

FINDINGS

Rezone Z10-0009/Tentative Parcel Map P10-0012/ Planned Development PD10-0005/Creekside Plaza Planning Commission/October 24, 2019

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Environmental Impact Report (EIR) together with the comments received during the public review process. The project will have significant effects on the environment which can be mitigated to less than significant with application of mitigation measures. Findings of support of these determinations have been prepared in compliance with CEQA.
- 1.2 The Board of Supervisors finds that through application of feasible conditions and mitigation measures placed on the project, potential impacts on the environment have been eliminated or substantially mitigated. In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15074(d), a Mitigation Monitoring and Reporting Program (MMRP) have been adopted to ensure implementation of mitigation measures.
- 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-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 **General Plan Land Use Element Policies 2.1.1.7 (Development within Community Region), 2.2.1.2 (Land Use Types and Densities-Commercial), 2.2.1.5 (Building Intensity), 2.2.3.1 (Planned Development Combining Zone District), 2.2.5.3 (Rezone), 2.2.5.21 (Development Compatibility), 2.5.2.1 (Neighborhood Commercial Center), 2.5.2.2 (New Commercial Development near existing commercial facilities)**

The project has been reviewed and verified for consistency with specific policies involving the type of project and its compatibility within its environment. The project site is located within the Community Region of Diamond Springs where high-intensity, self-sustaining, compact urban-type development or suburban-type development is anticipated to occur and where public infrastructure and services including road, utilities, recreation, and emergency services exist. The commercial project meets the applicable development and design standards of the Zoning Ordinance and Missouri Flat Design Guidelines and is consistent and compatible with the uses in the surrounding area. As a Planned Development, the project includes an open space area that preserves existing wetland resource as part of project design.

- 2.2 **General Plan Transportation and Circulation Element Policies TC-Xa, (Concurrency) TC-Xd (Level of Service), TC-Xf (Level of Service), TC-Xg (Traffic Analysis), TC-Xh (Payment of Traffic Impact Fees), TC-4i (Connectivity)**

The project has been reviewed and verified for consistency with the specific traffic and circulation policies. The project has been reviewed, verified, and conditioned to improve

identified impacts to traffic operations involving Level of Service, Traffic Volume, Traffic Signal Warrants, and Intersection Queues and road infrastructure involving sufficient Right-of-Way, sidewalks, and bicycle lanes. The project will be required to pay applicable traffic impact fees due at building permit issuance. The project has also been reviewed, verified, and mitigated to provide adequate site access and circulation and sight distance.

2.3 General Plan Public Services and Utilities Element Policies 5.1.2.1, 5.1.2.3, 5.2.1.2 (Adequacy and Availability of Public Infrastructures), 5.2.1.3, 5.2.1.9 (Public Water), 5.3.1.1, 5.3.1.7 (Public Sewer), 5.4.1.1 (Storm Drainage Protection), 5.6.2.1 (Landscaping) 5.7.1.1, 5.7.2.1, 5.7.4.1 (Adequate Facilities for Emergency)

The project has been reviewed, verified and/or conditioned to improve or construct necessary infrastructure to obtain public utility services for water, sewer and drainage services. The water service to the development shall also be utilized to accommodate necessary fire and emergency apparatus. The project has been designed with efficient landscaping in conformance to include the ordinance. Prior to issuance of permits, project construction and building plans shall be reviewed and verified for conformance to the applicable standards.

2.4 General Plan Health, Safety, Noise Element Policies 6.2.1.1 (Fire Safe), 6.2.3.1, 6.2.3.2 (Fire Protection), 6.5.1.1, 6.5.1.2, 6.5.1.3, 6.5.1.7 (Noise Standards)

Potential noise effects (both transportation and non-transportation sources) has been evaluated and determined to be less than significant. Along with project design and layout, standard building and construction materials for this type of facility would be utilized to minimize noise in accordance with applicable standards. Implementation of applicable fire protection standards shall be verified during review of Improvement and Building Permit plans.

2.5 General Plan Conservation and Open Space Element Policies 7.1.2.1 (Soil Disturbance), 7.3.1.1, 7.3.2.2 (BMPs and Erosion Control Program), 7.3.1.2 (Water Conservation)

As a Planned Development, project site design would avoid, to the extent possible, development of areas constrained by slope, topography, and sensitive resources. Standards including Best Management Practices (BMP) and Storm Water Pollution Program (SWPPP) measures shall be applied to during site construction. Appropriate environmental permits shall be secured and implemented to achieve required mitigation of project impacts. Landscaping for the site shall implement water conservation measures.

2.6 General Plan Policies 6.7.6.1, 6.7.6.2 (Air Quality Sensitive Uses), 6.7.7.1 (Construction Emissions)

As analyzed, the uses within the proposed commercial development are not anticipated to generate significant sources of air pollution. Implementation of air quality environmental mitigation measures and applicable construction standards shall ensure reduction to construction emissions.

2.7 General Plan Policies 7.3.3.1 (BMPs), 7.3.3.4 (Wetland Buffers), 7.3.3.5, 7.3.4.1 (Integration of Wetlands into Development), 7.3.4.2 (Modification of Streams), 7.4.1.6 (Impacts to Habitats), 7.4.4.4, 7.4.4.5, 7.4.5.1 (Oak Resource Impacts)

Project design would result in impacts to existing biological resources. The development will fill a portion of the existing wetland area which would be mitigated through application environmental mitigation measures. The balance of the wetland area shall be preserved within an open space area (Lot A), which is incorporated as part of the commercial development site. A portion of the existing oak resources would be impacted subject to an identified mitigation measure (BIO-5) in conformance to the Oak Resource Management Plan.

2.8 General Plan Policies 10.2.1.8 (Development within areas with Existing Infrastructure), 10.2.1.4 (Development Payment)

These policies involve promoting commercial development in the County in order to retain sales tax revenue. The proposed commercial development would capture additional share of sales tax within the County by providing opportunities to establish new commercial operations. The proposed commercial development would also aid in providing potential employment opportunities. The location of the development is along a major arterial road through the County where public infrastructure is available.

3.0 ZONING FINDINGS

3.1 The proposed facility is consistent with the applicable development standards of the Zoning Ordinance including the type of use, setbacks, building height, parking, landscaping, site lighting. As a Planned Development, the project is consistent with the applicable policies of the General Plan, is physically suited to accommodate the development as designed, provides a desirable environment within its boundaries compatible with the surrounding uses, and has direct access to public infrastructures and services.

4.0 SUBDIVISION ORDINANCE (PARCEL MAP)

4.1 That the proposed map is not consistent with applicable general and specific plans.

The tentative parcel map for the project is consistent with the applicable policies of the General Plan.

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

The project design and improvement is consistent with policies of the General Plan involving intensity, aesthetics, utilities, site disturbance, and resource preservation.

- 4.3 **That the site is not physically suitable for the type of development;**
4.4 **That the site is not physically suitable for the proposed density of development.**

The site is physically suited to accommodate the proposed type and intensity development involving siting of facility on unconstrained areas, availability of public infrastructures including water, sewer and road, and compatibility with surrounding uses.

- 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.**

An Environmental Impact Report has been prepared for the project which analyzes the potential impacts to the environment. The EIR identified and evaluated significant impacts to specific habitat, species and wetland areas on site which would be mitigated to less than significant levels. Therefore, the design of the Parcel Map would not likely cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.

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

Implementation of the proposed commercial development would be conducted in accordance with the applicable County and agency standards as conditioned and mitigated from the specific measures in Mitigation Monitoring Reporting Program (MMRP) for the EIR. Therefore, the design of the Parcel Map would not likely cause serious public hazards.

- 4.7 **That the design of the division or the improvements are not suitable to allow for compliance of the requirements of Public Resources Code § 4291.**

The project design incorporates applicable design and improvements necessary for Fire Protection, subject to the conditions of approval and applicable fire regulations.

- 4.8 **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.**

All applicable easements have been identified as part of project materials and exhibits or conditioned accordingly.