

FINDINGS

Rezone Z19-0001/Tentative Parcel Map P19-0001/Paye Planning Commission/January 23, 2020

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act (CEQA) and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project descriptions and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 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 Services 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 identifies that the purpose of the Low Density Residential (LDR) land use designation establishes areas for single-family residential development in a rural setting. In Rural Regions, this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available. This land use designation is also appropriate within Community Regions and Rural Centers where higher density serving infrastructure is not yet available. The maximum allowable density shall be one dwelling unit per 5.0 acres.

Rationale: The proposed Rezone and Tentative Parcel Map is consistent with this policy. The site is within the Georgetown Rural Center. The proposed project is compatible with the land use designation with potential future development being consistent with density standards of the LDR land use designation.

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: Staff has prepared this section on General Plan findings to document the project's consistency with the policies of the General Plan.

2.3 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 project would connect to Georgetown Divide Public Utility District (GPUD) water through a 30" water pipe traversing the project property. GPUD has identified sufficient water supply to serve this project.

2. Availability and capacity of public treated water system;

Rationale: The project would not connect to a public waste water treatment system.

3. Availability and capacity of public waste water treatment system;

Rationale: The project would not connect to a public waste water treatment system.

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

Rationale: The project site is located within the Black Oak Mine Unified School District. The nearest school is Georgetown School, located approximately 1.4 miles from the site. The assigned high school for this site is Divide High School. Prior to issuance of residential building permit on each proposed lot, payment of school fees would be required, which would provide funding for any additional school capacity necessary to serve additional students.

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

Rationale: The project site is located within the Georgetown Fire Protection District service area and is located directly adjacent to the Buckeye Volunteer Fire Station and approximately 1.8 miles from the Georgetown Fire Station.

6. Distance to nearest Community Region or Rural Center;

Rationale: The project is located within the Georgetown Rural Center.

7. Erosion hazard;

Rationale: Review of the County Geographic Information System (GIS) soil data demonstrates the project site lies in soils underlain by Cohasset cobbly loam, Mariposa very rocky silt loam, Josephine silt loam and Mariposa-Josephine very rocky loams. The erosion hazard for this soil type is slight to moderate. The grading necessary for the onsite and offsite road improvements would be required to comply with applicable grading and erosion control policies established by the County.

8. Septic and leach field capability;

Rationale: The project would be served by private septic wastewater facilities. The proposed project would allow for the construction of four residences and four secondary dwelling units. A Wastewater Disposal Report, including a soil percolation test, was prepared by Dundas Geomatics, Inc. to determine the capability of the soil on site. Results of the percolation test established a 60 mpi stabilized percolation rate. Soil mantle tests and percolation rates indicate that a standard sewage disposable system is adequate for this site.

9. Groundwater capability to support wells;

Rationale: No wells are proposed, and the development does not impact groundwater supply.

10. Critical flora and fauna habitat areas;

Rationale: A Biological Resource Assessment was submitted analyzing potential project impacts. The assessment concluded that the onsite oak woodland habitat may provide suitable nesting areas for birds protected by the Migratory Bird Treaty Act, and that the site contains suitable habitat for other special-status species. Mitigation Measures have been included as part of the project to require

onsite surveys prior to construction activities to avoid disturbance of any protected species (Mitigation Measure BIO-1). Oak woodland removal would be mitigated in accordance with the adopted Oak Resources Management Plan (ORMP).

11. Important timber production areas;
Rationale: The project site does not contain and is not adjacent to any important timber production areas.
12. Important agricultural areas;
Rationale: The project is not located near and does not adversely affect agricultural areas.
13. Important mineral resource areas;
Rationale: The project is not located near and does not adversely affect mineral resource areas.
14. Capacity of the transportation system serving the area;
Rationale: The project was analyzed by the El Dorado Transportation Department which determined that the project did not rise to the level requiring a Traffic Study or Onsite Transportation Review. Resulting parcels and residential development would be required to pay Traffic Impact Mitigation fees.
15. Existing land use pattern;
Rationale: The project is consistent with existing residential uses in the vicinity.
16. Proximity to perennial water course;
Rationale: The site is not located adjacent to perennial water courses. The nearest perennial water course is Canyon Creek located approximately 1.6 miles north of the project site. The rezone does not affect this water course.
17. Important historical/archeological sites;
Rationale: A Cultural Resource Survey was prepared for the site which did not identify any significant cultural resources.

18. Seismic hazards and present of active faults; and

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

19. Consistency with existing Conditions, Covenants, and Restrictions.

Rationale: The site does not have any existing CC&Rs.

2.4 The project is consistent with General Plan Policy 2.2.5.19.

General Plan Policy 2.2.5.21 requires that if an applicant desires to obtain approvals for a zoning designation that is compatible with the General Plan, but would provide development below the densities contemplated by the General Plan, the County may, but need not, grant such approvals as being consistent with the General Plan.

Rationale: The project would create four parcels on 25.2 acres with a density range of approximately .16 units per acre, thus the project would be consistent with the density ranges of the Low Density Residential General Plan Land Use Designation.

2.5 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 undeveloped. The adjoining properties to the north, west, east and south are zoned for large lot residential uses. Therefore, with the proposed rezone the project has been located and designed to be compatible with adjoining land uses.

2.6 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 proposes to connect into Georgetown Public Utility District (GPUD) water services. The project was forwarded to GPUD and a 30-inch water line located in Wentworth Springs Road as well as a smaller water line traversing the subject property. This water line is identified as having adequate capacity for the proposed project.

2.7 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The project was reviewed by the Georgetown Fire Protection District and the Georgetown Public Utility District (GPUD) for adequate public services capacity. The site will need installation into existing GPUD facilities. The project, as conditioned, is consistent with this policy.

2.8 The project is consistent with General Plan Policy 5.5.2.1.

Policy 5.5.2.1 Concurrent with the approval of new development, evidence will be required that capacity exists within the solid waste system for the processing, recycling, transformation, and disposal of solid waste.

Rationale: The project would generate solid waste that would be similar in character to that associated with domestic use and construction-related waste. The project site will be served by El Dorado Disposal Service for solid waste collection, disposal, and recycling services. El Dorado Disposal Service transports waste to the Transfer Station and Material Recovery Facility in Placerville and the Potrero Hills Landfill (CalRecycle 2015a). The Potrero Hills Landfill has a remaining estimated capacity of approximately 13.9 million cubic yards (in 2006) and is estimated to remain in operation until February of 2048. The relatively small increase in solid waste would not consume a substantial proportion of the permitted capacity at either facility and would not result in the need to expand or construct new landfill facilities. In addition, this project would adhere to all required State or County waste management ordinances and requirements, such as diversion of construction and demolition debris and hazardous waste handling requirements that ensure that use of landfill space is limited and potential for accidental spills is minimized.

2.9 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 application to determine the ability of the district to provide protection services.

Rationale: The Georgetown Fire Protection District currently provides fire protection service to the project site. The department has imposed standard conditions of approval to ensure adequate water supply, storage, conveyance and site access for fire protection remains adequate.

2.10 The project is consistent with General Plan Policy 6.2.2.2.

Policy 6.2.2.2 says that the County shall preclude development in areas of high and very high wildland fire hazard or in areas identified as “urban wildland interface communities within the vicinity of Federal lands that are a high risk for wildfire,” as listed in the Federal Register Executive Order 13728 of May 18, 2016, 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 local Fire Protection District and/or California Department of Forestry and Fire Protection.

Rationale: The project site is in an area of very high fire hazard for wildland fire pursuant to Figure 5.8-4 of the 2004 General Plan Draft EIR. The El Dorado County General Plan Safety Element precludes development in areas of high wildland fire hazard unless such development can be adequately protected from wildland fire hazards as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local fire Protection District and/or California Department of Forestry and Fire Protection. Both the Georgetown Fire Protection District and the California Department of Forestry and Fire Protection (CALFIRE) reviewed the application. A Wildland Fire Safe Plan is required for the project (COA 9), which will require fire fuel hazard reduction, water tanks at each residence to supply residential, fire sprinkler and firefighting water, standpipes to act as fire hydrants, residential sprinkler systems, and specific building materials, as needed. Implementation of the Wildland Fire Safe Plan is required as a condition of approval to reduce the potential for project construction resulting in fire that could spread to the adjacent wildland and effect existing residences.

2.11 The project is consistent with General Plan Policy 6.2.3.2.

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: Both Georgetown Fire Protection District (GFPD) and CALFIRE reviewed the application materials and would not require additional site access or improvement to the existing roads. A Wildland Fire Safe Plan has been conditioned to be approved by GFPD for the project conditioning the project on roadway widths and turning radii, fire flow and sprinkler requirements, and vehicle ingress/egress. Compliance with these requirements will assure adequate emergency access and evacuation routes. The project is in compliance with this policy.

3.0 ZONING FINDINGS

3.1 The project is consistent with Section 130.24.030.

Section 130.24.030 (Residential Zone Development Standards) prescribes site-specific development standards for new lots, allowed uses and associated structures within the Residential Estate Five-Acres (RE-5) Zone District.

Rationale: The project site is proposed to be rezoned from Open Space (OS) to Residential Estate Five-Acres (RE-5) with the proposed parcels meeting the required minimum lot size, and lot width as required in Section 130.24.030.

4.0 PARCEL MAP FINDINGS

4.1 The proposed tentative map, including design and improvements, is consistent with the General Plan.

Rationale: The project proposes to create four residential parcels and a remainder lot from a 103.6-acre parcel. The residential resulting lots would be approximately 6.9 acres, 7.1 acres, and 5.6 acres (two parcels). The project parcel is in the Georgetown Rural Center and the parcel's General Plan Land Use Designation is Low Density Residential (LDR). The proposed Parcel Map has been found consistent with all applicable General Plan policies as set forth in Finding 2.2.

4.2 The proposed Parcel Map conforms to the applicable standards and requirements of the County zoning regulations and Minor Land Division Ordinance.

Rationale: The proposed parcels have been analyzed and conditioned in accordance with the proposed Residential Estate Five-Acres Zone (RE-5) and will comply with all applicable development standards for new lots in that zone. As proposed and conditioned, the Parcel Map conforms to the Minor Land Division Ordinance.

4.3 The site is physically suitable for the proposed type and density of development.

Rationale: The proposed development meets the density requirements of the Low Density Residential (LDR) land use designation and conforms to the minimum parcel size and development standards of the proposed RE-5 zoning designation.

4.4 **The proposed subdivision is not likely to cause substantial environmental damage.**

Rationale: The project impacts have been analyzed in the Initial Study, which resulted in a Mitigated Negative Declaration. The project would not cause substantial environmental damage.