

# **FINDINGS**

## **Design Review DR22-0004/Crystal Basin Cellars Storage Planning Commission/January 26, 2023**

### **1.0 CEQA FINDINGS**

- 1.1 An Initial Study has been prepared analyzing potential environmental impacts associated with implementation of the project. Based on the Initial Study, impacts have been determined to be less than significant and a Negative Declaration has been prepared.
- 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 Planning Services Department at 2850 Fairlane Court, Placerville, CA, 95667.

### **2.0 GENERAL PLAN FINDINGS**

#### **2.1 The project is consistent with General Plan Policy 2.1.2.3.**

To meet the commercial and service needs of the residents of the Rural Centers and Rural Regions, the predominant land use type within Rural Centers shall be commercial and higher density residential development.

Rationale: The project proposes to construct 4,000-square feet of new storage capacity in support of an existing commercial business located within the Camino Rural Center. The project is consistent with this policy.

#### **2.2 The project is consistent with General Plan Policy 2.2.1.2.**

The purpose of the Commercial land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. This designation is considered appropriate within Community Regions, Rural Centers and Rural Regions.

Rationale: The project is consistent with the Commercial (C) land use designation of the subject site as defined by General Plan Policy 2.2.1.2 (Exhibit D). The project proposes to construct 4,000-square feet of new storage capacity in support of an existing commercial business consistent within the Commercial land use designation, which provides for a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.

#### **2.3 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, the proposal is consistent with the intent of the General Plan, as determined within the General Plan Findings.

#### 2.4 **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 that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located in a different site.

Rationale: The proposed use would be compatible with the surrounding development and would be an appropriate use within an area planned for commercial uses. The project is located on a developed parcel with several similar commercial uses on-site including a winery and a brewery. The accessory nature of the proposed project is not anticipated to cause adverse impacts to the place of worship located to the west of the parcel, the single-family residence located to the south of the parcel across U.S. Highway 50, or the agricultural operation located north of the parcel across Carson Road. To the east of the parcel is a gas station/convenience store as well as other various commercial uses. The project is consistent with this policy.

#### 2.5 **The project is consistent with General Plan Policy 2.8.1.1.**

Development shall limit excess nighttime light and glare from parking area lighting, signage, and buildings. Consideration will be given to design features, namely directional shielding for street lighting, parking lot lighting, sport field lighting, and other significant light sources, that could reduce effects from nighttime lighting. In addition, consideration will be given to the use of automatic shutoffs or motion sensors for lighting features in rural areas to further reduce excess nighttime light.

Rationale: The proposed development would include indoor lighting and outdoor lighting. Building A would have five wall mounted exterior lights located near the entrances to the building and Building B would have two such wall mounted lights, also near the building entrances. These lights are not expected to be significant sources of light. Condition of Approval 2 will ensure that the project is consistent with this policy.

## 2.6 **General Plan Policy TC-Xa does not apply to the Project**

Except as otherwise provided, the following TC-Xa policies shall remain in effect indefinitely, unless amended by voters:

1. Traffic from residential development projects of five 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 not create 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 voters' approval.

Rationale: This is not applicable as the Project is not requesting any modifications to Table TC-2.

3. intentionally blank (Resolution 125-2019, August 6, 2019)

4. intentionally blank (Resolution 159-2017, October 24, 2017)

5. The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

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

6. intentionally blank (Resolution 159-2017, October 24, 2017)

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 project would not create residential parcels; therefore, this policy does not apply.

**2.7 General Plan Policy TC-Xb does not apply to the Project**

To ensure that potential development in the County does not exceed available roadway capacity, the County shall:

- A. Every year prepare an annual Capital Improvement Program (CIP) specifying expenditures for roadway improvements within the next 10 years. At least every five years prepare a CIP specifying expenditures for roadway improvements within the next 20 years. Each plan shall contain identification of funding sources sufficient to develop the improvements identified;
- B. At least every five years, prepare a Traffic Impact Mitigation (TIM) Fee Program specifying roadway improvements to be completed within the next 20 years to ensure compliance with all applicable level of service and other standards in this plan; and
- C. Annually monitor traffic volumes on the county's major roadway system depicted in Figure TC-1.

Rationale: This policy is not applicable as this policy refers to the county preparing a CIP, preparing a TIM Fee Program, and monitoring traffic volumes.

**2.8 General Plan Policy TC-Xc does not apply to the Project**

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 during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county. (Resolution 201-2018, September 25, 2018)

Rationale: This policy is not applicable as this policy directs how the County will pay for building the necessary road capacity.

**2.9 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 located in the Camino Rural Center and does not worsen (as defined by General Plan Policy TC-Xe) LOS for any county- maintained road or state highway.

## 2.10 **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 2 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: The project, as proposed would not worsen traffic operations and is therefore consistent with this policy. Using the ITE Trip Generation Manual, 11<sup>th</sup> Edition, the project would generate 3 AM peak hour trips, 2.6 PM peak hour trips, and 19.5 trips daily.

## 2.11 **General Plan Policy TC-Xf does not apply.**

At the time of approval of a tentative map for a single family residential subdivision of five 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 Level of Service 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: This policy is applicable to projects that worsen traffic on County road systems as defined in Policy TC-Xe. The project, as proposed, would not worsen traffic operations, and therefore, this policy does not apply.

**2.12 General Plan Policy TC-Xg does not apply.**

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 as this project does not worsen traffic conditions.

**2.13 This project is consistent with General Plan Policy TC-Xh**

All subdivisions shall be conditioned to pay the TIM 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.

**2.14 General Plan Policy TC-Xi does not apply to the Project**

The planning for the widening of U.S. Highway 50, consistent with the policies of this General Plan, shall be a priority of the County. The County shall coordinate with other affected agencies, such as the City of Folsom, the County of Sacramento, and Sacramento Area Council of Governments (SACOG) to ensure that U.S. Highway 50 capacity enhancing projects are coordinated with these agencies with the goal of delivering these projects on a schedule agreed to by related regional agencies.

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.

**2.15 General Plan Policy TC-4i does not apply to the Project**

Within Community Regions and Rural Centers, all development shall include pedestrian/bike paths connecting to adjacent development and to schools, parks, commercial areas, and other facilities where feasible. In Rural Regions, pedestrian/bike paths shall be considered as appropriate.

Rationale: A non-County maintained frontage road on the south side of the subject parcel connects to adjacent commercial areas allowing for easily accessible, non-motorized transportation between commercial businesses in the area.

**2.16 The project is consistent with General Plan Policy 5.1.2.1.**

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, according to the purveyor responsible for the service or utility, 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 was distributed for agency review, including El Dorado Irrigation District (EID), El Dorado County Fire Protection District (EDCFPD), El Dorado County Environmental Management Department (EMD), El Dorado County Sheriff Department, and El Dorado County Department of Transportation (DOT) for impacts to public services and utilities. No reviewing agencies or departments indicated that the projects would exceed service capacity.

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

Provisions of public services to new discretionary development shall not result in a reduction of service below minimum established standards to current users.

1. Impacts to public water service as determined by purveyor

Rationale: The project was reviewed by the EID for impacts to public water service. EID did not identify any impacts to public water service.

2. Impacts to private wells as determined by EMD.

Rationale: EMD has reviewed the project, no impacts to private well would occur.

3. Impacts to on-site sewage disposal as determined by the EMD.

Rationale: The project was reviewed by EMD for impacts to on-site sewage disposal. EMD did not identify any impacts to the existing on-site sewage disposal system.

4. Impacts to storm drainage as determined by the DOT.

Rationale: The project was reviewed by DOT for impacts to storm drainage. No new off-site stormwater facilities would be required. DOT determined that the project would not have significant impact on storm drainage.

5. Impacts to solid waste as determined by EMD.

Rationale: The project was reviewed by EMD, which determined that the project should not impact solid waste services in the area.

6. Impacts to schools as determined by the school district.

Rationale: No impacts were identified by the Camino Union School District. The project is commercial and is not anticipated to add students to the Camino Union School District.

7. Impacts to fire district response time.

Rationale: The project was reviewed by the EDCFPD. No impacts were identified by the EDCFPD regarding response time to the project site.

8. Impacts to Sheriff response time.

Rationale: No standard is identified for Sheriff response times to the Rural Centers and Rural Areas of the County. The project is located within the Camino Rural Center and no standard is applicable.

9. Impacts to ambulance response time.

Rationale: El Dorado County Emergency Medical Services reviewed the project for potential impacts to ambulance response and no impacts were identified.

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

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 EDCFPD for adequate water supply for all uses. The storage buildings do not require water service; therefore, the project does not propose to connect to EID water. Water supply and conveyance facilities are currently available to provide emergency water supply to the project site. The project is consistent with this policy.

**2.19 The project is consistent with General Plan Policy 5.2.1.3.**

All commercial projects may be required to connect to public water systems if reasonably available when located within Community Regions and to either a public water system or to an approved private water systems in Rural Centers.

Rationale: The storage buildings do not require water service; therefore, connection to EID's water systems is not required.



**2.20 The project is consistent with General Plan Policy 5.7.1.1**

Prior to approval of new development, the applicant will be required to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or will be provided concurrent with development.

Rationale: The EDCFD reviewed the project and provided comments which have been included as conditions of approval. Further, the Fire District would review improvement plans again at time of grading and/or building permit review to ensure adequate emergency water supply, storage, conveyance, and access for fire protection, as applicable. The project is consistent with this policy.

**2.21 The project is consistent with General Plan Policy 5.7.2.1.**

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: As previously discussed, the project was reviewed by the DOT, EDCFPD, and EID to ensure that adequate access and water would be provided to meet Fire Safe standards and conform to the County Design Improvement Standards Manual, no agencies identified any concerns regarding this policy.

**2.22 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 in an area designated as a very high fire hazard zone. The project has been reviewed by the EDCFPD and a full Fire Safe Plan has been deemed unnecessary for this project. EDCFPD has included measures that they have indicated will greatly reduce the exposure of structures to potential loss from wildfire and provide defensible space for firefighters and residents as well as protect the native vegetation. Those measures have been included as Conditions of Approval. The project is consistent with this policy.

**2.23 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: EDCFPD reviewed the application materials and did not require modifications to the existing site access or improvements to the existing roads. The project is in compliance with this policy.

**2.24 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 does not include areas with any steep slopes of 30 percent. The project is in compliance with the policy related to steep slopes.

**2.25 This 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 must adhere to the standards of the Oak Resources Management Plan (ORMP).

Rationale: The project has been designed to adhere to the oak tree canopy retention and replacement standards established by the ORMP. In order to address on-site tree canopy removal related to the project, the Oak Resources Technical Report (Exhibit I) was prepared by a certified arborist. The project would result in impacts to six (6) oak trees, including one (1) that would be removed prior to construction. The tree to be removed was determined to be diseased, qualifying for an exemption from mitigation fees per Section 130.39.050. The project is in compliance with this policy.

**3.0 ZONING FINDINGS**

**3.1 The proposed use is consistent with Title 130.**

The Community Commercial (CC) zone is intended to provide for the retail sales, office, and service needs of the residents residing within the surrounding community and accommodates the commercial and service needs of visitors to the County.

Rationale: The parcel is zoned CC (Exhibit E). The Commercial Zone matrix of allowed uses and permit requirements establishes those uses that are permitted and those that require approval by a Conditional Use Permit in the CC zone district. The matrix includes commercial uses, including a

winery with full-service facilities, as well as accessory structures related to the operation of a permitted use. A winery is a use allowed by right within the CC zone. The proposed project would include accessory structures related to the operation of the existing winery.

The project has been analyzed in accordance with Zoning Ordinance Section 130.22.030 (Development Standards) for minimum lot size, dimensions, height, and building setbacks. The project, as proposed, is consistent with the Zoning Ordinance because the project would comply with building setbacks and other applicable standards. The project is in compliance with this policy.

**3.2 The proposed project is consistent with Chapter 130.34: Lighting.**

All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way.

Rationale: As shown in the project plans and elevations (Exhibits F, G), no proposed lighting would direct light outside the property line or into the public right-of-way. In addition, the proposed project would be required to conform to Section 130.34.020 (Outdoor Lighting Standards) of the Zoning Ordinance; Therefore, proposed lighting fixtures would be adequately shielded as discussed in Condition of Approval 2.

**3.3 The project is consistent with Title 130.52.030 and the El Dorado Design Guide.**

The project has been reviewed in accordance with Section 130.52.030 of the County Zoning Ordinance, Design Review Permit. This process is applied to commercial projects with a Design Review-Scenic Corridor (-DS) Combining Zone. The Design Review process is limited to consideration of compliance with established standards, provided that the use proposed for the project site is an allowed use within the zone.

Rationale: As noted in Finding 3.1, the use is allowed in the CC zone. The project is located within the Camino Rural Center and the U.S. Highway 50 Scenic Corridor, for which the County does not currently have adopted specific community design standards; as such the project would default to the El Dorado County Design Guide. The project design, architectural treatments, and associated improvements substantially conform to the El Dorado County Design Guide and would not substantially detract from this commercial district. The project proposes traditional, standard metal buildings with peaked roofs, no windows, standard walk-in entrance doors and roll-up doors to facilitate product delivery and distribution. Building color would be a neutral, light brown, rawhide color.

#### **4.0 DESIGN REVIEW FINDINGS**

##### **4.1 The issuance of the permit is consistent with the General Plan.**

Rationale: As discussed above in Section 2.0, General Plan Findings, the Design Review Revision is consistent with the applicable policies and requirements in the El Dorado County General Plan.

##### **4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.**

Rationale: The use is consistent with the General Plan and the Development Standards of the CC-DS zone. The proposed use is consistent with the surrounding land uses, which include commercial land uses. As conditioned, the project is not anticipated to be detrimental to the public health, safety and welfare, or be injurious to the neighborhood.

##### **4.3 The proposed use is specifically permitted by Design Review.**

Rationale: The design review process is applied to commercial sites in area where the Design Review-Scenic Corridor (-DS) overlay exists. The design review process shall be limited to consideration of compliance with established standards, provided that the use proposed for the project site is an allowed use within the zone. The winery is an allowed use by right in the CC zoning designation and the proposed metal storage buildings are accessory to that permitted use. As discussed previously, the design review is consistent with the applicable policies and requirements in El Dorado County General Plan.