water supply to the proposed parcels. The project is consistent with this policy.

**2.8 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 that 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 project was distributed to CPFDP for review and no comments were received concerning the ability to provide required services to the project site or to ensure services will not be reduced below acceptable levels as a result of project approval. The project, as proposed and conditioned, is consistent with this policy.

**2.9 The project is consistent with General Plan Policy 6.2.2.2.**

General Plan Policy 6.2.2.2 (High and Very High Fire Zone Development Limitations) precludes 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. The WUI Fire Safe Plan shall be approved by the local Fire Protection District having jurisdiction and/or California Department of Forestry and Fire Protection.

Rationale: The CFPD has waived the requirement for a WUI Fire Safe Plan for this project. The project is consistent with this policy.

**2.10 The project is consistent with General Plan Policy 6.2.3.2.**

General Plan 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: The project was distributed to the CFPD for review and no comments were received concerning the ability to provide required services to the project site or to ensure services will not be reduced below acceptable levels as a result of project approval. The project, as proposed, is consistent with this policy.

**2.11 The project is consistent with General Plan Policy 7.4.4.4.**

General Plan Policy 7.4.4.4 requires all new non-exempt development projects that would result in impacts to oak resources to be mitigated in accordance with the standards of the Oak Resources Management Plan (ORMP).

Rationale: No oak trees will be removed or impacted as no development is being proposed as a part of the project. The project, as proposed, is consistent with this policy.

**2.12 The project is consistent with General Plan Policy TC-Xa**

(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 project would create three (3) 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 as the project is not requesting any modifications to Table TC-2.

(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 2/3<sup>rd</sup>'s majority vote of the people within that district.

Rationale: This policy is not applicable as the project as the project is not requesting the County create an Infrastructure Financing District.

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

(7) Before giving approval of any kind to a residential development project of five (5) 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 three (3) residential parcels; therefore, this policy does not apply.

### 2.13 **The project is consistent with General Plan Policy TC-Xb**

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 as this policy refers to the County preparing a Capital Improvement Program (CIP), preparing a Traffic Impact Mitigation (TIM) Fee Program, and monitoring traffic volumes.

### 2.14 **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 as this policy directs how the County will pay for building necessary road capacity.

**2.15 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 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 (as defined by General Plan Policy TC-Xe) LOS for any County-maintained road or State highway.

**2.16 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-percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily, or
- B. The addition of 100 or more daily trips, or
- C. The addition of 10 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.

**2.17 The project is consistent with General Plan Policy TC-Xf**

At the time of approval of a tentative 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] 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 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 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 project would create three (3) residential parcels and will not worsen traffic on the County road system. Therefore, this policy does not apply.

**2.18 The project is consistent with General Plan Policy TC-Xg**

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 as the project does not worsen traffic conditions.

**2.19 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.

Rationale: This project will pay TIM fees at the time a building permit is issued. No development is being proposed as a part of this project; therefore, the project is consistent with this policy.

**2.20 The project is consistent with General Plan Policy TC-Xi**

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 policy is not applicable to the project as it is direction to the County to coordinate with other agencies, and the project does not include any U.S. Highway 50 capacity enhancements.

**3.0 ZONING FINDINGS**

**3.1 The project is consistent with Section 130.24.030.**

Section 130.24.030 (Residential Zone Development Standards/R1 Zone Development

Standards) prescribes site-specific development standards for new parcels, allowed uses and associated structures within the R1 zone district.

Rationale: The project, as designed and conditioned, is consistent with the Zoning Ordinance because the parcels have been designed to comply with the R1 development standards as provided within Section 130.24.030.

#### **4.0 PARCEL MAP FINDINGS**

The Subdivisions Ordinance Section 120.44.030 (Findings Requiring Disapproval) requires the approving authority not approve a tentative map if the approving authority makes any of the following findings:

##### **4.1 That the proposed map is not consistent with applicable General and Specific Plans (Section 120.44.030(A)).**

Rationale: The project proposes to create three (3) parcels from an approximately 1.42-acre parcel. The resulting parcels would be as follows: 0.38 acre (Parcel 1), 0.56 acre (Parcel 2), and 0.49 acre (Parcel 3). The subject parcel is in the Cameron Park Community Region. The General Plan Land Use Designation for the parcel is HDR. The proposed Tentative Parcel Map has been found consistent with all applicable General Plan policies as set forth in Finding Section 2.0.

##### **4.2 That the design or improvement of the proposed division is not consistent with applicable General and Specific Plans (Section 120.44.030(B)).**

Rationale: The design or improvement of the proposed Tentative Parcel Map has been found to be consistent with all applicable General Plan policies as set forth in Finding 2.0 and as described in Finding 4.1 above.

##### **4.3 That the site is not physically suitable for the type of development (Section 120.44.030(C)).**

Rationale: The project is consistent with the allowed uses in the R1 zone. As proposed and conditioned, the proposed parcels will meet the required development standards, including minimum lot size and lot width, of the R1 zone district and therefore, the site is physically suitable for the type of development proposed.

##### **4.4 That the site is not physically suitable for the proposed density of development (Section 120.44.030(D)).**

Rationale: The project, as proposed, is consistent with the density requirements of the R1 zone.

4.5 **That the design of the division of the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat (Section 120.44.030(E)).**

Rationale: An Initial Study and a Negative Declaration have been prepared for the project pursuant to CEQA guidelines. The proposed Tentative Parcel Map will not result in substantial environmental damage and is consistent with the existing and planned development in the Cameron Park Community Region. Any potential impacts have been found to be less than significant and are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife, or their habitat.

4.6 **That the design of the division or type of improvements is likely to cause serious public health hazards (Section 120.44.030(F)).**

Rationale: The project has been reviewed by all applicable County departments and local agencies for compliance with health and safety regulations, including DOT, CPFDD, EID, PG&E, EMD, County Air Quality Management District (AQMD), and the Planning Division. As proposed and conditioned, all departments and agencies have determined the subdivision design and improvements will conform to all applicable health and safety regulations, and the project will not cause serious public health hazards.

4.7 **That the design of the division or the improvements are not suitable to allow for compliance of the requirements of Public Resources Code Section 4291(Section 120.44.030(G)).**

Rationale: The proposed subdivision and associated improvements have been reviewed and approved by CPFDD as suitable to allow for compliance with Public Resources Code § 4291, applying to vegetative clearances and related fire protection measures to protect existing structures.

4.8 **That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the approving authority may approve a map if it finds that alternate easements for access or use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgement of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision (Section 120.44.030.H).**

Rationale: Preliminary subdivision plans, and easement documentation has been reviewed by the County Surveyor's Office staff for potential conflicts with

existing or proposed easements, and no conflicts have been found on the project parcel. To further ensure no potential easement conflicts will occur on the site, the County Surveyor's Office staff will conduct a final easement review of the proposed parcels, as a part of standard procedure, prior to recordation of the final map.