

**Findings**

**1.0 CEQA FINDING**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigate 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 relating to Biological Resources and Noise have been eliminated or substantially mitigated.
- 1.3 This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,850.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, less \$50.00 processing fee, is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.
- 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.
- 1.5 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 LEGISLATIVE FINDINGS**

- 2.1 The proposed General Plan amendment and zone change is consistent with the policies in the El Dorado County General Plan as discussed in the General Plan section of this staff report.

The General Plan amendment and zone change would be consistent with the boundary of the project site and establish an appropriate underlying commercial land use designation accommodating the proposed retail/pharmacy facility.

- 2.2 The General Plan amendment and zone change is found to comply with the requirements of Chapter 17.06, and the proposed project is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.

With the establishment of the commercial land use designation, the proposed facility has been designed in accordance with the applicable development standards under the El Dorado County Zoning Ordinance and Design and Improvement Standard Manual. Specific project conditions approval and mitigation measures have been incorporated ensuring orderly and safe development and operation

- 2.3 The site is physically suitable for commercial development.

The site is adequately sized to accommodate the proposed retail facility. The facility has been designed in accordance to applicable development standards, would be accessed off county roads, and receive public water, sewer and drainage services.

### **3.0 ADMINISTRATIVE FINDINGS**

#### **3.1 General Plan**

The proposed commercial development is in conformance with the commercial land use designation of the site as specified on the General Plan Land Use Map. The project has been designed in compliance with land use policies of the General Plan including Biological Resource, Commercial Development Standards, Circulation /Transportation, Air Quality, Noise, and Public Utilities.

#### **3.2 Zoning Code**

Upon consideration of the proposed land use designation amendment and rezone, the project would conform to the underlying Commercial Zone District. The proposed retail facility meets the applicable development standards including sign criteria, building setbacks, parking, and lighting requirements.

#### **3.3 Planned Development**

The proposed commercial retail facility has been reviewed pursuant to Chapter 17.02 of the El Dorado Zoning Code (Planned Development) and verified conformance to applicable standards of the zoning code and General Plan policies. In accordance with Section 17.04.030 of the County Code, a development plan cannot be approved unless the Planning Commission and Board of Supervisors can make the following findings:

- 3.3.1 The planned development request is consistent with the General Plan.

The proposed project conforms to the standards of the El Dorado County Zoning Code regarding use, parking, building setbacks, reduced landscaping, and, as discussed in the staff report, is consistent with applicable General Plan policies.

- 3.3.2 The proposed development is so designed to provide a desirable environment within its own boundaries.

The proposed commercial facility has been designed to provide adequate parking, landscaping, accessibility, circulation, and on-site utilities. The facility has been reviewed by the Cameron Park Design Review Committee for conformance with the community preferred design and architecture.

- 3.3.3 The exceptions to the standard requirements of the zone regulations are justified by the design and existing topography.

Given the site constraints resulting from additional dedication of right-of-way along Green Valley Road, the request includes an exemption from landscape standards along the northern (rear) property boundary line and additional landscaping required under Section 17.18.090. The standard landscaping along the property line is located between the building and concrete soundwall in the rear and therefore would not be readily apparent. The project is proposing a landscape planter at the northwest corner of the site that includes standard plants and an area reserved for oak tree canopy replacement. The facility has been designed to sufficiently meet the required landscaping along the other perimeters, provide off-street parking, and pedestrian sidewalk.

- 3.3.4 The site is physically suited for the proposed uses.

The proposed retail facility conforms to the commercial land use designation for the site. It has been designed in conformance to with the applicable standards of the zoning designation and General Plan policies.

- 3.3.5 Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.

Water and sewer services would be served by the El Dorado Irrigation District, subject to utility upgrades and connections to the existing lines. The project has been designed to construct and connect to the existing drainage system provided by the County. Roads contiguous to the site would be improved in order to accommodate the project generated traffic and minimize impacts.

- 3.3.6 The proposed uses do not significantly detract from the natural land and scenic values of the site.

The proposed retail facility would conform to the existing commercial nature of the immediate corridor of Green Valley Road and Cameron Park Drive. There is no natural land and scenic values on-site that would be affected.

### **3.4 Design Review**

The project is located with the community of Cameron Park, which is designated in an area within the county requiring project review for architectural design, site planning, and safety. The Cameron Park Design Review Committee reviewed the project including the site layout, landscaping, sign elements, and exterior details.

### **3.5 Design Waiver**

- 3.5.1 There are special conditions or circumstances peculiar to the project proposed to be constructed which would justify the waiver.

As a result of the additional dedication of right-of-way and in order to minimize impact to a preserved Oak tree, the resulting project is constrained thereby necessitating a design waiver request.

- 3.5.2 Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property;

Strict application of the standards would limit the ability of the project to meet the minimum required development standards and potentially impact an oak tree thereby causing unnecessary hardship in developing the commercial property.

- 3.5.3 The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public;

Though it does not conform to County design standards, the proposed five-foot wide sidewalk sufficiently meets the required standards under the American Disabilities Act. The proposed sidewalk would provide an upgrade to the existing pedestrian connectivity with the contiguous surrounding uses, where there are currently no sidewalks. With the additional right-of-way, dedication along Green Valley, the project-required improvements that would result in improved traffic and provide safe bicycle lane. Therefore, the waiver would not be injurious to adjacent properties or detrimental to the health of the public.

- 3.5.4 The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the project;

Consideration of this waiver is limited to the orderly development and operation of the proposed facility and would not have any nullifying effects to any applicable standard or codes for which the project has been verified for conformance.