

**Findings**

**1.0 CEQA FINDING**

- 1.1 As 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. No further environmental analysis is necessary.

**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 map revision is found to be consistent with the General Plan.

**2.2 Specific Plan**

Village M is identified in the Specific Plan as areas reserved for large estate residential lots ranging from four to seven acres in size. Consistent with the density transfer provision in the El Dorado Hills Specific Plan Development Agreement, recent Tentative Maps of Village M increased the number of lots from 37 estate residential lots to 101 custom lots in 5 phases. The proposed revision would reconfigure Village M, Phase 5 and create three (3) additional residential lots resulting in total of 10 custom residential lots. The resulting density (0.41du/ac) is below the maximum density of 5.0 du/ac permitted by the El Dorado Hills/Salmon Falls Area Plan, and is within the total residential units (6,160 dwelling units) projected for the entire Specific Plan, and does not exceed the gross (1.58 du/ac) and net (3.05du/ac) densities of the total Specific Plan. Therefore, the proposed tentative map revision is found to be consistent with the El Dorado Hills Specific Plan

## 2.3 Zoning

The project site is zoned One-half Acre Residential District -Planned Development (R20,000-PD) and Open Space (OS). The proposed residential lots meet the minimum parcel size of 20,000 square feet and lot width of 100 feet.

## 2.4 Subdivision Ordinance

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

*The proposed revision to an approved tentative subdivision map would create a total 10 residential custom 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 and density requirements in the Specific Plan, and consistent with previous approval for Village M under TM01-1381/PD01-0009. 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 5, is characterized with slope areas ranging from 5 to 40 percent, oak trees and an intermittent stream. However, the proposed custom residential lots are large in size and would accommodate flexible building pad location, thereby minimizing impacts to on-site resources and site constraints, in accordance with the residential design guidelines in the El Dorado Hills Specific Plan. Any residential and accessory structures on slopes over 20% shall be carefully designed through erosion controls, engineered grading, and use of post and beam or step-footing construction to ensure long term 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 M5 subdivision. The proposed subdivision would create 10 large residential lots resulting in a gross density of 1.19 du/ac. The anticipated development would consist of individual custom pads for residential units subject to the standards of the El Dorado Hills Specific Plan and El Dorado County involving site 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 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 would not pose public health hazards. Development of the proposed 10 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 with the requirements of Section 4291 of the Public Resources Code (Brush and Wild Fire Prevention);

*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 fire 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.

*The proposed revision 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 10 individual custom lots and three landscape/ open lots. Each 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, thus providing a desirable environment.*

- 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 to development of each lot, individual construction and improvement plans shall be reviewed for conformance with applicable County standards and El Dorado Hills 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 existing public services for roads, water, sewer, drainage, recycled water, fire and emergency. Verification of these services will occur prior to recordation of the final map for this phase.*

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

*Subject to the site and design requirements of the Specific Plan, the 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 Waiver

**Design Waiver 1** - Reduction of road right-of-way width to conform to street width improvements from 50 to 36 feet for the access courts.

- 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 requirement of a standard 50-foot right-of-way would result in additional grading and drainage activity that could limit flexibility in locating residential development area and affect natural resources anticipated for preservation. Also, the larger cut and fill slopes, due to the increased right of way, may result in additional erosion and sediment discharge from the site. Therefore, strict application of could pose unnecessary hardship in developing the property.*

- 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** - A reduction in the cul-de-sac diameter of improvements from 100 to 80 feet diameter, and a reduction in the cul-de-sac right-of-way radius from 60 to 47 feet.

- 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.

*As discussed above, implementation of the standard 50-foot right-of-way could result in additional grading and drainage activity that could limit flexibility in siting developable residential development pads within each parcel and potentially affect natural resources anticipated for preservation. Therefore, strict application of could pose unnecessary hardship in developing the property.*

- 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.*