

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 Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 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 Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 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.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, overall project density would be approximately one dwelling unit per acre and 0.85 dwelling units per acre with the inclusion of the larger estate lots. This is consistent with the General Plan land use designations of HDR for the productions lots and MDR for the estate lots as defined within General Plan Policy 2.2.1.2 because the HDR land use designation permits one to five units per acre while the MDR land use designation permits parcel sizes that range from 1.00 to 5.00 acres.
- 2.2 The proposal is consistent with General Plan Land Use Policies 2.2.1.2, 2.2.3.1, 2.2.3.2, 2.2.5.3, 2.2.5.4, 2.2.5.21, 2.9.1.2 and 2.9.1.4 concerning land use designations, planned developments, rezoning, land use compatibility and

community region boundary amendment modification because sufficient open space and clustering of housing units to conform to the natural topography is provided for the project. The proposal was reviewed against the 19 specific criteria under policy 2.2.5.3 and found to be consistent with applicable criteria such as availability and capacity of public treated water system, capacity of the transportation system serving the area and existing land use pattern. There are no existing CC & R's. Adequate justification has been submitted to justify the amendment of the Community Region boundary because of the past mapping error and physical land use density buffering opportunity provided by Shinn Ranch Road. The project is also consistent with General Plan Policies TC-Xe, TX-Xf, 5.2.1.3, 5.2.1.4, 5.3.1.1, 5.3.1.2, 5.7.1.1, 5.7.3.1, 5.8.1.1, 6.2.3.2, 6.5.1.3, 7.1.2.1, 7.3.3.4, 7.3.3.5, 7.4.4.4, 7.4.5.1, 7.5.1.3, 9.2.2.1 and 9.2.2.2 regarding traffic impacts, connection to public water, availability of reliable water supply, wastewater capacity, fire protection, law enforcement, school capacity, fire safe access, noise mitigation, grading on slopes in excess of 30 percent, water resource setbacks and protection, oak tree canopy retention and replacement, cultural resource protection, Quimby Act and park maintenance mechanisms. Sufficient transportation mitigation measures are included within the project's conditions of approval to demonstrate General Plan consistency. The project is consistent with these policies based on comments and analysis provided by El Dorado Irrigation District, Diamond Springs – El Dorado Fire Protection District and the Mother Lode Union School District. Adequate fire safe access is provided and mitigation measures are included within the environmental document that will reduce any potential noise impacts to a level of less than significance. Pursuant to policy 9.2.2.1, the El Dorado County Parks and Recreation Commission reviewed the project on July 19, 2007 and recommended that Quimby Act in-lieu fees would be the most appropriate provision of recreation services for the site with no more than a 50 percent credit for the on-site passive open space proposed by the applicant.

3.0 ZONING FINDINGS

- 3.1 The subdivision contains 143 lots which are consistent with the development standards identified within each respective proposed zoning district including R1-PD, R1A-PD, R2A and RE-5 outlined in Sections 17.28.040, 17.28.080, 17.28.340 and 17.28.210 of the Zoning Ordinance, including a minimum lot area of 6,000 square feet, one acre, two acres and five acres, respectively. Proposed lot sizes range from 13,500 to 10 acres and consistent with the minimum parcel sizes permitted under the Zoning Ordinance.
- 3.2 The existing residential uses at the subject site are permitted by right under Section 17.28.190. Proposed deviations from the development standards regarding setbacks are identified within the staff report discussion above and appropriate findings for such deviations can be found below.

4.0 ADMINISTRATIVE FINDINGS

4.1 Planned Development

- 4.1.2 *The Planned Development is consistent with the General Plan.* As outlined within the staff report and General Plan consistency findings above, the planned development is consistent with the applicable policies of the General Plan concerning land use, transportation and circulation, public services and utilities, public health, safety, and noise element, conservation and open space and parks and recreation.
- 4.1.3 *The proposed development is so designed to provide a desirable environment within its own boundaries.* The proposed development plan features approximately 70 acres of open space including a pond with floating dock, gazebo, Slate Creek and walking trails. As such, the development is designed to provide a desirable environment within its own boundaries.
- 4.1.4 *Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography .* The only exception to the standard requirements of the zone regulations is an increased setback of five-feet for the front and rear yards of a typical 13,500 square foot lot. The increased setbacks represent an enhancement to the zoning development standards.
- 4.1.5 *The site is physically suited for the proposed use.* The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately one unit per acre for the production lots and 0.85 of a unit per acre with the inclusion of the larger estate lots.
- 4.1.6 *Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.* Public water and sewer service will be provided to the project site by EID. El Dorado Irrigation District provided a letter dated March 12, 2007 indicating that it has adequate existing water and wastewater capacity and supplies to serve the proposed project. Based on the traffic analysis, the Department of Transportation (DOT) has conditioned the project accordingly. As such, the project includes the improvement of on-site roads (cul-de-sacs) to a road width of 36 feet and “A” Drive to a road width of 40 feet. Along the project frontage, Kingvale Road would be improved to a road width of 40 feet while Shinn Ranch Road would be improved to a road width of 36 feet. Additionally, the applicant has agreed to mitigation measures requiring fair-share contribution payments to the County for improvements to the intersection of Pleasant Valley Road and State 49 and the intersection of Pleasant Valley Road and Forni Road.
- 4.1.7 *The proposed uses do not significantly detract from the natural land and scenic values of the site.* The project includes approximately 70 acres of open space, walking trails, sufficient setbacks from on-site sensitive resources, such as

wetlands and a pond, and the retention of 50 of the 75 acres of oak tree canopy found at the site.

4.2 Vesting Tentative Subdivision Map

- 4.2.1 *The proposed map and design is consistent with the General Plan and Specific Plans adopted by the County.* As proposed, the vesting tentative map conforms to the HDR and MDR General Plan land use designations and applicable General Plan policies including access, oak tree canopy retention, public water service, grading, transportation, fire protection and wastewater disposal.
- 4.2.2 *The site is physically suitable for the type and density of development proposed.* The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately one unit per acre for the production lots and 0.85 of a unit per acre with the inclusion of the larger estate lots.
- 4.2.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat.* A Mitigated Negative Declaration (Exhibit M) was prepared to assess project-related environmental impacts. Based on the Initial Study, the Planning Commission finds that the project could have a significant effect on air quality, biological resources, cultural resources, hazards and hazardous materials, noise and transportation. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared.
- 4.2.4 *The subdivision shall have adequate access to accommodate the proposed density.* Primary site access will be provided via Kingvale Road and Pleasant Valley Road with an emergency-only gated entry off Shinn Ranch Road. On-site circulation includes the improvement of on-site roads (cul-de-sacs) to a road width of 36 feet and "A" Drive to a road width of 40 feet. As such, the proposed project does not include any design features, such as sharp curves or dangerous intersections, or incompatible uses that will substantially increase hazards. No traffic hazards will result from the project design. The proposed subdivision is consistent with General Plan Policy 6.2.3.2 as the Diamond Springs – El Dorado Fire Protection District has reviewed the project and confirmed that the proposed access and on-site roadways are adequate for the development.
- 4.2.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties.* The Diamond Springs – El Dorado Fire Protection District reviewed the proposed vesting tentative subdivision map and will require new fire hydrants for the site as well as road improvements as shown on the vesting tentative map and an approved fire safe plan. Project annexation into the Diamond Springs – El Dorado Fire

Protection District Community Facilities District for the provision of fire suppression and emergency medical services would also be required prior to final map recordation. Fire issues are addressed within the project's conditions of approval.

5.0 DESIGN WAIVER APPROVAL FINDINGS

5.1 Reduce the right-of-way for Kingvale Road to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B

5.1.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The proposed reduced road right-of-way will reduce potential project grading and tree removal impacts while still providing adequate circulation and fire protection to the subdivision.

5.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* Strict application of the design and improvement requirements would require a wider right-of-way resulting in the need to relocate existing physical improvements. The project's traffic analysis demonstrated that the proposed improvement of Kingvale Road is sufficient to handle the traffic impacts that will be generated by the project.

5.1.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the requested waivers will reduce project impacts to visual resources, such as tree canopy, and earth disturbances. As proposed, the reduced right-of-way width will allow the subdivision to better fit within the context of the surrounding rural residential uses.

5.1.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

5.2 Reduce the right-of-way for Shinn Ranch Road to a 50-foot wide easement with a 24-foot wide paved roadway with no sidewalks rather than the 60-foot wide right-of-way with 36-foot wide paved roadway and sidewalks required under Standard Plan 101B.

- 5.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* Shinn Ranch road will serve 13 new residences upon build-out and provide emergency access to the proposed subdivision. It is a gated roadway and is only intended to serve a maximum of 13 residences upon build-out. As such, the proposed reduced road right-of-way and reduced roadway width will reduce potential project grading and tree removal impacts while still providing adequate circulation and fire protection to the subdivision.
- 5.2.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* The reduced road easement and width will avoid the need to acquire additional easements from adjacent property owners and also reduce potential project grading impacts.
- 5.2.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* As stated above, the proposed reduced road easement and width will not require neighboring properties to dedicate additional easements and will minimize project grading impacts. A reduced easement and road width is also consistent with the rural character of the surrounding community. The construction of sidewalks on this roadway is unnecessary to serve 13 additional parcels and is inconsistent with the rural surroundings of the area.
- 5.2.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.
- 5.3 Reduce the right-of-way for proposed on-site "Road A" to a 50-foot wide easement with a 40-foot wide paved roadway with four-foot wide sidewalks on each side rather than the 60-foot wide right-of-way with six-foot wide sidewalks required under Standard Plan 101B.**
- 5.3.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.* The proposed reduced road right-of-way will reduce potential project grading and tree removal impacts while still providing adequate on-site circulation and fire protection to the subdivision. Four-foot sidewalks are sufficient to serve the subdivision within a rural community.
- 5.3.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.* A 60-foot wide right-of-way would result in the loss of five feet of front-yard landscaping as well as impacts to the lake and wetland areas. The requested reduction in right-

of-way would reduce potential impacts to these natural resources while still providing adequate on-site circulation.

- 5.3.3 *The adjustment or waivers would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.* As stated above, the proposed reduced road easement will not require the loss of five feet of front-yard landscaping and will minimize project grading impacts to the lake and wetland areas. A reduced easement width is also consistent with the rural character of the surrounding community.
- 5.3.4 *The waivers would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.* The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.