

Findings

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for 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 description 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.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Community Development Services, Planning and Building Department, 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.

Policy 2.2.1.2 identifies that the Medium-Density Residential (MDR) land use designation establishes area suitable for detached single-family residences with larger lot sizes which will enable limited agricultural land management activities. This designation shall be applied where the character of an area is single family residences; where the absence or reduced level of infrastructure including roads, water lines, and sewer lines does not justify higher densities; where the topography poses a constraint to higher densities; and as a transitional land use between the more highly developed and the more rural areas of the County. The maximum allowable density shall be one dwelling unit per 1.0 acre. Parcel sizes shall range from 1.00 to 5.00 acres. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers where higher density serving infrastructure is not yet available.

Rationale: The project proposes to subdivide an 8.04-acre lot into seven lots ranging in size from 1.0 to 1.3 acres. The site is within the El Dorado Hills Community Region and land use at the site will be residential. The proposed project is compatible with the land use designation.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.

Rationale: The project has been reviewed in accordance with General Plan Policy 2.2.5.2 and has been found to be consistent with all applicable policies of the General Plan. As conditioned and mitigated, the proposal is consistent with the intent of the General Plan, as determined within the General Plan Findings.

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 surrounded to the west by similar one-acre lot residential development with parcels to the south east and north ranging in size from two acre to five acre residential development. The proposed parcel sizes are similar to those surrounding the site, and use is consistent and compatible with the development pattern in the immediate surroundings.

2.4 The project is consistent with General Plan Policy TC-Xa.

According to Policy TC-Xa, the following policies shall remain in effect until December 31, 2018:

1. Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service 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.
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 Level of Service F without first getting the voters' approval.

3. All necessary road capacity improvements shall be fully completed to prevent cumulative traffic impacts from new development from reaching level of Service F during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county before any form of discretionary approval can be given to a project.
4. County tax revenues shall not be used in any way to pay for building road capacity improvements to offset traffic impacts from new development projects. Non-county tax sources of revenue, such as federal and state grants, may be used to fund road projects. Exceptions are allowed if county voters first give their approval.
5. The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.
6. Mitigation fees and assessments collected for infrastructure shall be applied to the geographic zone from which they were originated and may be applied to existing roads for maintenance and improvement projects.
7. Before giving approval of any kind to a residential development project of five 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 application for the project was received on June 16, 2016 and deemed complete on July 26, 2016. This complete date precedes passage and effective date of Measure E which was approved by voters June 7, 2016 and became effective on July 29, 2016. According to the Subdivision Map Act (GC 66474.2.), the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete (unless the agency has initiated a change to a standard "by way of ordinance, resolution, or motion"). Although the new lots would allow for up to two new dwelling units on each of the seven new parcels, the LOS established by the County would not be exceeded by the project and the surrounding road circulation system would not be impacted. Traffic Impact Mitigation fees would be required to be paid at the time of building permit.

2.5 **The project is consistent with General Plan Policy TC-Xh.**

Policy TC-Xh require that 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: Traffic Impact Mitigation fees would be required at the time of Building Permit.

2.6 The project is consistent with General Plan Policy HO-1.2.

To ensure that projected housing needs can be accommodated, the County shall maintain an adequate supply of suitable sites that are properly located based on environmental constraints, community facilities, and adequate public services

Rationale: This project would provide up to 14 new units, including the potential to construct secondary dwelling units. The project would contribute a relatively small percentage of the quantity of housing units anticipated to be built within the planning horizon of the general plan. The project would have access to adequate public services, facilities, and the project has been designed to accommodate the environmental conditions of the site.

2.7 The project is consistent with General Plan Policy HO-5.1.

The County shall require all new dwelling units to meet current state requirements for energy efficiency and shall encourage the retrofitting of existing units.

Rationale: The project would result in up to 14 new residential units, which would be subject to the standards of Title 24, California's Energy Efficiency Standards for Residential and Nonresidential Buildings.

2.8 The project is consistent with General Plan Policy 5.1.2.1.

Policy 5.1.2.1 says that prior to the approval of any discretionary development the approving authority shall make a determination of the adequacy of the public services and utilities to be impacted by that development. Where demand is determined to exceed capacity, the approval of the development shall be conditioned to require expansion of the impacted facility or service to be available concurrent with the demand, mitigated, or a finding made that a CIP project is funded and authorized which will increase service capacity.

Rationale: The project proposes to connect into El Dorado Irrigation District (EID) water and sewer services. A Facilities Improvement Letter dated April 25, 2016 (Exhibit I) identifies an 8-inch water line within Lomita Way and an 8-inch sewer line stub located near the intersection of Lomita Court and Bonita Drive. Both identified water and sewer connections have adequate capacity for this project. No new or expanded wastewater treatment facilities would be required. The project would not generate a substantial increase in solid waste. Other utility companies reviewed the project and had no comment. Park fees will be assessed and have been included in the Conditions of Approval for this project. Impacts to emergency services and public services such as transit and schools will be impacted by the

addition of nine homes, but the impact is less than significant as detailed in the Initial Study.

2.9 The project is consistent with General Plan Policy 5.1.2.3.

Policy 5.1.2.3 requires that new development be required to pay its proportionate share of the costs of infrastructure improvements required to serve the project to the extent permitted by State law. Lack of available public or private services or adequate infrastructure to serve the project which cannot be satisfactorily mitigated shall be grounds for denial of any project or cause for the reduction of size, density, and/or intensity otherwise indicated on the General Plan land use map to the extent allowed by State law.

Rationale: The project would include development that would increase demand for public services and utilities, however, conditions of approval and mitigation measures, including payment of fees, have been included to ensure adequate capacity is maintained.

2.10 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 EL Dorado Hills Fire Department, and the El Dorado Irrigation District (EID) for adequate public services capacity. The site will need installation into existing EID facilities. The project, as conditioned, is consistent with this policy.

2.11 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.

2.12 The project is consistent with General Plan Policy 5.7.1.1.

General Plan Policy 5.7.1.1, Fire Protection in Community Regions, requires the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities and access for fire protection would be provided concurrent with development.

Rationale: El Dorado Hills Fire Department would provide fire protection service to the project site and ensure that water supplied to the parcels is adequate to meet emergency fire needs. EL Dorado Hills Fire Department approved the proposed roads for fire access and conditioned the project to be consistent with this policy.

2.13 The project is consistent with General Plan Policy 5.7.2.1.

Policy 5.7.2.1 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 reviewed by the Transportation Department, El Dorado Hills Fire Department, and CALFIRE to ensure that adequate access and water would be provided to meet Fire Safe standards and conform to the County Design Improvement Standards Manual. Access to the parcels would be through Villa Del Sol and Lomita Court, both existing public, county-maintained roads. Fire protection to existing development would not be reduced below acceptable levels, and specific conditions such as access requirements and water availability have been incorporated.

2.14 The project is consistent with General Plan Policy 5.7.4.2.

Prior to approval of new development, the Emergency Medical Services Agency shall be requested to review all applications to determine the ability of the department to provide protection services. The ability to provide 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: El Dorado Hills Fire Department (EDHFD) provided a letter to the County outlining requirements to provide fire and emergency medical services to

the project site, and all of the provisions identified by the EDHFD requiring compliance with their fire standards. EDHFD has adequate equipment and staff to maintain acceptable fire service ratios, response times, and other performance objectives with implementation of the project. No additional facilities would be needed to serve the project site.

2.15 The project is consistent with General Plan Policy 5.8.1.1.

School districts affected by a proposed development shall be relied on to evaluate the development's adverse impacts on school facilities or the demand therefor. No development that will result in such impacts shall be approved unless:

1. To the extent allowed by State law, the applicant and the appropriate school district(s) have entered into a written agreement regarding the mitigation of impacts to school facilities; or
2. The impacts to school facilities resulting from the development are mitigated, through conditions of approval, to the greatest extent allowed by State law.

Rationale: New school facilities would likely not be needed to accommodate anticipated increases in student enrollment resulting from the proposed project. The project site is located within the Rescue Union School District. The nearest school is Marina Village Middle School, located approximately one mile from the site. The assigned high school for this site is Oak Ridge High School, El Dorado Union High School District. New development is required to provide necessary funding and/or capital facilities for the school system, as determined by applicable State-mandated development impact fees. Prior to building permit issuance for each of the proposed lots, payment of school fees would be required. The conditions of approval require the payment of school facility mitigation fees in accordance with State law.

2.16 The project is consistent with General Plan Policy 6.2.2.2.

Policy 6.2.2.2, Wildland Fire Hazards, requires that the County preclude development in high and very high wildland fire hazard areas unless such development can be adequately protected from wildland fire hazards, as demonstrated in a Fire Safe Plan and approved by the local Fire Protection District and/or CALFIRE.

Rationale: The property is located in a Moderate Fire Hazard Zone, and has submitted a fire safe plan in compliance with this policy.

2.17 The project is consistent with General Plan Policy 6.2.3.1.

As a requirement for approving new development, the County must find, based on information provided by the applicant and the responsible fire protection district that,

concurrent with development, adequate emergency water flow, fire access, and firefighting personnel and equipment will be available in accordance with applicable State and local fire district standards.

Rationale: El Dorado Hills Fire Department (EDHFD) provided a letter to the County outlining requirements to provide fire and emergency medical services to the project site, and all of the provisions identified by the EDHFD requiring compliance with their fire standards. The project must also adhere to an approved Wildland Fire Safe Plan. The site is approximately one mile from the nearest fire station and EDHFD has adequate equipment and staff to maintain acceptable fire service ratios, response times, and other performance objectives with implementation of the project.

2.18 The project is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2, Adequate Access for Emergencies, requires that 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 El Dorado Hills Fire Department and CALFIRE reviewed the application materials and would not require additional site access or improvement to the existing roads. A Wildland Fire Safe Plan was prepared and approved 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.

2.19 The project is consistent with General Plan Policy 6.7.7.1.

The County shall consider air quality when planning the land uses and transportation systems to accommodate expected growth, and shall use the recommendations in the most recent version of the El Dorado County Air Quality Management (AQMD) Guide to Air Quality Assessment: Determining Significance of Air Quality Impacts Under the California Environmental Quality Act, to analyze potential air quality impacts (e.g., short-term construction, long-term operations, toxic and odor-related emissions) and to require feasible mitigation requirements for such impacts. The County shall also consider any new information or technology that becomes available prior to periodic updates of the Guide. The County shall encourage actions (e.g., use of light-colored roofs and retention of trees) to help mitigate heat island effects on air quality.

Rationale: The project's air quality impacts were evaluated based on the significance criteria and recommendations in the El Dorado County Air Quality Management District's Guide to Air Quality Assessment, as detailed in Section 4.8, "Air Quality" of the EIR, and the project will be conditioned

to implement mitigation measures to reduce emissions. Heat island effects are not anticipated.

2.20 The project is consistent with General Plan Policy 7.1.2.1.

General Plan Policy 7.1.2.1 directs that development or disturbance shall be restricted on slopes exceeding 30 percent unless necessary for access.

Rationale: The area proposed for new development is in an area that is relatively flat and avoids any steep slopes of 30 percent. The project is in compliance with the policy related to steep slopes.

2.21 The project is consistent with General Plan Policy 7.3.2.2.

Policy 7.3.2.2 says that projects requiring a grading permit shall have an erosion control program approved, where necessary.

Rationale: Grading and improvement plans are required to reduce or mitigate erosion and sedimentation from the project. The grading plans would incorporate appropriate erosion control measures as provided in the Grading, Erosion and Sediment Control Ordinance and El Dorado County SWMP. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps would be implemented.

2.22 This project is consistent with General Plan Policy 7.4.4.4.

General Plan Policy 7.4.4.4 requires the applicant to demonstrate that adequate development area exists on each of the proposed parcels where a single family dwelling and related improvements could be built without the removal of oak trees or without project mitigation.

Rationale: Oak woodland canopy covers approximately 11.64 acres, 59 percent of the project site. Under General Plan Policy 7.4.4.4, Option A, 80 percent of the existing canopy must be retained. As proposed, the project would retain 93.07 percent of the oak tree canopy at the site. Any future dwelling units would be reviewed at the time of building permit for compliance. An additional secondary dwelling unit could also be constructed on each of the two lots. Future residential development on either proposed parcel would be required to mitigate the loss of oak canopy in conformance with General Plan Policy 7.4.4.4 and the El Dorado County Oak Woodland Management Plan.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 130.

The parcel is zoned Residential One-Acre (R1A). The project has been analyzed in accordance with Zoning Ordinance Section 130.28.210 (Development Standards) for minimum lot size, widths and building setbacks.

Rationale: The proposed lots meet the minimum lot size and width standards. The project, as proposed and conditioned, is consistent with the Zoning Ordinance because the parcels have been designed to comply with the Residential One-Acre (R1A) development standards as provided within Section 130.28.210 of the County Code.

4.0 TENTATIVE SUBDIVISION MAP FINDINGS

4.1 The project is consistent with Section 120.44.030.

Section 120.44.030 of the Subdivision Ordinance - Findings Requiring Disapproval, says that the approving authority shall not approve a tentative map if the approving authority makes any of the following findings:

A. That the proposed map is not consistent with applicable general and specific plans;

Rationale: The proposed tentative map and the design of improvements of the subdivision are consistent with the General Plan. The proposed project would not require a General Plan Amendment, as it is currently consistent with the General Plan land use designations and densities of the Medium Density Residential land use designation. The proposed development will mitigate impacts to the oak woodland habitat onsite.

B. That the design or improvement of the proposed division is not consistent with applicable general and specific plans;

Rationale: The design of the proposed tentative map and development plan are consistent with the General Plan. The Project site is 8.4 acres and is proposed to be subdivided into seven parcels ranging in size from 1 to 1.3 acres. The site is surrounded by existing one acre to five acre residential development. Adequate access and utility-related infrastructure can be provided. The site is located appropriately for the development and physically suited for the proposed uses. There are no specific plans applicable to the project site.

C. That the site is not physically suitable for the type of development;

Rationale: The project has been designed to utilize the developable areas of the site. The proposed development will mitigate oak tree removal. The site is located appropriately for the development and physically suited for the proposed uses. The site is physically suitable for both the type and density of the development.

D. That the site is not physically suitable for the proposed density of development;

Rationale: The proposed project is consistent with the General Plan land use designations and densities of the Medium Density Residential land use designation. The proposed tentative map and the design of improvements of the subdivision are consistent with the General Plan. The proposed tentative map provides lot types consistent with the land uses, densities, and intensities consistent with the El Dorado County General Plan's policies for the County's Rural Regions. According to the General Plan, standard residential subdivisions in the MDR land use designation shall maintain a density range from one dwelling unit per acre. The tentative map would create seven parcels ranging in size from 1 to 1.3 acres for a density of 1 dwelling units per acre. The development density would be similar to the residential development in the North El Dorado Hills area.

E. That the design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;

Rationale: The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. The project is not within or adjacent to the Important Biological Corridor or rare plant preserve. There are no wetlands or riparian features on site. Loss of oak woodland, which provides habitat for some wildlife species, would be mitigated in accordance with Mitigation Measures BIO-1 and BIO-2. Mitigation measures, which are required as conditions of approval, will be implemented ensuring that the proposed subdivision would not cause substantial environmental damage and would not substantially and unavoidably injure fish or wildlife or their habitat.

F. That the design of the division or the type of improvements is likely to cause serious public health hazards;

Rationale: The design of the subdivision and the type of improvements would not create serious public health and safety problems or unacceptable fire risks to occupants or adjoining properties. The project site is not located within a mapped Alquist-Priolo Earthquake Fault Zone, and all new structures to

be built in accordance with the California Building Code (CBC) to ensure public safety from the possibility of ground shaking hazards. The project will be conditioned to comply with the geotechnical report's recommendations for seismic and soils hazards. The project, as mitigated and conditioned, will be required to control diesel particulate matter emissions during construction. With implementation of the Transportation Department conditions, the project would neither introduce dangerous road design features, nor generate traffic that is incompatible with existing traffic patterns. The project site is located in an area of high wildfire hazard risk. A Wildland Fire Safe Plan has been prepared for the proposed project. As conditioned, the proposed project is required to comply with all El Dorado Hills Fire Department fire standards, including, but not limited to: location of and specifications for fire hydrants; emergency vehicle access including roadway widths and turning radii; fire flow and sprinkler requirements; and defensible space and wildland fire-safe plans.

G. That the design of the division or the improvements are not suitable to allow for compliance of the requirements of public resources code § 4291;

Rationale: The required road improvements will be consistent with the County Design Manual. Construction activities on the project site would incorporate standard Best Management Practices to reduce the potential for project construction to result in fire that could spread to the adjacent wildland and affect existing residences. A Wildland Fire Safe Plan has been prepared for the project and implementation would reduce the potential for project construction resulting in fire that could spread to the adjacent wildland and affect existing residences.

H. 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 for 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 judgment 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.

Rationale: The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. There are no easements, acquired by the public at large, for access through or use of, property within the subdivision.