

Findings

1.0 CEQA FINDINGS

- 1.1 The project is exempt from the requirements of CEQA pursuant to Section 15182 (Residential Projects Pursuant to a Specific Plan) of the CEQA Guidelines. This section specifies that, where a public agency has prepared an EIR on a specific plan after January 1, 1980, no additional EIR or negative declaration need be prepared for a residential project, including, but not limited to land subdivisions, zoning changes, and residential planned unit developments, provided that the project is undertaken pursuant to and in conformity to that specific plan and that none of the events described in Section 15162 of the CEQA Guidelines have occurred.

Events described in Section 15162 include:

- 1) Section 15162(a)(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Section 15162(a)(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) Section 15162(a)(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following: (1) one or more significant effects not discussed in the previous EIR; (2) significant effects previously examined that are substantially more severe than shown in the previous EIR; (3) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (4) mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Carson Creek Unit 3 subdivision is a residential project within the Carson Creek Specific Plan (CCSP) for which an EIR and Mitigation Monitoring Reporting Program (MMRP) were certified in March 1997. The project was reviewed against the environmental analysis and mitigation measures presented in the CCSP EIR and MMRP to verify consistency with subsection 15182(c) (Limitation) and Section 15162. During the review

it was determined that some of the mitigation measures identified in the MMRP and listed in the CCSP had been previously satisfied with the implementation of Phase 1 (Euer Ranch) of the CCSP, including Mitigation 16 (White Rock Road at Manchester Lane), Mitigation 18, 19, and 20 (Peak Hour Traffic Volumes, U.S. Highway 50 Interchange, and Latrobe and White Rock Roads intersections), and Mitigation 33 (Special Status Plants), and these measures would not apply to Carson Creek Unit 3.

Site-specific information provided for this project, including a Facility Improvement Letter from EID and updated technical studies for traffic (Exhibit K) and storm water (Exhibit M) were reviewed by the County and analyzed for potential environmental impacts either created by this project, as currently proposed, or resulting from changed circumstances. It was determined that the project does not involve any substantial changes in circumstances that result in a new significant impact or significant impacts that are substantially more severe than significant impacts previously disclosed in the CCSP EIR. In addition, there is no new information of substantial importance showing that the project would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than significant effects shown in the CCSP EIR. Further, there is no new information of substantial importance showing (i) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative or (ii) that mitigation measures or alternatives considerably different from those analyzed in the CCSP EIR would substantially reduce one or more significant effects, but the proponents decline to adopt the mitigation measures or alternatives. Therefore, there is no basis for the preparation of a Supplemental or Subsequent EIR pursuant to Section 15162, and an exemption pursuant to Section 15182 is appropriate for the proposed project.

- 1.2 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 Division - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 ADMINISTRATIVE FINDINGS

2.1 General Plan

The El Dorado County General Plan designates the subject site as Adopted Plan (AP), a description in reference to areas where Specific Plans have been adopted within and by the County. The specific plans and the respective land use maps were accepted and incorporated by reference and were adopted as the General Plan Land Use map for such areas. Since the CCSP has been incorporated by reference under General Plan Land Use Element Policy 2.2.1.2 (General Plan Land Use Designation), the proposed administrative modifications to the specific plan, rezone, and tentative map are considered to be consistent with the General Plan, subject to consistency with the

applicable policies in the CCSP and Environmental Impact Report (*Land Use Element Policy 2.2.1.2, 2.2.5.3*).

Traffic impact analyses were conducted for the project concluding that current level of service of the existing roads and trip generation levels would not be worsened from its current levels. The analysis included an evaluation of any potential traffic effects related to the reduction of 304 attached senior housing units and addition of 140 detached senior housing units, concluding that no significant effects from the project would occur.

The project must pay the required Traffic Impact Mitigation (TIM) fees at the time of building permit issuance. Carson Crossing Drive would include a Class II bicycle lane. As designed, the project would include interconnecting trails serving its residents and accessible by the general public (*Transportation Element Policies TC-Xa, TC-Xd, TC-Xg, TC-Xh, TC-4e*).

The project site is within the Community Region of El Dorado Hills, where El Dorado Irrigation District (EID) is the primary purveyor of public water, sewer and recycled water. The project site has been annexed into EID service area for potable water, recycled water and sewer services. The project would be required to construct new and/or upgrade on- and off- site facilities necessary to adequately receive these services. Prior to Final Map approval, a submittal of an EID meter award letter as proof of service would be required (*Public Services and Utilities Element Policies 5.1.2.1, 5.2.1.9, 5.2.1.11, 5.3.1.7*).

Potential noise effects from transportation and existing stationary sources have been identified. Based on the environmental noise assessment conducted for the project, these noise effects would be minimized to a less than significant level in conformance with the standards set forth in the policies and conditions of approval. Some of these measures would include mitigation by design, utilizing standard construction materials, and construction of soundwalls (*Public Health, Safety, and Noise Element Policies 6.5.1.1, 6.5.1.8, 6.5.1.7*).

A subsequent phase of the CCSP includes the development of a 30-acre regional park at the southernmost portion of Large Lot 26 of the Large-Lot Tentative Map approved with the Carson Creek Unit 2 tentative map. Trails within the CCSP area have been designed along the riparian corridor, which connects to the existing trails within Euer Ranch-Four Season subdivision, and a Class II Bicycle Lane along Carson Crossing Drive, which would eventually connect to the existing and future bicycle lanes along White Rock and Latrobe Roads (*Parks and Recreation Element Policies 9.1.1.3, 9.1.1.4, 9.1.2.9, 9.1.3.1, 9.2.2.1*).

2.2 Carson Creek Specific Plan

The Carson Creek Unit 3 Tentative Map has been verified for conformance with the specific policies and requirements of the Carson Creek Specific Plan and provisions of

the Settlement Agreement including phasing, density, design, amenities, preservation of natural features and utilities. The proposed administrative modifications to the Specific Plan have been determined to meet the objectives of the specific plan with regards to providing sufficient and safe pedestrian circulation.

2.3 **Zoning**

The anticipated project development conforms to the applicable standards set forth in the Specific Plan. Specifically, the residential subdivision has been designed and verified for conformance with the development and zone standards under Single-Family High Density (SFHD) of the specific plan. The applicant has requested minor revisions to the site development standards for minimum setbacks that have been reviewed and approved by Planning Services and the Planning Commission. Subsequent development of the site shall be required to obtain permit approvals, subject to review by the affected agencies. Therefore, the project has been found to be consistent with the Zone Standards in the Carson Creek Specific Plan.

2.4 **Subdivision Ordinance**

2.4.1 **That the proposed map is consistent with applicable general and specific plans;**

The proposed project has been verified for conformance with applicable General Plan and Carson Creek Specific Policies including provisions relating to density, design, development standards, and utilities. The anticipated development shall be subject to further conformance with the approved Conditions of Approval and Mitigation Measures. Therefore, the project has been found to be consistent with the applicable El Dorado County General Plan and Carson Creek Specific Plan.

2.4.2 **That the design or improvement of the proposed division is consistent with applicable general and specific plans;**

The design and improvement of the subdivision has been designed in conformance with the identified residential land use requirements in the Specific Plan. Subsequent improvement plans, grading plans, and other permits shall be further reviewed in accordance with the applicable County standards and recommended conditions of approval/mitigation measures for this project. Therefore, the project has been found to be consistent with the applicable El Dorado County General Plan and Carson Creek Specific Plan design and improvements.

- 2.4.3 **That the site is physically suitable for the type of development;** and
2.4.4 **That the site is physically suitable for the proposed density of development;**

The site is physically suitable to accommodate the proposed density and improvements for the Carson Creek Unit 3 residential subdivision. The site is relatively flat with no tree coverage. The tributaries within the project site shall be preserved and incorporated as part of the subdivision design, in accordance with the Specific plan. Prior to any activity, the anticipated development would require various permits and plan approval, subject to review for consistency with the conditions of approval for the project.

- 2.4.5 **That the design of the division or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;**

Development of the subdivision would be subject to the applicable provisions of the Carson Creek Specific Plan, and the required mitigation measures originally evaluated under the certified Environmental Impact Report (EIR) for the Carson Creek Specific Plan. Therefore, the project would have a less than significant environmental impact, subject to the conditions of approval and mitigation measures imposed on the project.

- 2.4.6 **That the design of the division or the type of improvements would not cause serious public health hazards;**

The proposed development has been designed and conditioned to ensure no serious public hazard would occur. In accordance with the Carson Creek Specific Plan, the design and improvements would involve a controlled internal road system, public utility services, and emergency vehicular access. Development of the project would be subject to improvement plans and permits verifying construction of utilities for water, sewer, power, drainage, and roads in accordance with the provisions of the Specific Plan, applicable County Design and Improvement Standards, and mitigation measure of the adopted CCSP EIR.

- 2.4.7 **That the design of the division or the improvements is suitable to allow for compliance of the requirements of section 4291 of the Public Resources Code;**

The development is subject to the applicable Specific Plan policies involving site design and maintenance of open areas susceptible to brush fires. The subdivision is subject to specific project conditions from the El Dorado Hills Fire Department regarding location of hydrant, construction of non-combustible fencing material, and implementation of a Wildfire Management Plan. Therefore the proposed subdivision conforms to the requirements of Section 4291 of the Public Resource Code.

2.4.8 That 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.

Coupled with imposed project conditions, necessary utility and right-of-way easements for the project are appropriately depicted on the submitted plans and shall be further verified for any conflicts by the County Surveyor's Office at the time of filing and approval of the final map for any portions of the approved tentative map.

2.5 Design Waivers of DISM Road Standards

The Design Waivers requested are subject to specific findings under Section 120.08.020 of the El Dorado County Zoning Ordinance described below.

- A. There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver.
- B. Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property.
- C. The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.
- D. The waiver would not have the effect of nullifying the objectives of this Article or any other law or ordinance applicable to the subdivision.

The following discussion details the specific design waivers with supporting responses corresponding to the required findings above. The Transportation Division and Planning Services have reviewed and recommend approval of the design waivers.

Design Waiver 1 - Construct the Lot R encroachment onto Golden Foothill Parkway to Standard Plan 103D without the 100 foot tapers.

- A. The project is gated and the taper is not necessary.
- B. The strict application of the design standard unnecessarily interferes with the gate geometry.
- C. The design waiver proposes improvements consistent with the County standards and therefore would not be injurious to adjacent properties or detrimental to the health, safety, convenience or welfare of the public. The existing road section provides adequate area for acceleration and deceleration to accommodate turning movements.
- D. The proposed improvements meet existing County standards, the requirements of the Carson Creek Specific Plan, and are consistent with the policies of the 2004 General Plan, and therefore would not have the effect of nullifying the objectives of Article II of Chapter 120 of the County Code or other ordinance.

Design Waiver 2 - Construct road encroachment (exit only) onto Carson Crossing Drive to Standard Plan 103D without the 100 foot tapers.

- A. The provision of tapers at encroachments onto Carson Crossing Drive would unnecessarily interfere with roadside ditches. In addition, the project Settlement Agreement states that the project will minimize impervious surfaces such as roadway pavement to the maximum extent practicable
- B. The strict application of the design standard (for an exit only) results in unnecessary impacts to roadside ditches.
- C. The 18 foot roadway section provides adequate area for acceleration (exit only).
- D. The proposed improvements meet existing County standards, the requirements of the Carson Creek Specific Plan, and are consistent with the policies of the 2004 General Plan, and therefore would not have the effect of nullifying the objectives of Article II of Chapter 120 of the County Code or other ordinance.

Design Waiver 3 - Reduce the sidewalk widths to 4 feet for residential streets (sidewalk on one side).

- A. The reduced sidewalk width is adequate to serve the pedestrians using it.
- B. The increased sidewalk width would unnecessarily increase impervious area.
- C. The reduced sidewalk width would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.
- D. The proposed improvements meet existing County standards, the requirements of the Carson Creek Specific Plan, and are consistent with the policies of the 2004 General Plan, and therefore would not have the effect of nullifying the objectives of Article II of Chapter 120 of the County Code or other ordinance.

Design Waiver 4 - Reduce the residential street right of way widths (Lot R) from 50 feet to 40 feet.

- A. The reduced right of way width (Lot R) is adequate to accommodate the proposed roadway.
- B. Additional right of way width would unnecessarily decrease the amount of available land for the small age restricted lots.
- C. The reduction in right of way width for the residential streets would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.
- D. The proposed improvements meet existing County standards, the requirements of the Carson Creek Specific Plan, and are consistent with the policies of the 2004 General Plan, and therefore would not have the effect of nullifying the objectives of Article II of Chapter 120 of the County Code or other ordinance.

Design Waiver 5 - Install local access stub streets ≤ 150 feet in length (Lot R width 24 feet; 21 feet curb face to curb face).

- A. The access stubs coupled with the small lots allow better utilization of the property.
- B. The proposed stub allows for use of the land that is irregularly shaped by the creek bend.
- C. The proposed stub streets are more characteristic of driveways and would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.
- D. The proposed improvements meet existing County standards, the requirements of the Carson Creek Specific Plan, and are consistent with the policies of the 2004 General Plan, and therefore would not have the effect of nullifying the objectives of Article II of Chapter 120 of the County Code or other ordinance.

Design Waiver 6 - Intersection off-set of K Street and J Street < 150 feet.

- A. The access stub coupled with the small lots and the age restricted neighborhood is more characteristically a driveway than a road.
- B. The proposed stub and its location make use of the land that is irregularly shaped by the creek bend.
- C. The proposed stub street is more characteristic of a driveway and would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.
- D. The proposed improvements meet existing County standards, the requirements of the Carson Creek Specific Plan, and are consistent with the policies of the 2004 General Plan, and therefore would not have the effect of nullifying the objectives of Article II of Chapter 120 of the County Code or other ordinance.

2.6 Design Waivers of CCSP Development Standards

The Design Waivers requested are subject to specific findings under Section 120.08.020 of the El Dorado County Zoning Ordinance described below.

- A. There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver.
- B. Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property.
- C. The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.
- D. The waiver would not have the effect of nullifying the objectives of this Article or any other law or ordinance applicable to the subdivision.

The following discussion details the specific design waivers with supporting responses corresponding to the required findings above. The Planning Services Division has reviewed and recommends approval of the design waivers.

Design Waiver 1 – Allow for a minimum front yard setback of 12.5 feet.

- A. The applicant is proposing to develop a single family housing product designed for the age-restricted buyer who is typically older, single, and not wanting a larger yard to maintain. The proposed homes are smaller than the typical Carson Creek homes, as such, the minimum front yard setback of 12.5 is being requested.
- B. Strict adherence to the development standards would allow the applicant to develop the smaller home with small yards to accommodate the age-restricted buyer who is typically older, single, and not wanting a large yard to maintain.
- C. A reduction in yard setbacks would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.
- D. The proposed improvements meet existing County standards, the requirements of the Carson Creek Specific Plan, and are consistent with the policies of the 2004 General Plan, and therefore would not have the effect of nullifying the objectives of Article II of Chapter 120 of the County Code or other ordinance.

Design Waiver 2 – Allow for a minimum side yard setback of 3 feet and 6 feet street side.

- A. The applicant is proposing to develop a single family housing product designed for the age-restricted buyer who is typically older, single, and not wanting a larger yard to maintain. The proposed homes are smaller than the typical Carson Creek homes, as such, the minimum side yard setback of 3 feet and 6 feet street side is being requested.
- B. Strict adherence to the development standards would allow the applicant to develop the smaller home with small yards to accommodate the age-restricted buyer who is typically older, single, and not wanting a large yard to maintain.
- C. A reduction in yard setbacks would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.
- D. The proposed improvements meet existing County standards, the requirements of the Carson Creek Specific Plan, and are consistent with the policies of the 2004 General Plan, and therefore would not have the effect of nullifying the objectives of Article II of Chapter 120 of the County Code or other ordinance.

Design Waiver 3 – Allow for a minimum building to building setback of: side to side 6 feet; side to rear 10 feet; rear to rear 10 feet.

- A. The applicant is proposing to develop a single family housing product designed for the age-restricted buyer who is typically older, single, and not wanting a larger yard to maintain. The proposed homes are smaller than the typical Carson Creek homes, as such, a minimum building to building setback of: side to side 6 feet; side to rear 10 feet; rear to rear 10 feet is being requested.

- B. Strict adherence to the development standards would allow the applicant to develop the smaller home with small yards to accommodate the age-restricted buyer who is typically older, single, and not wanting a large yard to maintain.
- C. A reduction in yard setbacks would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.
- D. The proposed improvements meet existing County standards, the requirements of the Carson Creek Specific Plan, and are consistent with the policies of the 2004 General Plan, and therefore would not have the effect of nullifying the objectives of Article II of Chapter 120 of the County Code or other ordinance.