

## **FINDINGS**

### **Rezone Z15-0003/Tentative Subdivision Map 15-1527/Granite Creek Subdivision Planning Commission/October 12, 2017**

#### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act (CEQA) and is adequate for this proposal.
- 1.2 The Initial Study identifies that this project proposes a less than significant impact on the environment with specific mitigation outlined within the Biological Resources, Air Quality, Cultural Resources, Noise, and Transportation categories. By including mitigation for these categories, the effects on the Mandatory Findings of Significance section are also reduced below a level of significance for the this project.
- 1.3 The documents and other materials, which constitute the record of proceedings upon which this decision is based, are in the custody of the Planning and Building Department, 2850 Fairlane Court, Placerville, CA 95667.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a mitigation monitoring or reporting 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 GENERAL PLAN FINDINGS**

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

The site is designated under the General Plan as Rural Residential. The Rural Residential (RR) land use designation establishes areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substandard access as well as “choice” agricultural soils. The RR designation shall be used as a transition between LDR and the Natural Resource (NR) designation. Typical uses include single family residences, agricultural support structures, agricultural production uses, recreation, and mineral development activities. The allowable density for this designation is one dwelling unit per 10 to 160 acres. This designation is considered appropriate only in the Rural Regions.

Rationale: The Rural Residential General Plan land use designation permits a density range of one dwelling unit per 10 to 160 acres (du/a). The project site is 134.05 acres and includes a request for rezone to change the project site zoning designation to Estate Residential Ten-Acre (RE-10). Lots would range in size from 10.02 to 25.17 acres with a density of 0.8 units per acre. Therefore the proposed nine lot subdivision would be consistent within the RR land use designation.

**2.2 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 and mitigated, the proposal is consistent with the intent of the General Plan, as determined within the General Plan Findings.

**2.3 The project is consistent with General Plan Policy 2.2.5.3.**

This Policy requires: 1) that a Rezone request be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and 2) assessment of whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include, but are not limited to, the following:

*A. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands.*

Rationale: The project would be served by individual private wells.

*B. Availability and capacity of public treated water system.*

Rationale: The project would not connect to public treated water systems.

*C. Availability and capacity of public waste water treatment system.*

Rationale: The project would not connect to a public waste water treatment system.

*D. Distance to and capacity of the serving elementary and high school.*

Rationale: The project site is located within the Latrobe School District. The nearest school is Miller School, located approximately two miles from the site. The assigned high school for this site is Ponderosa High School, El Dorado Union High School District. Prior to building permit issuance for each of the proposed lots, payment of school fees would be required, which would provide funding for any additional school capacity necessary to serve additional students.

*E. Response time from nearest fire station handling structure fires.*

Rationale: The project site is located within the El Dorado Hills Fire Department service area. The Department has reviewed the project and has determined with the requested conditions of approval, the District would be able to provide adequate fire protection to the site.

*F. Distance to nearest Community Region or Rural Center.*

Rationale: As shown on the Location Map (Exhibit A), the project site is located northeast of the Latrobe Rural center, approximately 2 miles north along South Shingle Road.

*G. Erosion hazard.*

Rationale: The soils on site are Auburn Very Rocky Silt Loam, 2 To 30 Percent Slopes (Axd) with Auburn Silt Loam, 2 To 30 Percent Slopes (AwD) at the western portion of the site. The erosion hazard for this soil type is slight to moderate. The grading necessary for the onsite and offsite road improvements would be required to comply with applicable grading and erosion control policies established by the County. The Transportation Department would review the grading plans to verify conformance with established policy.

*H. Septic and leach field capability.*

Rationale: The project would be served by private septic wastewater facilities. The applicant conducted a soil test trench evaluation and submitted a Septic Capability Report for the site (Exhibit I). Each proposed parcel would have a 12,000-square-foot minimum sewage disposal area. As indicated on the tentative map, sewage disposal areas meet all State and County setback requirements and are not located in areas with 30% or greater slopes. The El Dorado County Department of Environmental Health reviewed the septic test reports submitted with the project and determined that the proposed systems would have adequate capacity to serve the proposed development.

*I. Groundwater capability to support wells.*

Rationale: The applicant has submitted water testing data as part of the septic capability report (Exhibit I). Each lot is at least 10 acres in size and will be served by an individual well. For proof of adequate water quantity, an existing well at the east edge of the site had a twenty-four (24) hour pump test conducted. Other wells in the area have ranged from 7 to 30 gallons per minute with an average of 22 gallons per minute. The minimum for demonstrating adequate water supply for the purpose of land divisions is exceedance of 5 gallons per minute. Evidence of a safe and reliable water supply would be required prior to filing the Final Map.

*J. Critical flora and fauna habitat areas.*

Rationale: A Biological Resource Assessment was performed by Sycamore Environmental, dated February 5, 2016 (Exhibit J). The assessment concluded that the onsite oak woodland habitat may provide suitable nesting areas for birds protected by the Migratory Bird Treaty Act, and that the site contains suitable habitat for other special-status species. Mitigation Measures have been included as part of the project to require onsite surveys prior to construction activities to avoid disturbance of any protected species (Mitigation Measures BIO-1 through BIO-4).

*K. Important timber production areas.*

Rationale: The project site does not contain and is not adjacent to any important timber production areas.

*L. Important agricultural areas.*

Rationale: The proposal would change the zoning at the site from Rural Lands 20-Acre (RL-20) to Residential Estate Ten-Acre (RE-10) for Lots 1 through 5 and Lot 9. This site was included in the “agricultural opt-in” process during the 2015 Targeted General Plan Amendment / Zoning Ordinance Update process, but the owners did not opt to remain zoned for agriculture. For special setback purposes, the RL zone and the RE zone is not considered to be an agricultural or timber zone. Minimum lot size designators shall be applied to this zone based on the constraints of the site, surrounding uses, and other appropriate factors. The adjacent parcel to the south are zoned Limited Agriculture, Twenty-Acre (LA-20). The owners of the land immediately south of the site opted to remain zoned for agricultural use under the TGPA/ZOU. The Agricultural Commission reviewed the project and made findings in support of this subdivision, as detailed in Finding 2.45 (Exhibit K).

*M. Important mineral resource areas.*

Rationale: The project site does not contain or is located adjacent to any important mineral resource areas.

*N. Capacity of the transportation system serving the area.*

Rationale: The Transportation Department has reviewed the traffic study prepared for the project (Exhibit L). Although the new lots would allow for up to two new dwelling units on each of the nine new parcels, the LOS established by the County would not be exceeded by the project and the surrounding road circulation system would not be impacted. The Transportation Department determined that completion of the required driveways and payment of Traffic Impact Mitigation Fees prior to building permit issuance would reduce impacts to the existing traffic system in the area.

*O. Existing land use pattern.*

Rationale: The site is surrounded by existing large-lot residential development and agriculture. The land to the north, east, and west of the parcel is zoned RE-10, and land to the south is AE. The project would allow for development consistent with the RE-10 zone district for Lots 1 through 5 and 9. The project would be consistent with the surrounding land use pattern.

*P. Proximity to perennial water course.*

Rationale: The project site consists of 132.05 acres, and the land contains several sensitive areas. Clark Creek, an intermittent creek, associated wetlands and wetland swales, and three seeps are on the project site. The proposed placement of the roads, driveways, and residences would avoid any fill, new crossings, or other disturbance to the waters. None of the waters on or near the site are perennial water courses. A 50-foot setback would be required from wetlands and intermittent streams. As required by General Plan Policy 7.3.3.4 and in accordance with the Clean Water Act, a 404 permit, Water Quality Certification and Streambed Alteration Agreement would be required for filling any jurisdictional wetlands. The required setback from these onsite riparian features has been shown on the tentative map.

*Q. Important historical/archeological sites.*

Rationale: A Cultural Resources Study was prepared for the site which identified multiple significant cultural resources on a portion of the site (Historic Resource Associates, 1997). The components include prehistoric and historic resources. As recommended by the Cultural Resource Assessment, principal components of the site shall be protected, or Phase I archaeological testing shall be conducted to determine if a significant subsurface archaeological component exists. In addition, an archaeologist shall monitor the grading phase. These requirements have been included as Mitigation Measures. The proposed tentative map designates non-building areas that avoid sensitive areas on site, such as pre-historic and historic cultural resources. No development shall occur in the non-build areas, as outlined in Mitigation measure CUL-1.

*R. Seismic hazards and present of active faults.*

Rationale: The project site does not contain or is adjacent to seismic hazards or active faults. Adherence to standard construction practices would prevent any seismic related hazards.

*S. Consistency with existing Conditions, Covenants, and Restrictions.*

*Rationale: The site does not have any existing CC&Rs.*

**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.

Rationale: The project site is surrounded by rural residential development, small-scale agriculture, and recreational uses. The new parcels would be similar in size to the surrounding parcels, and the proposed residential use would be compatible with the existing development in the vicinity. Access to the site would be from South Shingle Road and Brandon Road, with new driveways for each new lot. The parcel to the south of the site is zoned Limited Agriculture Twenty-Acre (LA-20), and as such a 200-foot setback is required for any development of the land at the south portion of the project site. This setback would not preclude development of the proposed lots, and the setback is shown on the proposed tentative map. The proposed project is compatible with the land use designation. The use is consistent and compatible with the development pattern in the immediate surroundings.

**2.5 The project is consistent with General Plan Policy 2.3.2.1.**

Policy 2.3.2.1 states that disturbance of slopes thirty (30) percent or greater shall be discouraged to minimize the visual impacts of grading and vegetation removal.

Rationale: The site contains some areas of steep slopes. Over 75% of the site contains a maximum slope of 10%, however 3.5% of the site includes slopes of 30% or steeper. The tentative map for this project indicates the locations of proposed access drives and residences on each lot. Though the proposed driveways would be constructed within the steep slope areas, the locations of the proposed structures avoid steep slopes to the extent possible.

**2.6 The project is consistent with General Plan Policy TC-1w.**

Policy TC-1w says that new streets and improvements to existing rural roads necessitated by new development shall be designed to minimize visual impacts, preserve rural character, and ensure neighborhood quality to the maximum extent possible consistent with the needs of emergency access, on street parking, and vehicular and pedestrian safety.

Rationale: Access to the site would be from South Shingle road, Brandon Road, and the proposed driveways. One new road is proposed in order to provide access to Lot 9.

**2.7 The project is consistent with General Plan Policy TC-Xa.**

According to Policy TC-Xa, the following policies shall remain in effect until December 31, 2018:

1. Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service 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.

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 Level of Service F without first getting the voters' approval.

3. All necessary road capacity improvements shall be fully completed to prevent cumulative traffic impacts from new development from reaching level of Service F during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county before any form of discretionary approval can be given to a project.

4. County tax revenues shall not be used in any way to pay for building road capacity improvements to offset traffic impacts from new development projects. Non-county tax sources of revenue, such as federal and state grants, may be used to fund road projects. Exceptions are allowed if county voters first give their approval.

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

6. Mitigation fees and assessments collected for infrastructure shall be applied to the geographic zone from which they were originated and may be applied to existing roads for maintenance and improvement projects.

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 application for the project was received on August 19, 2015 and deemed complete on May 10, 2016. This complete date precedes passage and effective date of Measure E which was approved by voters June 7, 2016 and became effective on July 29, 2016. According to the Subdivision Map Act (GC 66474.2.), the local agency shall apply [to the tentative map] only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete (unless the agency has initiated a change to a standard "by way of ordinance, resolution, or motion"). Although the new lots would allow for up to two new dwelling units on each of the nine new parcels, the LOS established by the County would not be exceeded by the project and the surrounding road circulation system would not be impacted.



Additionally, the Traffic Impact Analysis (Exhibit L) indicated that the LOS would not be significantly impacted by the proposed project. The project would generate an average of 105 daily trips during weekdays, 9 trips during the a. m., and 11 trips during the p. m. peak hours. The calculation is based on the ITE Trip Generation Manual 9th Edition. Access to the sites are proposed via driveways from S. Shingle Road (seven proposed driveway access to seven individual parcels from S. Shingle Road) and three from Brandon Road. The generated project trips are insignificant at each driveway and there are no impacts at any of the proposed driveways. Analysis indicates that the operational level-of-service at the studied intersection is "A" in the existing, existing plus project, near term (Year 2025), and near-term plus project conditions. The street section of South Shingle Road north of Brandon Road operates at LOS A for existing and near term, but would be reduced to LOS C during the PM peak hours for the existing plus project and near-term plus project conditions. Based on the standard of significance and criteria presented on the El Dorado County Transportation Impact Study Guidelines, the project does not have any negative significant impacts on the roadway segment or on the intersection of S. Shingle Road and Brandon Road and would not require any improvements to roads off-site. Traffic Impact Mitigation fees would be required to be paid at the time of building permit.

## 2.8 **The project is consistent with General Plan Policy TC-Xf.**

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.

Rationale: The Traffic Impact Analysis analyzed traffic for any effects upon and improvements for the local roadway system of arterials, streets, and controlling intersections. The analysis indicated that the LOS would not be significantly impacted by the proposed project. The project would generate an average of 105 daily trips during weekdays, 9 trips during the a. m., and 11 trips during the p. m. peak hours. The generated project trips are insignificant at each driveway and there are no impacts at any of the proposed driveways. Analysis indicates that the operational level-of-service at the studied intersection is "A" in the existing, existing plus project, near term (Year 2025), and near-term plus project conditions. The street section of South Shingle Road north of Brandon Road operates at LOS A for existing and near term, but would be reduced to LOS C during the PM peak hours for the existing plus project and near-term plus project

conditions. Based on the standard of significance and criteria presented on the El Dorado County Transportation Impact Study Guidelines the project does not have any negative significant impacts on the roadway segment or on the intersection of S. Shingle Road and Brandon Road, and no improvements are necessary.

**2.9 The project is consistent with General Plan Policy TC-Xh.**

Policy TC-Xh require that all subdivisions shall be conditioned to pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.

Rationale: Traffic Impact Mitigation fees would be required at the time of Building Permit.

**2.10 The project is consistent with General Plan Policy HO-1.2.**

To ensure that projected housing needs can be accommodated, the County shall maintain an adequate supply of suitable sites that are properly located based on environmental constraints, community facilities, and adequate public services

Rationale: This project would provide up to nine new units. The project would contribute a relatively small percentage of the quantity of housing units anticipated to be built within the planning horizon of the general plan. The project would have access to adequate public services, facilities, and the project has been designed to accommodate the environmental conditions of the site.

**2.11 The project is consistent with General Plan Policy HO-5.1.**

The County shall require all new dwelling units to meet current state requirements for energy efficiency and shall encourage the retrofitting of existing units.

Rationale: The project would result in up to 20 new residential units, which would be subject to the standards of Title 24, California's Energy Efficiency Standards for Residential and Nonresidential Buildings.

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

Policy 5.1.2.1 says that 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 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: Because this project does not include public water or sewer connection, there would be no impact to water or sewer capacity. No new or expanded wastewater treatment facilities would be required. The project would not generate a substantial increase in solid waste. Other utility companies reviewed the project and had no comment. Park fees will be assessed and have been included in the Conditions of Approval for this project. Impacts to emergency services and public services such as transit and schools will be impacted by the addition of nine homes, but the impact is less than significant as detailed in the Initial Study.

**2.13 The project is consistent with General Plan Policy 5.1.2.3.**

Policy 5.1.2.3 requires that new development be required to pay its proportionate share of the costs of infrastructure improvements required to serve the project to the extent permitted by State law. Lack of available public or private services or adequate infrastructure to serve the project which cannot be satisfactorily mitigated shall be grounds for denial of any project or cause for the reduction of size, density, and/or intensity otherwise indicated on the General Plan land use map to the extent allowed by State law.

Rationale: The project would include development that would increase demand for public services and utilities, however, conditions of approval and mitigation measures, including payment of fees, have been included to ensure adequate capacity is maintained.

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

Policy 5.2.1.2 requires an adequate quantity and quality of water for all uses, including fire protection, to be provided for with discretionary development.

Rationale: The application was reviewed and conditioned by Environmental Management and El Dorado Hills Fire Protection District. The applicant submitted a well test report demonstrating the availability of ground water to serve the site. EDHFPD will also require the installation of a storage tank for a minimum of 10,000 gallons of water for each site for the purpose of fire protection.

**2.15 The project is consistent with General Plan Policy 5.2.3.2.**

Policy 5.2.3.2 requires that new private wells shall be tested pursuant to the County Well Ordinance and/or other County requirements to ensure a safe and reliable water supply.

Rationale: The application was reviewed and conditioned by Environmental Management and El Dorado Hills Fire Protection District. The applicant

submitted a well test report demonstrating the availability of ground water to serve the site. Testing for water quality is required prior to the filing of the final map.

**2.16 The project is consistent with General Plan Policy 5.2.3.4.**

Policy 5.2.3.4 requires all applications for divisions of land and other discretionary or ministerial land uses which rely on groundwater for domestic use, or any other type of use, demonstrate that groundwater is adequate as part of the review and approval process. The County shall not approve any discretionary or ministerial projects unless the County finds, based on evidence provided by the applicant, or other evidence that may be provided, that the groundwater supply for the project in question is adequate to meet the highest demand associated with the approval in question.

Rationale: Each lot would be served by an individual well and septic system. The applicant submitted a well test report demonstrating the sufficient availability of ground water to serve the site. The wildfire safe plan would require a 10,000 gallon water tank to be installed at each residence to supply residential, fire sprinkler, and firefighting water. The tank size is to be determined by the square footage of the residence. With the creation of nine parcels, a second dwelling unit could be constructed on each lot. If a second dwelling unit were constructed, the project would be required to provide a safe and reliable water source at the time of building permit application. No further water supply is anticipated to be needed related to the tentative subdivision map.

**2.17 The project is consistent with General Plan Policy 5.2.3.5.**

Policy 5.2.3.5 requires that the average residential density shall not be greater than one dwelling unit per five acres in proposed groundwater dependent developments except in areas known to have groundwater supply limitations. In those areas, a minimum parcel size of ten acres or larger may be required if it is demonstrated such larger parcels are necessary to limit the impact on groundwater supply in the area.

Rationale: Each lot would 10 acres or greater, and each would be served by an individual well and septic system. The applicant submitted a well test report demonstrating the sufficient availability of ground water to serve the site. If a second dwelling unit were constructed, the project would be required to provide a safe and reliable water source at the time of building permit application.

**2.18 The project is consistent with General Plan Policy 5.4.1.1.**

Policy 5.4.1.1 requires storm drainage systems for discretionary development that protect public health and safety, preserve natural resources, prevent erosion of adjacent and

downstream lands, prevent the increase in potential for flood hazard or damage on either adjacent, upstream or downstream properties, minimize impacts to existing facilities, meet the National Pollution Discharge Elimination System (NPDES) requirements, and preserve natural resources such as wetlands and riparian areas.

Rationale: The proposed development would add additional impervious surfaces at the project site, which would increase surface runoff on an ongoing basis. This increase could result in a small increase in both the total volume and the peak discharge rate of stormwater runoff, and could result in exceeding the capacity of onsite stormwater systems and greater potential for on- and offsite flooding. The final design of the storm drainage system must comply with the County's Design and Improvement Standards Manual, which will ensure the project would not increase off-site flood potential.

**2.19 The project is consistent with General Plan Policy 5.4.1.2.**

Policy 5.4.1.2 Discretionary development shall protect natural drainage patterns, minimize erosion, and ensure existing facilities are not adversely impacted while retaining the aesthetic qualities of the drainage way.

Rationale: The project would avoid natural features and maintain the aesthetic qualities of on-site drainages. Best management practices and LID measures are required in accordance with the County's Storm Water Management Plan and the NPDES Small MS4 Permit. The project must also implement best management practices as required under the State NPDES Construction General Permit and County Grading, Erosion, and Sediment Control Ordinance to minimize erosion on-site and off-site. The plan would be designed to prevent increased discharge of sediment at all stages of construction, from initial ground disturbance to project completion.

**2.20 The project is consistent with General Plan Policy 5.5.2.1.**

Policy 5.5.2.1 Concurrent with the approval of new development, evidence will be required that capacity exists within the solid waste system for the processing, recycling, transformation, and disposal of solid waste.

Rationale: The project would generate solid waste that would be similar in character to that associated with domestic use and construction-related waste. The project site will be served by El Dorado Disposal Service for solid waste collection, disposal, and recycling services. El Dorado Disposal Service transports waste to the Transfer Station and Material Recovery Facility in Placerville and the Potrero Hills Landfill (CalRecycle 2015a). The Potrero Hills Landfill has a remaining estimated capacity of approximately 13.9 million cubic yards (in 2006) and is estimated to remain in operation until

February of 2048. The relatively small increase in solid waste would not consume a substantial proportion of the permitted capacity at either facility and would not result in the need to expand or construct new landfill facilities. In addition, this project would adhere to all required State or County waste management ordinances and requirements, such as diversion of construction and demolition debris and hazardous waste handling requirements that ensure that use of landfill space is limited and potential for accidental spills is minimized.

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

Policy 5.7.2.1 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 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 project was reviewed by the Transportation Department, El Dorado Hills Fire Department, and CALFIRE to ensure that adequate access and water would be provided to meet Fire Safe standards and conform to the County Design Improvement Standards Manual. Access to the parcels would from South Shingle Road and Brandon Road, both existing public, county-maintained roads. The wildfire safe plan would require a 10,000 gallon water tank to be installed at each residence to supply residential, fire sprinkler, and firefighting water. Fire protection to existing development would not be reduced below acceptable levels, and specific conditions such as access requirements and water availability have been incorporated.

**2.22 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 El Dorado Hills Fire Department (EDHFD) provided a letter to the County outlining requirements to provide fire and emergency medical services to the project site, and all of the provisions identified by the EDHFD requiring compliance with their fire standards. This includes the location of and specifications for fire hydrants, emergency vehicle access including roadway widths and turning radii, fire flow and sprinkler requirements, defensible space, and compliance with the approved wildland fire safe plan.

**2.23 The project is consistent with General Plan Policy 5.7.3.1.**

Policy 5.7.3.1 requires that the Sheriff's Department shall be requested to review all applications to determine the ability of the department to provide protection services prior to discretionary approval. The ability to provide 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:** The proposed project would slightly increase demand for law enforcement services due to the increased population and development at the project site. Adding additional residences to the area could further affect response times by demanding additional law enforcement protection. However, according to the Sheriff's Office, funding considerations to supply increased police protection services would be addressed by the County Board of Supervisors.

**2.24 The project is consistent with General Plan Policy 5.7.4.1.**

Policy 5.7.4.1 requires that prior to approval of new development, the applicant shall demonstrate that adequate medical emergency services are available and that adequate emergency vehicle access will be provided concurrent with development.

**Rationale:** The development would increase the need for fire protection and emergency medical services. There is adequate equipment and staff to maintain acceptable fire service ratios, response times, and other performance objectives with implementation of the project. No additional facilities would be needed to serve the project site.

**2.25 The project is consistent with General Plan Policy 5.7.4.2.**

Prior to approval of new development, the Emergency Medical Services Agency shall be requested to review all applications to determine the ability of the department to provide protection services. The ability to provide 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:** El Dorado Hills Fire Department (EDHFD) provided a letter to the County outlining requirements to provide fire and emergency medical services to the project site, and all of the provisions identified by the EDHFD requiring compliance with their fire standards. EDHFD has adequate equipment and staff to maintain acceptable fire service ratios, response times, and other performance objectives with implementation of the project. No additional facilities would be needed to serve the project site.

**2.26 The project is consistent with General Plan Policy 5.8.1.1.**

School districts affected by a proposed development shall be relied on to evaluate the development's adverse impacts on school facilities or the demand therefor. No development that will result in such impacts shall be approved unless:

1. To the extent allowed by State law, the applicant and the appropriate school district(s) have entered into a written agreement regarding the mitigation of impacts to school facilities; or
2. The impacts to school facilities resulting from the development are mitigated, through conditions of approval, to the greatest extent allowed by State law.

Rationale: New school facilities would likely not be needed to accommodate anticipated increases in student enrollment resulting from the proposed project. The project site is located within the Latrobe School District. The nearest school is Miller School, located approximately two miles from the site. The assigned high school for this site is Ponderosa High School, El Dorado Union High School District. New development is required to provide necessary funding and/or capital facilities for the school system, as determined by applicable State-mandated development impact fees. Prior to building permit issuance for each of the proposed lots, payment of school fees would be required. The conditions of approval require the payment of school facility mitigation fees in accordance with State law.

**2.27 The project is consistent with General Plan Policy 6.2.2.1.**

Policy 6.2.2.1 requires that Fire Hazard Severity Zone Maps be consulted in the review of all projects so that standards and mitigation measures appropriate to each hazard classification can be applied. Land use densities and intensities shall be determined by mitigation measures in areas designated as high or very high fire hazard.

Rationale: Project implementation would result in the construction of residences on nine new lots in an area of high fire potential. Implementation of a Wildland Fire Safe Plan prepared for the project is required as a condition of approval.

**2.28 The project is consistent with General Plan Policy 6.2.2.2.**

Policy 6.2.2.2 says that the County shall preclude development in areas of high and very high wildland fire hazard or in areas identified as "urban wildland interface communities within the vicinity of Federal lands that are a high risk for wildfire," as listed in the Federal Register of August 17, 2001, unless such development can be adequately protected from wildland fire hazard, as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection.



Rationale: The project site is in an area of high fire hazard for wildland fire pursuant to Figure 5.8-4 of the 2004 General Plan Draft EIR. The El Dorado County General Plan Safety Element precludes development in areas of high wildland fire hazard unless such development can be adequately protected from wildland fire hazards as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local fire Protection District and/or California Department of Forestry and Fire Protection. Both El Dorado Hills Fire Department and the California Department of Forestry and Fire Protection (CALFIRE) reviewed the application. A Wildland Fire Safe Plan is required for the project, which will require fire fuel hazard reduction, water tanks at each residence to supply residential, fire sprinkler and firefighting water, standpipes to act as fire hydrants, residential sprinkler systems, and specific building materials, as needed. Implementation of the Wildland Fire Safe Plan is required as a condition of approval to reduce the potential for project construction resulting in fire that could spread to the adjacent wildland and effect existing residences.

**2.29 The project is consistent with General Plan Policy 6.2.3.1.**

As a requirement for approving new development, the County must find, based on information provided by the applicant and the responsible fire protection district that, concurrent with development, adequate emergency water flow, fire access, and firefighting personnel and equipment will be available in accordance with applicable State and local fire district standards.

Rationale: El Dorado Hills Fire Department (EDHFD) provided a letter to the County outlining requirements to provide fire and emergency medical services to the project site, and all of the provisions identified by the EDHFD requiring compliance with their fire standards. The project must also adhere to an approved Wildland Fire Safe Plan. The site is approximately two miles from the nearest fire station and EDHFD has adequate equipment and staff to maintain acceptable fire service ratios, response times, and other performance objectives with implementation of the project.

**2.30 The project is consistent with General Plan Policy 6.2.3.2.**

Policy 6.2.3.2 requires that new development 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 project must prepare and adhere to the approved Wildland Fire Safe Plan as well as the conditions added as recommended by the El Dorado Hills Fire Department for emergency vehicle access including roadway widths and turning radii, fire flow and sprinkler requirements, and vehicle

ingress/egress. Compliance with these requirements will assure adequate emergency access and evacuation routes.

**2.31 The project is consistent with General Plan Policy 6.7.4.4.**

Policy 6.7.4.4 requires that all discretionary development applications shall be reviewed to determine the need for pedestrian/bike paths connecting to adjacent development and to common service facilities (e.g., clustered mail boxes, bus stops, etc.).

Rationale: The project is for a rural subdivision. Policy TC-5a of the transportation Element requires sidewalks and curbs throughout residential subdivisions, where any residential lot or parcel size is 10,000 square feet or less. Bike and pedestrian paths would not be required for these lots, as the project would create lots of 10.02 acres or larger. However, the project would be near the site of the El Dorado Trail, which follows the stretch of Southern Pacific Railway running between Latrobe and Placerville. A Class I trail is proposed for this corridor. This bikeway would serve the future residents of the site.

**2.32 The project is consistent with General Plan Policy 6.7.4.6.**

The County shall regulate wood-burning fireplaces and stoves in all new development. Environmental Protection Agency (EPA)-approved stoves and fireplaces burning natural gas or propane are allowed.

Rationale: The project does not propose to include wood-burning stoves or fireplaces in any residence. Fire places in all units would be powered with natural gas.

**2.33 The project is consistent with General Plan Policy 6.7.7.1.**

The County shall consider air quality when planning the land uses and transportation systems to accommodate expected growth, and shall use the recommendations in the most recent version of the El Dorado County Air Quality Management (AQMD) Guide to Air Quality Assessment: Determining Significance of Air Quality Impacts Under the California Environmental Quality Act, to analyze potential air quality impacts (e.g., short-term construction, long-term operations, toxic and odor-related emissions) and to require feasible mitigation requirements for such impacts. The County shall also consider any new information or technology that becomes available prior to periodic updates of the Guide. The County shall encourage actions (e.g., use of light-colored roofs and retention of trees) to help mitigate heat island effects on air quality.

Rationale: The project's air quality impacts were evaluated based on the significance criteria and recommendations in the El Dorado County Air Quality Management District's Guide to Air Quality Assessment, as detailed in Section 4.8, "Air Quality" of the EIR, and the project will be conditioned

to implement mitigation measures to reduce emissions. As the project is for a rural subdivision, heat island effects are not anticipated.

**2.34 The project is consistent with General Plan Policy 7.1.2.1.**

General Plan Policy 7.1.2.1 prohibits development or disturbance on slopes exceeding 30 percent unless necessary for access. The County may consider and allow development or disturbance on slopes 30 percent and greater when:

- Reasonable use of the property would otherwise be denied.
- The project is necessary for the repair of existing infrastructure to avoid and mitigate hazards to the public, as determined by a California registered civil engineer or a registered engineering geologist.
- Replacement or repair of existing structures would occur in substantially the same footprint.
- The use is a horticultural or grazing use that utilizes “best management practices (BMPs)” recommended by the County Agricultural Commission and adopted by the Board of Supervisors.

Access corridors on slopes 30 percent and greater shall have a site specific review of soil type, vegetation, drainage contour, and site placement to encourage proper site selection and mitigation. Septic systems may only be located on slopes under 30 percent. Roads needed to complete circulation/access and for emergency access may be constructed on such cross slopes if all other standards are met.

Rationale: Approximately 96 percent of the site’s topography contains less than 30 percent slopes. No development would occur on sites with slopes 30 percent or greater, although some driveways would traverse steep slopes. Where slopes, if any, are over 30 percent they shall be subject to development restrictions in compliance with the Hillside Design Standards adopted by the Board of Supervisors (Resolution 322-92) and the Interim Interpretive Guidelines.

**2.35 The project is consistent with General Plan Policy 7.1.2.2.**

Discretionary and ministerial projects that require earthwork and grading, including cut and fill for roads, shall be required to minimize erosion and sedimentation, conform to natural contours, maintain natural drainage patterns, minimize impervious surfaces, and maximize the retention of natural vegetation. Specific standards for minimizing erosion and sedimentation shall be incorporated into the Zoning Ordinance.

Rationale: The project, as mitigated and conditioned, will be required to implement best management practices as required under the State NPDES

Construction General Permit and County Grading, Erosion, and Sediment Control Ordinance to minimize erosion and sedimentation. The project conforms to natural contours and maintains natural drainages. Approximately 30 percent of the site will be open space, which provides opportunities to preserve the on-site drainage and retain natural vegetation.

**2.36 The project is consistent with General Plan Policy 7.3.2.1.**

Policy 7.3.2.1 requires that stream and lake embankments shall be protected from erosion, and streams and lakes shall be protected from excessive turbidity.

Rationale: Construction activities for the project would create the potential for soil erosion and sedimentation of stormwater drainage systems, both within and downstream of the project site. As mitigation for potential impacts to water quality, the applicant will prepare and implement a SWPPP that complies with the SWRCB Statewide Construction General Permit. The SWPPP must identify BMPs that will protect water quality from polluted stormwater runoff (Mitigation Measure 4.3-1). Adequate surface drainage control would be designed by the project civil engineer to ensure that all slopes have appropriate drainage and vegetation measures to minimize erosion of soils. Contract provisions would require compliance with the El Dorado County Grading Ordinance, Erosion and Sediment Control and Stormwater Quality Ordinances, the West Slope Development and Redevelopment Standards, and Post Construction Storm Water Plan Requirements and implementation of BMPs.

**2.37 The project is consistent with General Plan Policy 7.3.2.2.**

Policy 7.3.2.2 says that projects requiring a grading permit shall have an erosion control program approved, where necessary.

Rationale: Grading and improvement plans are required to reduce or mitigate erosion and sedimentation from the project. The grading plans would incorporate appropriate erosion control measures as provided in the Grading, Erosion and Sediment Control Ordinance and El Dorado County SWMP. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps would be implemented.

**2.38 The project is consistent with General Plan Policy 7.3.3.5.**

Policy 7.3.3.5 requires that rivers, streams, lakes and ponds, and wetlands be integrated into new development in such a way that they enhance the aesthetic and natural character of the site while disturbance to the resource is avoided or minimized and fragmentation is limited.

Rationale: Wetland and riparian areas have been incorporated into project design. These features are to be preserved with adequate buffers and are near the interior of the lot, away from the proposed residence locations and driveways. The project would be required to obtain all necessary permits and approvals from regulatory agencies prior to any work that could affect these features and to implement best management practices during construction to protect these features.

**2.39 The project is consistent with General Plan Policy 7.3.4.2.**

Policy 7.3.4.2 Modification of natural stream beds and flow shall be regulated to ensure that adequate mitigation measures are utilized.

Rationale: Proposed structures, utilities, roads, and trails are designed to avoid permanent fill of waters of the United States, including wetlands and riparian habitat. However, because grading and excavation would occur close or adjacent to these areas, Clark Creek and the associated wetlands could be affected through either minor inadvertent removal of vegetation, erosion into waterways, or inadvertent placement of fill materials. Mitigation Measure 4.4-2c would require that any activity that may affect the bed, bank, channel, or associated riparian habitat would require authorization through a Streambed Alteration Notification, pursuant to Section 1600 et seq. of the California Fish and Game Code.

**2.40 The project is consistent with General Plan Policy 7.4.1.5.**

Policy 7.4.1.5 requires that species, habitat, and natural community preservation/conservation strategies be prepared to protect special status plant and animal species and natural communities and habitats when discretionary development is proposed on lands with such resources, unless it is determined that those resources exist, and either are or can be protected, on public lands or private Natural Resource lands.

Rationale: The project site was evaluated for the presence of listed animal and plant species (Foothill Associates, 2015a). As mitigated and conditioned, the project will be required to protect big-scale balsamroot and migratory bird and raptor species' nesting habitat during construction. Mitigation Measures BIO-1 through BIO-4 would serve to protect biological habitat and special-status species.

**2.41 The project is consistent with General Plan Policy 7.4.4.4.**

Policy 7.4.4.4 For all new development projects (not including agricultural cultivation and actions pursuant to an approved Fire Safe Plan necessary to protect existing structures, both of which are exempt from this policy) 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, the County shall require one of two mitigation options: (1) the project applicant shall adhere to the tree canopy retention and replacement standards described below; or (2) the project applicant shall contribute to the County's Integrated Natural Resources Management Plan (INRMP) conservation fund described in Policy 7.4.2.8.

Rationale: The proposed development on the site does not include the removal of any trees, and the area proposed for construction does not include any trees. For these reasons, no replacement of oak canopy is required for the purposes of this proposal.

**2.42 The project is consistent with General Plan Policy 7.5.1.3.**

According to Policy 7.5.1.3, cultural resource studies (historic, prehistoric, and paleontological resources) shall be conducted prior to approval of discretionary projects.

Rationale: The project site was evaluated for historic, prehistoric, and archaeological resources, which included record searches and field surveys. The project will be conditioned to implement measures to protect known features and the potential for discovering previously unknown resources.

**2.43 The project is consistent with General Plan Policy 8.1.3.1.**

According to Policy 8.1.3.1, agriculturally zoned lands including Williamson Act Contract properties shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands. Those parcels used to buffer agriculturally zoned lands shall have the same width to length ratio of other parcels.

Rationale: The parcels to the south are the remaining agriculture-zoned parcels in the area (Exhibit D). A 200-foot buffer and 20-acre minimum parcel size is being proposed for parcels located to the south of the site. The required buffers and minimum lot sizes for agricultural compatibility have been provided, as shown on the Tentative Map. In compliance with the Right-to-Farm Ordinance (130.40.290), a written disclosure statement advising the buyer of the property of agricultural setback requirements and a statement that intensive agricultural activities may be conducted on neighboring properties is required.

**2.44 The project is consistent with General Plan Policy 8.1.3.2.**

Policy 8.1.3.2 requires that agriculturally-incompatible uses adjacent to agricultural zoned lands shall provide a minimum setback of 200 feet from the boundary of the agriculturally zoned lands. Agriculturally incompatible uses adjacent to agriculturally zoned land outside of designated Agricultural Districts shall provide a minimum setback

of 200 feet on parcels 10 acres or larger. The implementing ordinance shall contain provisions for Administrative relief to these setbacks, where appropriate, and may impose larger setbacks where needed to protect agricultural resources.

Rationale: The project would create a residential project consistent with the surrounding residential land uses. The parcels to the south are the remaining agriculture-zoned parcels in the area (Exhibit D). A 200-foot buffer and 10-acre minimum parcel size would be required for parcels located to the south of the site. The project shows the required buffers and 20-acre minimum lot sizes for agricultural compatibility on the Tentative Map.

**2.45 The project is consistent with General Plan Policy 8.1.4.1.**

General Plan Policy 8.1.4.1 requires that the County Agricultural Commission review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

*A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities.*

Rationale: The project application was reviewed by the El Dorado County Agricultural Commission on August 9, 2017 for compliance with the General Plan. Although the project would include the addition of a new housing unit adjacent to an area zoned for agriculture, the housing unit is proposed to be located outside of the 200-foot agricultural setback from the Agricultural District boundary and the Agricultural Lands (AL) land use designation as delineated in General Plan policy 8.1.3.2. The agricultural Commission (Exhibit K) found that the addition of seven housing structures on approximately 134.05 acres would not intensify the conflicts between residential and agricultural uses and would not be incompatible with agricultural activities both on and off the site.

*B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected.*

Rationale: The project is located on a site that is zoned for residential development. No change in land use is proposed. The land to the south is under Williamson Act contract to remain in agricultural production, and the owners have opted to retain the agricultural zoning for the parcel under the TGPA-ZOU. The parcels to the north, east and west of the site are large-lot residential lands. The Agricultural Commission reviewed the project on August 9, 2017. At the meeting the Agricultural Commission determined

that the project would not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected.

- C. *Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.*

Rationale: No change in land use is proposed, and the project does not include any changes to the size or configuration of the property. There is adequate space to accommodate the 200-foot setback along the southern boundary of the project site adjacent to a neighboring parcel, zoned LA-20. The Agricultural Commission found that the 200 foot buffering effect currently provided by the site would be sufficient to minimize potential conflicts between agricultural uses and incompatible uses.

#### 2.46 **The project is consistent with General Plan Policy 9.1.2.4.**

Policy 9.1.2.4 requires that every discretionary application as well as public facilities planning be evaluated with regard to their ability to implement the Hiking and Equestrian Trails Master Plan and the Bikeway Master Plan.

Rationale: The project would be near the site of the El Dorado Trail, which follows the stretch of Southern Pacific Railway running between Latrobe and Placerville. The El Dorado County Parks and Trails Master provides direction for both parks and trails. In July 1991, the Sacramento-Placerville Transportation Corridor Joint Powers Authority (SPTC-JPA) was formed to purchase the Sacramento-Placerville railroad corridor from Southern Pacific Railway Corporation. The 28-mile segment of the SPTC in El Dorado County extends from the eastern end of the County near the Latrobe area to the western portion of the City of Placerville. According to the El Dorado County Bicycle Transportation Plan (2010), a Class I trail is proposed for this corridor. This bikeway would serve the future residents of the site and would not interfere with the implementation of the Parks and Trails Master Plan.

### 3.0 **ZONING FINDINGS**

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

The parcel is zoned Rural Lands Twenty-Acre (RL-20), with a rezone to RE-10 proposed as part of the project. The project has been analyzed in accordance with Zoning Ordinance Section 130.28.210 (Development Standards) for minimum lot size, widths and building setbacks.

Rationale: The proposed lots meet the minimum lot size and width standards. The project, as proposed and conditioned, is consistent with the Zoning



Ordinance because the parcels have been designed to comply with the Residential Estate Ten-Acre (RE-10) development standards as provided within Section 130.24.030 of the County Code.

**3.2 The proposed use is consistent with Section 130.37.060.**

Noise sensitive land uses affected by non-transportation noise sources shall not exceed standards set forth in Table 130.37.060.1 (Noise Level Performance Standards for Noise Sensitive Land Uses Affected By Non-Transportation Sources).

Rationale: The proposed use for the site is single-family residential, with associated parks, open space, and landscaping. No new non-transportation noise sources are proposed. Noise levels are not expected to change as a result of this project, as the project would not add any new sources of noise beyond those expected from a residential use. The driveways and new home construction would require the use of trucks and minor fill and grading, which may result in short-term noise impacts to surrounding neighbors. The newly created lots with one residence each would be allowed by right to develop a second dwelling unit. There could be additional noise associated with additional dwelling units. However, the project is not expected to generate noise levels exceeding the performance standards established in the General Plan and Zoning Ordinance. The proposed project would not expose people to noise levels in excess of standards established in the General Plan.

**4.0 TENTATIVE SUBDIVISION MAP FINDINGS**

**4.1 The project is consistent with Section 120.44.030.**

Section 120.44.030 of the Subdivision Ordinance. - Findings Requiring Disapproval, says that the approving authority shall not approve a tentative map if the approving authority makes any of the following findings:

*A. That the proposed map is not consistent with applicable general and specific plans;*

Rationale: The proposed tentative map and the design of improvements of the subdivision are consistent with the General Plan. The proposed project would not require a General Plan Amendment, as it is currently consistent with the General Plan land use designations and densities of the Rural Residential land use designation. The proposed development will avoid impacts to the oak woodland habitat and wetlands onsite, and includes buffering from the adjacent agriculturally-zoned parcel to the south.

*B. That the design or improvement of the proposed division is not consistent with applicable general and specific plans;*

Rationale: The design of the proposed tentative map and development plan are consistent with the General Plan. The Project site is 134 acres and is proposed to be subdivided into nine parcels ranging in size from 10.02 to 25.17 acres. The site is surrounded by existing large-lot residential development and agricultural uses. Adequate access and utility-related infrastructure can be provided. The proposed development will avoid sensitive areas on site. The site is located appropriately for the development and physically suited for the proposed uses. There are no specific plans applicable to the project site.

*C. That the site is not physically suitable for the type of development;*

Rationale: The project has been designed to utilize the developable areas of the site. Slopes exceeding 30 percent have been avoided and the placement of building areas and new roads and driveways will minimize the impacts to the existing wetlands. The proposed development will avoid tree removal and sensitive areas on site. The site is located appropriately for the development and physically suited for the proposed uses. The site is physically suitable for both the type and density of the development.

*D. That the site is not physically suitable for the proposed density of development;*

Rationale: The proposed project is consistent with the General Plan land use designations and densities of the Rural Residential land use designation. The proposed tentative map and the design of improvements of the subdivision are consistent with the General Plan. The proposed tentative map provides lot types consistent with the land uses, densities, and intensities consistent with the El Dorado County General Plan's policies for the County's Rural Regions. According to the General Plan, standard residential subdivisions in the HDR land use designation shall maintain a density range from one to two dwelling units per acre. The tentative map would create 9 parcels ranging in size from 10.02 to 25.17 acres for a density of 1 dwelling units per 12 acres. The development density would be similar to the residential development in the Latrobe area.

*E. That the design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;*

Rationale: The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. The project is not within or adjacent to the Important Biological Corridor or rare plant preserve. The project is

designed to avoid interference with all wetland and riparian features and conditions have been imposed on the project which will prevent a negative impact on downstream creeks or streams avoiding injury to fish or other wildlife dependent on the downstream drainage. Impacts were evaluated and mitigation measures would be implemented to protect these species from potentially adverse effects as a result of the project (Mitigation Measures BIO-1 through BIO-3). Loss of oak woodland, which provides habitat for some wildlife species, would be mitigated in accordance with Mitigation Measure BIO-4. Mitigation measures, which are required as conditions of approval, will be implemented ensuring that the proposed subdivision would not cause substantial environmental damage and would not substantially and unavoidably injure fish or wildlife or their habitat.

*F. That the design of the division or the type of improvements is likely to cause serious public health hazards;*

Rationale: The design of the subdivision and the type of improvements would not create serious public health and safety problems or unacceptable fire risks to occupants or adjoining properties. The project site is not located within a mapped Alquist-Priolo Earthquake Fault Zone, and all new structures to be built in accordance with the California Building Code (CBC) to ensure public safety from the possibility of ground shaking hazards. The project will be conditioned to comply with the geotechnical report's recommendations for seismic and soils hazards. The project, as mitigated and conditioned, will be required to control diesel particulate matter emissions during construction. With implementation of the Transportation Department conditions, the project would neither introduce dangerous road design features, nor generate traffic that is incompatible with existing traffic patterns. The project site is located in an area of high wildfire hazard risk. A Wildland Fire Safe Plan will be required for the proposed project. As conditioned, the proposed project is required to comply with all El Dorado Hills Fire Department fire standards, including, but not limited to: location of and specifications for fire hydrants; emergency vehicle access including roadway widths and turning radii; fire flow and sprinkler requirements; and defensible space and wildland fire-safe plans.

*G. That the design of the division or the improvements are not suitable to allow for compliance of the requirements of public resources code § 4291;*

Rationale: The required road improvements will be consistent with the County Design Manual. Construction activities on the project site would incorporate standard Best Management Practices to reduce the potential for project construction to result in fire that could spread to the adjacent wildland and effect existing residences. A Wildland Fire Safe Plan is required for the project and implementation would reduce the potential for

project construction resulting in fire that could spread to the adjacent wildland and affect existing residences.

*H. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the approving authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.*

Rationale: 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. There are no easements, acquired by the public at large, for access through or use of, property within the subdivision.

## **5.0 DESIGN WAIVER FINDINGS**

5.1 Chapter 120.08.020 of the El Dorado County Subdivisions Ordinance requires that the following four findings are met for each design waiver in order to justify their approval:

Design Waiver Request 1: Construct the road to serve Lot 8 County Standard Plan 101 C from Brandon Rd to the existing Driveway on Lot 8, a hammerhead turnaround at the driveway, and a 12-foot minimum road width with 1-foot shoulders on each side from the turnaround in lieu of Standard Plan 101 B.

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

The proposed project is for nine rural residential lots, most with access from either South Shingle or Brandon Road. Lot 9 cannot take access from these roads. However, the creation of a standard road to serve one lot would result in unnecessary infrastructure. A reduced right of way and roadway width would better conform to the existing topography and natural features on the site. The larger right of way and road width would require more extensive grading work, increasing the potential for wetland impacts, increasing impervious area, and decreasing the quality of the open spaces created or preserved by the project.

2. *Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.*

Wider road rights of way and roadway width would increase the landform disturbance, the potential for wetland and oak impacts, and would decrease the

quality of conservation and open spaces. Strict application of the Design Standard would result in additional expense and creation of additional hardscape.

- 3. An adjustment or waiver would not be injurious to adjacent properties or detrimental to health, safety, convenience, and welfare of the public.*

The Project is proposing large residential lots with private driveways and streets. The proposed roadway width is consistent with County Standard Plan 101 C. The fire department has approved the use of a roadway constructed to Fire Safe Standards in lieu of a standard roadway. With low anticipated traffic volumes, this waiver is not anticipated to be detrimental to health, safety, convenience, and welfare of the public.

- 4. The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.*

Properties within the project would be provided with safe, adequate access and circulation with or without implementation of the requested Design Waiver. Therefore, the waiver would not have the effect of nullifying the objectives of this article or other laws.

Design Waiver Request 2: Construct the road to serve Lots 1 and 9 per County Standard Plan 101 C from South Shingle Road to the roadway easement boundary, and a 12-foot minimum road width with 1-foot shoulders on each side from the “T” to Lot 9 property line, in lieu of Standard Plan 101 B.

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

The proposed project is for nine rural residential lots, most with access from either South Shingle or Brandon Road. Lot 9 cannot take access from these roads. However, the creation of a standard road to serve one lot would result in unnecessary infrastructure. Reduced right of way and roadway width would better conform to the existing topography and natural features on the site. The larger right of way and road width would require more extensive grading work, increasing the potential for wetland impacts, increasing impervious area, and decreasing the quality of the open spaces created or preserved by the project.

- 2. Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.*

Wider road rights of way and roadway width would increase the landform disturbance, the potential for wetland and oak impacts, and would decrease the quality of open spaces. Strict application of the Design Standard would result in additional expense and creation of additional hardscape.

3. *An adjustment or waiver would not be injurious to adjacent properties or detrimental to health, safety, convenience, and welfare of the public.*

The Project is proposing large residential lots with private driveways and streets. The proposed roadway width is consistent with County Standard Plan 101 C. The fire department has approved the use of a roadway constructed to Fire Safe Standards in lieu of a standard roadway. The proposed roadway width is consistent with County adopted fire regulations and it is unlikely that this request will be detrimental to health, safety, convenience, and welfare of the public.

4. *The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.*

Properties within the project would be provided with safe, adequate access and circulation with or without implementation of the requested Design Waiver. Therefore, the waiver would not have the effect of nullifying the objectives of this article or other laws.

Design Waiver Request 3: Allow lot 4 a length-to-width ratio of 3.5 to 1, exceeding the standard three-to-one ratio maximum.

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

The lot configuration allows for large residential lots with minimal new impervious area. The configuration also results in lots that extend toward the center of the site, providing access to each lot and preserving the sensitive areas toward the interior of the site. Strict application of the Design Standard would result a change to lot configuration, additional roadways, and possible impacts to sensitive areas.

2. *Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.*

Application of this waiver would provide for a more unique overall subdivision appearance while reducing project impervious area. The lot configuration allows for large residential lots with minimal new impervious area. The geography of the site lends itself to using lots with higher width to length ratios. A configuration resulting in lower length-to-width ratios would result in the creation of costly and unnecessary roads.

3. *An adjustment or waiver would not be injurious to adjacent properties or detrimental to health, safety, convenience, and welfare of the public.*

The configuration of the lots is well-suited to the topography and natural features of the land and the proposed placement of the residence on Lot 4 would position

development near the roadway rather than the back of the lot. With the size of the lots and low-density of the development, this waiver is not anticipated to be detrimental to health, safety, convenience, and welfare of the public.

4. *The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.*

Properties within the project would be provided with safe, adequate access and parking with or without implementation of the requested Design Waiver. Therefore, the waiver would not have the effect of nullifying the objectives of this article or other laws.