

Findings

1.0 CEQA FINDING

- 1.1 The project is a residential project and a part of an adopted El Dorado Hills Specific Plan EIR, this project is statutorily exempt from the requirements of CEQA pursuant to Section 15182 stating that a residential project is exempt where a public agency has prepared an EIR on a specific plan after January 1, 1980. No impacts have been identified which were not discussed and mitigated in the EIR. Implementation of the project is subject to conformance with applicable mitigation measures detailed in the Mitigation Monitoring Plan in the EIR. No further environmental analysis is necessary
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 ADMINISTRATIVE FINDINGS

2.1 General Plan

The El Dorado County General Plan designates the subject site as Adopted Plan, a designation in reference to areas where specific plans have been adopted. These plans and the respective land use maps are accepted and incorporated by reference and is hereby adopted as the General Plan Land Use map for such area. Since the El Dorado Hills Specific Plan has been incorporated by reference under General Plan Land Use Element Policy 2.2.1.2, the proposed tentative subdivision map and planned development is found to be consistent with the General Plan.

2.2 Specific Plan

The proposed tentative subdivision map/planned development shall result in the creation of a total of 38 custom and estate residential lots. This is deemed substantially consistent with the density transfer provision in the El Dorado Hills Specific Plan Development Agreement in that the resulting density is below the maximum density permitted by the El Dorado Hills/Salmon Falls Area Plan, The project does not exceed the maximum allowed density of 6,160 dwelling units for the Plan Area. Development of this phase shall be subject to various development standards outlined in the Specific Plan and shall maintain consistency with the previous tentative map approvals in the village. Therefore, the proposed tentative map/planned development is found to be consistent with the El Dorado Hills Specific Plan.

2.3 Zoning

In accordance with the land use and zone map changes, the project meets the required minimum standards under One-Family Residential District (R-1) and applicable Open Space (OS). Specifically, the proposed residential lots exceed the minimum lot size, lot width, and standard yard setbacks under modified R-1-PD standards, while Open Space Lot Z exceeds the minimum lot size of 10 acres. Therefore, the proposed tentative map/planned development is found to be consistent with the El Dorado Hills Specific Plan Zone Map.

2.4 Subdivision Ordinance

2.4.1. That the proposed map is consistent with applicable general and specific plans;

The proposed development would create a total 38 custom residential lots in conformance with the designated uses, density, and density transfer provision identified in the El Dorado Hills Specific Plan, Development Agreement, and as adopted by reference El Dorado County General Plan.

2.4.2. That the design or improvement of the proposed division is consistent with applicable general and specific plans;

The design and improvement of the subdivision has been designed in conformance with the identified residential land use requirements in the Specific Plan, and consistent with previous approval for Village M under TM01-1381/PD01-009. Subsequent improvement plans shall be further reviewed in accordance with the applicable County standards and recommended conditions of approval for this project.

2.4.3. That the site is physically suitable for the type of development;

Village M Phase 4 is characterized with slope areas ranging from 5% to 40%, dense with oak trees, and intermittent stream. Though the proposed residential lots are large in size and would accommodate flexible building pad location, development of these lots are subject to specific policies and design standards in accordance the El Dorado Hills Specific Plan that would ensure appropriate site design avoiding constraints area, minimizing grading impacts to natural resources and use of best management practices involving erosion control, engineered grading, slope stability. Therefore, the site is physically suitable for the residential development.

2.4.4. That the site is physically suitable for the proposed density of development;

The site is physically suitable to accommodate the proposed Village M4 subdivision/planned development. The proposed subdivision would create 38 large custom residential lots resulting in a density of 0.55 du/ac. The anticipated development would consist of individual custom pads for a residential unit subject to the applicable standards of the El Dorado Hills Specific Plan and El Dorado County involving grading, tree preservation, utility connections and road construction.

2.4.5. 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;

Development of these custom residential lots are subject to the applicable provisions of El Dorado Hills Specific Plan and required mitigation measures under the certified Environmental Impact Report (EIR) regulating proper pad design and layout minimizing impacts to natural resources on site. Prior development of each lot, individual construction and improvement plans shall be reviewed for conformance to applicable County standards and Serrano Architectural Review Committee requirements.

2.4.6. That the design of the division or the type of improvements would not cause serious public health hazards;

The design and required improvements for Village M Phase 4 would not pose public health hazards. Development of the proposed 38 custom residential lots would be subject to improvement plans and permits verifying construction of utilities for water, sewer, power, drainage and roads in accordance with the Specific Plan and El Dorado County standards.

2.4.7. That the design of the division or the improvements is suitable to allow for compliance of the requirements of section 4291 of the Public Resources Code;

The development of each custom lot is subject to the applicable Specific Plan policies involving site design and maintenance of open areas susceptible to brush fires. Further, the subdivision is subject to specific project conditions from the El Dorado Fire Department regarding location of hydrant, construction of non-combustible fencing material, and establishing adequate setbacks. Therefore the proposed subdivision conforms to the requirements of Section 4291 of the Public Resource Code;

2.4.8. That 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. 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. (Ord. 3805 §15, 1988: prior code §9702)

Necessary utility easements for the subdivision are appropriately depicted on the Tentative Subdivision Map and shall be further verified for any conflicts by the County Surveyor's Office at the time of filing of the final map.

2.5 **Planned Development**

2.5.1 The Development Plan is consistent with the Specific Plan and zoning for the applicable site.

With the land use and zone map change, the proposed subdivision is consistent with the originally approved map and conforms to the standards of the El Dorado Hills Specific Plan regarding land use, density, and site development.

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

The proposed subdivision anticipates the development of 38 individual custom lots and one open space lot. Each residential lot would be developed in accordance with site and design standards of the El Dorado Hills Specific Plan with regards to preservation of natural features, landscaping, and planting, and architectural themes.

2.5.3 The site is physically suited for the proposed use.

Development of these custom residential lots are subject to the provisions of El Dorado Hills Specific Plan regulating proper building pad design and layout minimizing impacts to natural resources on site. Prior development of each lot, individual construction and improvement plans shall be reviewed for conformance to applicable County standards and Serrano Architectural Review Committee requirements.

2.5.4 Adequate services are available, or will be made available concurrently with development for the proposed uses including, but not limited to, water supply, sewage disposal, roads and utilities.

The subdivision would be served by the extension of the existing public services for roads, water, sewer, drainage, recycled water, fire and emergency, subject to review against the El Dorado Hills Specific Plan, and various applicable County and agency standards.

2.5.5 The proposed uses do not significantly detract from the natural land and scenic value of the site.

Subject to the site and design requirements of the Specific Plan, the anticipated custom residential lots would provide flexible location of building pads and minimize impacts to existing natural features thereby ensuring scenic values within the subdivision

2.6 Design Waivers

Design Waiver 1 - Reduction of road right-of-way to conform to actual street width improvements 50 feet to 46 feet for Western Sierra Way and 50 feet to 36 feet for “I” Court;

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

The adjusted right of way will better conform to the surrounding landforms, resulting in reduced grading and impact on the natural resources. The land area thus made available results in an increase in the actual acreage of open space provided in the Specific Plan area.

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

The increased right of way will require more extensive grading and drainage work with increased impacts to an area that is sensitive to soil disturbance. The larger cut and fill slopes, due to the increased right of way, may result in additional erosion and sediment discharge from the site.

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

The proposed deviation to right-of-way standard is consistent with previous approvals in other villages of the Specific Plan and has been determined not be detrimental to health, safety, and welfare of the public.

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

The requested deviation would be consistent with previous approval in other villages of the Specific Plan and would not have the effect of nullifying the objectives of this article or any other law.

Design Waiver 2 - Reduction in cul-de-sac turnaround standard from 100 feet to 80 feet improved surface in a right-of-way from 47 feet radius (94 feet diameter)

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

This waiver was approved by the Board of Supervisors and applied project-wide on August 30, 1995. As an element of the grant of waiver at that time, the County required the developer to include in the project Codes, Covenants and Restrictions (CC&Rs) specific language which requires the following: a) a prohibition against parking of vehicles within the Cul-de-sacs, and b) a permanent method of funding for enforcement of the parking prohibition.

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

The increased right of way and improvements will require more extensive grading and drainage work with increased impacts to an area that is sensitive to soil disturbance. The larger cut and fill slopes, due to the increased right of way, may result in additional erosion, sediment discharge from the site, and potentially impact oak trees.

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

The proposed deviation to right-of-way standard is consistent with previous approvals in other villages of the Specific Plan and has been determined not be detrimental to health, safety, and welfare of the public.

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

The requested deviation is consistent with previous approval in other villages of the Specific Plan and would not have the effect of nullifying the objectives of this article or any other law applicable to this condition