

**TM14-1523/Rancheria Court Tanis Split - As approved by the Planning Commission on September 28, 2017**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

**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 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, conditions of approval, and mitigation measures 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.
- 1.4 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 Department - Planning Services 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 Low-Density Residential (LDR) land use designation establishes areas for single-family residential development in a rural setting. In Rural Regions, this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available. The maximum allowable density is one dwelling unit per 5.0 acres.

Rationale: The Tentative Subdivision Map would create two residential lots, approximately 11.535 acres and 5.11 acres in size, from a 16.645 acre site. The site is in a Rural Region within the Shingle Springs area and is near the Rescue Rural Center. The existing land use at the site is residential. The proposed project is compatible with the land use designation.

**2.2 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 located in a rural area of existing residential development. The proposed lot sizes are similar to those surrounding the site, and the residential use is consistent and compatible with the residential development pattern in the project vicinity.

**2.3 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: Each lot is currently served by a domestic well. The Diamond Springs/El Dorado Fire Protection District (Fire District) and the California Department of Forestry and Fire Protection (CAL FIRE) both reviewed the project and recommended conditions of approval that would ensure the water supply would be adequate for the purposes of fire protection.

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

General Plan Policy 5.7.2.1, Fire Protection in Rural Regions 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 the 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 Fire District and CAL FIRE reviewed the proposed project and have recommended conditions of approval which have been incorporated into the project design and conditions of approval for the project to ensure that the water supply would be adequate for the purposes of fire protection. With the incorporation of these requirements, the project is in compliance with this General Plan policy related to adequate fire protection.

**2.5 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: The Transportation Division, Fire District, and CAL FIRE have reviewed the application and have supported design waivers and recommended conditions of approval requiring on-and off-site road improvements to ensure that adequate access will be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area. The recommended conditions of approval have been incorporated into the project design and the conditions of approval for the project. With the incorporation of these requirements, the project is in compliance with this General Plan policy related to adequate access for emergencies.

**2.6 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 project site includes slopes that are 30 percent or greater; however, the project, as proposed, will not disturb 30 percent or greater slopes. The existing structures are built on areas of the property that avoid slopes exceeding 30 percent. The area proposed for new development avoids steep slopes of 30 percent. The project is in compliance with the policy related to steep slopes.

**2.7 This project is consistent with General Plan Policy 7.3.3.4.**

General Plan Policy 7.3.3.4 required that the zoning ordinance be amended to provide buffers and setbacks for the protection of riparian areas and wetlands. Until the setbacks are established in the Zoning Ordinance, the County shall apply a minimum setback of 100 feet for all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands would be used. The recent Zoning Ordinance Update, adopted on December 15, 2015, identifies ministerial development setbacks of 25 feet from intermittent stream, wetland, or sensitive riparian habitat, or a distance of 50 feet from any perennial lake, river, or stream. Discretionary development that has the potential to impact wetlands or sensitive riparian habitat shall require a biological resource evaluation to establish the area of avoidance and any buffers or setbacks required to reduce the impacts to a less than significant level.

Rationale: As described in the *Wetland Delineation Report* prepared by Site Consulting Inc., dated April 2016, the project site contains approximately 0.013 acres of seasonal wetland and approximately 0.052 acres of potential on-site jurisdictional waters of the U.S. No proposed development would impact

these on-site wetlands and waters. The off-site roadway, which requires improvements to meet Transportation and Fire District requirements, crosses two drainages that would be avoided by implementing design waivers and recommended conditions of approval that have been incorporated into the project design. Future ministerial residential development would be required to meet the minimum setback requirements outlined in 130.30.030.G of the County Zoning Ordinance. The project is consistent with this General Plan Policy.

**2.8 This project is consistent with General Plan Policy 7.4.4.4.**

General Plan Policy 7.4.4.4 requires that for all new development projects that would result in soil disturbance on parcels that (1) are over an acre and have at least 1 percent total canopy cover or (2) are less than an acre and have at least 10 percent total canopy cover by woodlands habitats as defined in this General Plan and determined from base line aerial photography or by site survey performed by a qualified biologist or licensed arborist, that the project applicant shall adhere to the tree canopy retention and replacement standards.

Rationale: Proposed grading and future residential construction activities would result in approximately 0.88 acres of oak canopy removal, 0.73 acres on-site and 0.15 acres off-site, as described in the *Biological Resources Report; Oak Tree Survey, Preservation and Replacement Plan* prepared by Site Consulting Inc., dated April 2016 (Figure 8 of Attachment 8 to Exhibit M). The project would be required to mitigate 0.88 acres of oak canopy in compliance with said Report, General Plan Policy 7.4.4.4, and the Interim Interpretive Guidelines for that policy. The project would meet the required retention and replacement requirements of General Plan Policy 7.4.4.4 Option A and is therefore consistent with the General Plan Policy.

**2.9 This project is consistent with General Plan Policy 7.4.2.9.**

Policy 7.4.2.9 establishes the Important Biological Corridor (-IBC) overlay, which was applied to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors.

Rationale: The project site and related disturbance areas are located within the -IBC. The tentative subdivision map, as designed and conditioned, would not impede the intentions of this policy. The project incorporates the guidelines for development outlined in policy 7.4.2.9, including but not limited to, the size of the proposed lots allowing large areas to be left as they exist currently and the project incorporating higher oak woodland canopy-retention standards. Additionally, future construction would be reviewed at the time of grading and building permit for compliance with -IBC standards.

### **3.0 ZONING FINDINGS**

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

The project site is zoned Estate Residential Five-Acre (RE-5). The project has been analyzed in accordance with Zoning Ordinance Section 130.24 (Residential Zones) for minimum lot size, lot widths, and building setbacks.

Rationale: The proposed single-unit detached residential land uses are allowed uses within the RE-5 zone in accordance with Section 130.24.020. The proposed lots have been designed to comply with the RE-5 development standards, including minimum lot size and width standards identified in Section 130.24.030. The existing home and accessory structures are compliant with the setback requirements of Section 130.24.030. The tentative subdivision map identifies a potential building site for proposed Lot 1 that also complies with the setback requirements. The project, as proposed and conditioned, is consistent with the County Zoning Ordinance.

### **4.0 TENTATIVE SUBDIVISION MAP FINDINGS**

#### **4.1 The proposed tentative map, including design and improvements, is consistent with the General Plan.**

Rationale: The proposed Tentative Subdivision Map is consistent with the General Plan as set forth in Finding 2.0.

#### **4.2 The proposed tentative map conforms to the applicable standards and requirements of the County's Zoning Ordinance and Major Land Division Ordinance.**

Rationale: As discussed in Finding 3.0 above, the tentative subdivision map conforms to the allowed uses and development standards within the RE-5 Zone. As proposed and conditioned, the parcel map conforms the Subpart 1 of the County Subdivision Ordinance (Major Land Divisions).

#### **4.3 The site is physically suitable for the proposed type and density of development.**

Rationale: The site is physically suitable for the proposed type and density of development. The proposed project is consistent with the density allowed within the LDR land use designation, as well as the development standards of the RE-5 zone. The project was designed in a manner that avoids significant disturbances of slopes in excess of 30 percent, has adequate water and septic wastewater system capabilities, and avoids impacts to potential on-and off-site jurisdictional waters and wetlands of the U.S.

**4.4 The proposed subdivision is not likely to cause substantial environmental damage.**

Rationale: The proposed parcel map is not likely to cause substantial environmental damage as determined in the Mitigated Negative Declaration.

**5.0 DESIGN WAIVER APPROVAL FINDINGS**

**5.1 Modification of Standard Plan 101C allowing the existing Rancheria Court to remain unmodified for the portion of the roadway between large rock outcropping and culvert.**

**5.1.1 There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.**

Rationale: The subject site is unique in that the roadway giving access to the parcel is an existing gravel roadway that crosses two existing drainages. Requiring roadway widening for the entire length of Rancheria Court to accommodate one additional lot would result in extensive additional cost and likely additional state and federal permitting requirements, specifically with regard to impacts from additional grading to potential jurisdictional waters of the U.S. that are currently being avoided. The applicant has submitted a "Design Waiver Request" attached to this staff report in Exhibit L.

**5.1.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.**

Rationale: Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from additional grading, potential state and federal permitting requirements, and increased project costs. The proposed design waiver has been reviewed by the Transportation Division, Diamond Springs/El Dorado Fire Protection District, and CAL Fire, and is supported by each of these agencies as proposed and conditioned.

**5.1.3 The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.**

Rationale: The reduction in roadway width design waiver will not result in future development that would pose a hazard to the health, safety and welfare of the public. The proposed design waiver has been reviewed by the Transportation Division, Diamond Springs/El Dorado Fire Protection District, and CAL FIRE, and is supported by each of these agencies as proposed and conditioned.

**5.1.4 This waiver(s) would not have the effect of nullifying the objectives of Subpart I of Title 120 of the County Code or any other ordinance applicable to the division.**

Rationale: The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Subpart I of Title 120 of County Code (Major Land Divisions) or any of the other applicable ordinances discussed within the staff report. The project will create parcels that will be consistent with the development standards of the RE-5 zone district and other applicable requirements of the County Zoning Ordinance.

**5.2 Modification of Standard Plan 101C allowing reduction in the required roadway width from 18 feet to 12 feet for roadway serving Lot 1 through Lot 2.**

**5.2.1 There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.**

Rationale: The project site is located within an –IBC General Plan Overlay Land Use Designation which applies to lands identified as having high wildlife habitat values. The project site contains dense oak woodland canopy covering an excess of 90 percent of the site. The proposed roadway location contains oak woodland canopy that would be further impacted by additional grading if the entire roadway were to be widened to 18 feet to serve one parcel.

**5.2.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.**

Rationale: Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from additional grading, additional oak woodland canopy removal, and increased project costs related to additional roadway widening and oak canopy mitigation. The proposed design waiver has been reviewed by the Transportation Division, Diamond Springs/El Dorado Fire Protection District, and CAL FIRE, and is supported by each of these agencies as proposed and conditioned.

**5.2.3 The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.**

Rationale: The reduction in roadway width design waiver will not result in future development that will pose a hazard to the health, safety and welfare of the public. The proposed design waiver has been reviewed by the Transportation Division, Diamond Springs/El Dorado Fire Protection District, and CAL FIRE, and is supported by each of these agencies as proposed and conditioned.

**5.2.4 This waiver(s) would not have the effect of nullifying the objectives of Subpart I of Title 120 of the County Code or any other ordinance applicable to the division.**

Rationale: The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Subpart I of Title 120 of County Code (Major Land Divisions) or any of the other applicable ordinances discussed within the staff report. The project will create parcels that will be consistent with the development standards of the RE-5 zone district and other applicable requirements of the County Zoning Ordinance.