

## **Findings**

### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. 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 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 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 the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services at 2850 Fairlane Court, Placerville, CA.

### **2.0 GENERAL PLAN FINDINGS**

- 2.1 The project is consistent with the High Density Residential (HDR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The project consists of a zone change to R1A-PD, which is consistent with General Plan Table 2.4 and a tentative map creating 28 single-family residential lots for 28.18 acres, with a gross density of 1 unit per acre, which is consistent with the five units per acre standard for HDR.
- 2.2 The project is consistent with all applicable Policies of the General Plan. As conditioned, the proposal is consistent with the intent of the following Policies:
  - 2.2.1 Policy 2.2.1.2 (HDR definition) because it meets density standards. The project proposes 28 single-family residential lots ranging in size from 20,004 to 43,572 square feet. Those 28 lots for the 28.18 total acres, a gross density of to 1 unit per acre which conforms to the General Plan land use designation;

- 2.2.2 2.2.5.3 (rezone criteria) because the project was analyzed for water and wastewater capacity, critical flora and fauna areas, wetland impacts, transportation, existing land use pattern and historical and archeological resources;
- 2.2.3 2.2.5.21 (compatibility with surroundings) because the project provides larger sized parcels and setbacks designed to provide a more efficient transition from the MDR designated lots to the west and the LDR designated lots to the east;
- 2.2.4 5.1.2.1 (adequate utilities and public services), 5.2.1.2 (water for emergency), 5.2.1.4 (available domestic water), 5.7.1.1 (adequate emergency water and related facilities), because review of the El Dorado Irrigation District Facility Improvement Letter, Preliminary Onsite/Offsite Sewer Exhibit, and El Dorado Hills Fire Department recommended conditions of approval have demonstrated there are adequate water and sewer facilities to support the project;
- 2.2.5 6.2.3.2 (adequate emergency vehicle ingress/egress) because the project must adhere to the approved Wildland Fire Safe Plan, and conditions have been added as recommended by the El Dorado Hills Fire Department to assure adequate emergency vehicle ingress/egress;
- 2.2.6 Policy 6.5.1.3 and 6.5.1.8 (noise barriers to achieve acceptable noise levels) because the submitted Environmental Noise Assessment determined that the required masonry wall sound barrier will reduce noise impacts to levels consistent with these policies;
- 2.2.7 7.3.3.4 (impacts to wetlands) because an open space lot and 50-foot setback have been included to reduce impacts to Dutch Ravine;
- 2.2.8 7.4.1.5 (rare, threatened, endangered species) because the Special Status Plant Surveys have demonstrated there were no rare, threatened, endangered species found within the project site and a mitigation measure has been included to protect migratory bird and nesting raptor species;
- 2.2.9 7.4.4.4 (impacts to oak canopy) because the project has demonstrated it can meet the requirements of Option A onsite by replanting within Lot B and as conditioned that planting will be compliant with the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4 (Option A).

As conditioned and mitigated, the project provides adequate access and site design that ensure compatibility with surrounding land uses, and is consistent with the General Plan policies identified above.

### **3.0 ZONING FINDINGS**

- 3.1 The project is consistent with the El Dorado County Zoning Ordinance Development Standards. With an approved rezone to R1A-PD, and an approved Development Plan

approving the Modified R1A, R-20,000 and “Unless Otherwise Noted” setbacks as shown on the Tentative Map, the 28 lots substantially conform to zoning and development standards required of the R1A and R20,000 Zone Districts, Chapters 17.02 and 17.04, Planned Developments, as well having the space to comply with the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

#### **4.0 ADMINISTRATIVE FINDINGS**

##### **4.1 Tentative Subdivision Map Findings**

- 4.1.1 The proposed Tentative Subdivision Map, including design and improvements, is consistent with the General Plan policies and land use map because as proposed, and modified by the Mitigations and Conditions of Approval, the map conforms to the High Density Residential General Plan land use designation and applicable General Plan policies including land use compatibility, lot size, fire safe access and emergency water supply, noise, and mitigation for indigenous oak tree canopy, and threatened species, as set forth in the General Plan Findings, Section 2.0.
- 4.1.2 The site is physically suitable for the type and density of development proposed because the site contains sufficient developable areas to accommodate the proposed residential use and proposed gross density of approximately 1 unit per acre.
- 4.1.3 The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat because potential environmental impacts for the subdivision have been minimized by the lot designs and inclusion of open space lots. The loss of indigenous oak tree canopy will be mitigated by replanting in compliance with the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4 (Option A). The wetlands will be further protected from impacts by a permanent setback line. The potential for erosion during grading activities will be minimized by adherence to Best Management Practices required during grading.
- 4.1.4 The subdivision will have adequate access to accommodate the proposed density because the project has been conditioned to comply with El Dorado Transportation Division and El Dorado Hills Fire Department requirements to assure adequate access.
- 4.1.5 The subdivision will not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties because the map will adhere to Fire Safe and Fire Code standards and the approved Fire Safe Plan which will ensure that the project does not create serious public health and safety problems or unacceptable fire risk to current and future occupants of adjoining properties.

## **5.0 DESIGN WAIVER APPROVAL FINDINGS**

- 5.1 Reduce Lot R right-of-way widths from 50 feet to 30 feet. The support for the design waiver is based on the following findings:
  - 5.1.1 There are special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver. The “Lot R” roads are not proposed to be available for through traffic. The reduction allows the project to meet the Planned Development requirement for 30 percent open space, preserve all but two existing oak trees, while still being adequate to contain the necessary infrastructure improvements.
  - 5.1.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property. The 50-foot right-of-way widths are an unnecessary hardship because the 30-foot width has been determined by the El Dorado County Transportation Division (Transportation) and El Dorado Hills Fire Department (Fire Department) to be adequate. The reduction would result in larger lots with the ability to preserve the majority of the existing oak trees.
  - 5.1.3 The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public. The proposed right-of-way width meets the requirements of the Fire Department and Transportation.
  - 5.1.4 This waiver 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 because the project has been conditioned to meet all applicable County Codes.
- 5.2 Reduce cul-de-sac right-of-way radii from 60 to 50 feet. The support for the design waiver is based on the following findings:
  - 5.2.1 There are special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver. The reduction allows the project to meet the Planned Development requirement for 30 percent open space, preserve all but two existing oak trees, while still being adequate to contain the necessary infrastructure improvements.
  - 5.2.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property. The 60-foot cul-de-sac right-of-way radii are an unnecessary hardship because the reduced width has been determined by Transportation and the Fire Department to be adequate.
  - 5.2.3 The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public. The proposed reduction in radii width meets the requirements of the Fire Department and Transportation.

- 5.2.4 This waiver 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 because the project has been conditioned to meet all applicable County Codes.
- 5.3 Reduce roadway width from 28-foot 101B width to a modified 101C 22-foot CF/CF asphalt paved with Type E AC Dike and three-foot shoulder as shown. The support for the design waiver is based on the following findings:
- 5.3.1 There are special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver. The project site is surrounded by existing roadways of a similar width that were built with A.C. Dikes and over-side drains and the Design Improvement Standards Manual (DISM) 101B Standard Plan, Note 10 makes allowances if the project is connecting to existing A.C. facilities.
- 5.3.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property. The larger lot sizes were found to be adequate to support the proposal and to require interior road widths of 28 feet and dikes that do not match the existing surrounding ones is an unnecessary hardship and is out of character with the surroundings. The Fire Department has conditioned the project for no parking on the interior roads and there is no proposed thru-traffic circulation, nor required sidewalks for this gated subdivision.
- 5.3.3 The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public. The proposed road widths, as conditioned, meet the requirements of the Fire Department and Transportation.
- 5.3.4 This waiver 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 because the project has been conditioned to meet all applicable County Codes.
- 5.4 Reduce cul-de-sac Lot R from 60 feet to 50 feet top back of mountable dike at 47 feet, 50 feet to hinge point; 3-foot shoulder designed to support a 40,000 lb. load. The new connector may be installed with an AC Dike in lieu of Type 2 Curb and Gutter with Transportation approval pursuant to Note 10 on Design Plate 101B. The support for the design waiver is based on the following findings:
- 5.4.1 There are special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver. The project site is surrounded by existing roadways that were built with A.C. Dikes and over-side drains and the Design Improvement Standards Manual (DISM) 101B Standard Plan, Note 10 makes allowances if the project is connecting to existing A.C. facilities.
- 5.4.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property. The larger lot sizes were found to be adequate to support the proposal and to require dikes that do not match

the existing surrounding ones is an unnecessary hardship and is out of character with the surroundings.

- 5.4.3 The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public. The proposed cul-de-sac radii and A.C. dikes meet the requirements of the Fire Department and Transportation.
- 5.4.4 This waiver 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 because the project has been conditioned to meet all applicable County Codes.