

# **FINDINGS**

## **Tentative Subdivision Map TM24-0001/Rezone Z24-0001/ Planned Development Permit PD24-0001/ Serrano Village M5 Planning Commission/March 13, 2025**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the Staff Report and evidence in the record, the following Findings can be made:

### **1.0 CEQA FINDINGS**

- 1.1 As a residential project and a part of an adopted El Dorado Hills Specific Plan (EDHSP) Environmental Impact Report (EIR), this project is Statutorily Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15182 Projects Pursuant to a Specific Plan, 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 (AP), 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 are hereby adopted as the General Plan land use map for such area. Since the EDHSP has been incorporated by reference under General Plan Land Use Element Policy 2.2.1.2, the proposed Tentative Subdivision Map is found to be consistent with the General Plan.

#### **2.2 Specific Plan**

Village M is identified in the Specific Plan as an area reserved for large estate residential lots ranging from four (4) to seven (7) acres in size. Consistent with the density transfer provision in the EDHSP Development Agreement (DA) and Specific Plan, recent Tentative Maps for Village M increased the number of residential lots from 37 estate parcels to 156 custom and production lots in 5 phases. The proposed Tentative Subdivision Map would reconfigure Village M, Phase 5 (M5), and create an additional 20 residential lots resulting in a total of 176 custom and production residential lots in Village M. The resulting Village M dwelling units (176) and net density (1.72 dwelling units/acre) is within the total

residential units (6,162 dwelling units) projected for the entire Specific Plan and does not exceed the net (3.05 dwelling units/acre) density of the total Specific Plan. Therefore, the proposed Tentative Subdivision Map is found to be consistent with the EDHSP.

### **3.0 ZONING FINDINGS**

#### **3.1 The project is consistent with Section 130.24.010 C.2.**

130.24.010 C.1 Single-unit Residential (R): The R zone is used to promote and regulate the development of higher density, single-unit dwellings, and accessory structures and uses. Minimum lot size designations of R1 and R20K are applied to this zone based on surrounding use compatibility, and physical and infrastructural constraints. Said designations represent the minimum lot size of 6,000 and 20,000 square feet, respectively. This zone is applicable to lands designated as High Density Residential (HDR) in the General Plan.

Rationale: The proposed zoning for the project site is Single-unit Residential, minimum lot size 6,000 square feet within a Planned Development Combining Zone (R1-PD) on 6.43 acres, and OS (Open Space) on 1.99 acres. The proposed residential lots meet the minimum parcel size of 6,000 square feet. The proposed open space lot requires no minimum lot size.

#### **3.2 The project is consistent with Section 130.24.030.**

130.24.030 Residential Zone Development Standards.

Rationale: The proposed zoning for the project site is R1-PD, and OS (Open Space). The standard setbacks for the R1 zone require 20 feet from the front, 5 feet from the sides, and 15 feet from the rear property lines. The maximum building height for the R1 zone is 40 feet. The proposed project meets the required height standards but does not meet the required setbacks. However, with the changed zoning to include a Planned Development zone, the project would be allowed a variation to the setback standards for achieving greater flexibility in the project design. The project is consistent with this section.

### **3.3 The project is consistent with Section 130.28.050**

130.28.050 Residential Development Requirements: All residential development projects in the (–PD) Combining Zone shall be subject to 30 percent of the total site being set aside for open space that is commonly owned or publicly dedicated per section 130.28.050.A of the County Zoning Ordinance. However, the open space requirement of this project has been met.

Rationale: Village M5 is a component of the EDHSP which provides for plan area open space rather than in-tract open space. The portion of the adopted 1988 EDHSP requires 1,178 acres set aside of combined open space, consisting of 808 acres of natural open space and 370 acres reserved for two (2) golf courses. The first golf course, 189 acres in size, was built during the 1990s. In 2000, the Planning Commission approved a Finding of Consistency (PD99-04/TM99-1361) designating the second potential golf course as public, natural open space as envisioned by Section 6.2.3 (Golf Course) of the EDHSP. In 2020/2021, an Open Space Management Plan (OSMP) was developed and determined that the plan area open space of 1,234 acres currently exceeds the required 1,178 acres of open space. With the proposed 1.99 acres of open space this project proposes, the open space requirement of this project has been met.

### **3.4 The project is consistent with Section 130.34.020.**

130.34.020 Outdoor Lighting Standards: All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way.

Rationale: The project is designed to be consistent with Chapter 130.34 (Outdoor Lighting) of the County's Zoning Ordinance. The project is designed to comply with County lighting standards and would be reviewed for compliance at time of building permit issuance. All residential oriented lighting is designed to be shielded downwards to minimize nighttime glare to maintain minimal light impacts to adjacent uses while also providing enough lighting for safety and security on the project site. All lighting would be manufactured to U.L. specifications. The project is consistent with this section.

**3.5 The project is consistent with Table 130.35.030.**

130.35.030 Parking and Loading Requirements: Residential units require two (2) parking spaces per unit.

Rationale: The project would provide at least 40 parking spaces for the proposed residential units, as each individual unit will have an attached garage that can fit at least two (2) cars. The project is consistent with this section.

**4.0 SUBDIVISION MAP FINDINGS**

**4.1 That the proposed map is consistent with applicable general and specific plans;**

Rationale: The proposed Tentative Subdivision Map would create a total of 20 residential lots in conformance with the designated uses, density and density transfer provision identified in the EDHSP, DA, and as adopted by reference El Dorado County General Plan.

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

Rationale: The design and improvement of the subdivision has been designed in conformance with the identified residential land use and density requirements in the EDHSP and is 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.

**4.3 That the site is physically suitable for the type of development;**

Rationale: Village M5 is characterized with slope areas ranging from 5 to 40 percent, oak trees, and an intermittent stream. However, the proposed residential lots would accommodate existing building pad location, thereby minimizing impacts to on-site resources and site constraints, in accordance with the residential design guidelines in the EDHSP Any residential and accessory structures on slopes over 20 percent 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.

- 4.4 That the site is physically suitable for the proposed density of development;

Rationale: The site is physically suitable to accommodate the proposed Village M5 subdivision. The proposed subdivision would create 20 residential lots resulting in a net density of 1.72 dwelling units/acre in Village M which does not exceed the net density of the Specific Plan of 3.05 dwelling units/acre. The anticipated development would consist of individual pads for residential units subject to the standards of the EDHSP and the County involving site grading, tree preservation, utility connections, and road construction.

- 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;

Rationale: Development of these residential lots are subject to the applicable provisions of the EDHSP and required mitigation measures under the certified EIR regulating proper 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 to applicable County standards and Serrano Architectural Review Committee requirements.

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

Rationale: The design and required improvements for Village M5 would not pose public health hazards. Development of the proposed 20 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 County standards.

- 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);

Rationale: 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 Hills 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 Resources Code.

- 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)

Rationale: 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.

## **5.0 DEVELOPMENT PLAN PERMIT FINDINGS**

- 5.1 The proposed development plan is consistent with the General Plan, any applicable specific plan, and Chapter 130.28 (Planned Development (-PD) Combining Zone) in Article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title.

Rationale: The project is a residential development contemplated by the EDHSP which is consistent with the El Dorado County General Plan and Chapter 130.28 of the County Zoning Ordinance.

- 5.2 The site is adequate in shape and size to accommodate proposed uses and other required features.

Rationale: The residential development has been designed to meet the applicable standards of the EDHSP and the County Zoning Ordinance. Specifically, implementation of the residential subdivision would benefit from the amenities provided by the master developer that create a desirable environment for its future residents. These amenities include natural open

space, circulation, and subdivision entry features consistent with other phases of development in the EDHSP.

- 5.3 That any exceptions to the development standards of the zone are justified by the design or existing topography.

Rationale: Creation of single-family residential lots would be subject to the development standards and the applicable modified development standards of the R1 zone district. The modified development standards correspond to the nature of the design and functionality within the development in conformance with the existing residential neighborhoods in the area. The requested modifications are justified based on the site constraints limiting the property, the design of the residential subdivision due to the site constraints and conforming with the existing neighboring residential areas.

- 5.4 Adequate public services and facilities exist or will be provided to serve the proposed development including, but not limited to, water supply, sewage disposal, roads, and utilities.

Rationale: The subdivision would be served by existing public services for roads, water, sewer, drainage, recycled water, fire and emergency. Utility service will be readily available because of existing development in the area. Verification of these services will occur prior to recordation of the Final Map for this phase.

- 5.5 If mixed-use development is being proposed, the development conforms to the standards in Section 130.40.180 (Mixed Use Development) in Article 4 (Specific Use Regulations) of this Title.

Rationale: Not applicable as mixed-use development is not proposed as a part of this residential subdivision.

- 5.6 The proposed development complies with the provisions of the -PD Combining Zone Section 130.28.010 (Planned Development (-PD) Combining Zone Established) in Article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title.

Rationale: The Planned Development Combining Zone allows for the use of flexible development standards, promotes more efficient utilization of land; reflects the character, identity and scale of the local community; and minimizes use

compatibility issues and environmental impacts. The requested modified development standards appear to fit all of the said items. The proposed residential development complies with the provisions of the -PD Combining Zone Section as discussed in the Findings and throughout this Staff Report. The project is consistent with this section.

## **6.0 DESIGN WAIVER FINDINGS**

- 6.1 Chapter 120.08.020 of the County Subdivisions Ordinance requires that the following four (4) findings are met for each Design Waiver in order to justify their approval:

Design Waiver Request 1: Modification of Standard Plan 101B and 114 for roadway right-of-way and improvement widths (including sidewalks, curbs and turnarounds) as shown on the Tentative Subdivision Map.

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

Rationale: Standard Plan 101B and 114 road improvements are typically applied to public roads serving a residential development. The proposed modified road improvements would serve a Serrano residential development that would be privately owned and maintained by the Serrano Master Homeowner's Association. Accordingly, the project site is located within the EDHSP that adheres to different road design features than the rest of the County.

Construction of the proposed improvements is typical of the existing private roadway systems and lotting patterns in the Serrano development, with all subdivision roadway improvements commonly owned and maintained by the Serrano El Dorado Owners' Association. The modified improvements are necessary to maintain a common design theme throughout the Specific Plan area. These improvements would sufficiently accommodate the anticipated minimal vehicular and pedestrian traffic, and on-site utilities to serve the development.

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

Rationale: Standard design or improvement requirements would result in an atypical



design in the Specific Plan area and would create a hardship that disrupts the harmonious designs utilized throughout the Specific Plan area. Furthermore, application of the standard road right-of-way and related improvements would result in wider pavement and additional unnecessary disturbance to the site, thereby posing an encumbrance to the design and functionality of the planned residential development.

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

Rationale: The improvements are designed to sufficiently meet the vehicular and pedestrian circulation and safety needs of the future residents of this Village and the public in general, as reviewed by the local fire protection district and County Department of Transportation (DOT). The improvements shall be constructed in accordance with standards of the County Design and Improvement Standards Manual (DISM), subject to improvement and other construction plans. Applicable Conditions of Approval and applicable mitigation measures shall be verified during the review and prior to issuance of any construction permits. Therefore, the proposed deviation would not be detrimental to the health, safety, 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.**

Rationale: The modified improvements and development standards have previously been approved for other Serrano Villages. The roadway and lot designs sufficiently serve the subdivision and provide aesthetic amenities for the subdivision. Granting of the Design Waivers would not nullify the objectives of the County Subdivision Ordinance. Other applicable provisions of the DISM remain in effect.

Design Waiver Request 2: Modification of the standard road encroachment under Standard Plan 110 to allow for an entry gate and landscaping median.

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

Rationale: The project site is located within the EDHSP that adheres to different

architectural design features than the rest of the County. Construction of the proposed improvements is typical of the existing private roadway systems and landscape patterns in the Serrano development, with all subdivision roadway improvements commonly owned and maintained by the Serrano El Dorado Owners' Association. The modified improvements are necessary to maintain a common design theme throughout the Specific Plan area.

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

Rationale: Standard design or improvement requirements would result in an atypical design in the Specific Plan area and would create a hardship that disrupts the harmonious designs utilized throughout the Specific Plan area.

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

Rationale: The improvements are designed to sufficiently meet the vehicular and pedestrian circulation and safety needs of the future residents of this village and the public in general as reviewed by the local fire protection district and County DOT. The improvements shall be constructed in accordance with standards of the DISM, subject to improvement and other construction plans. Applicable Conditions of Approval and mitigation measures shall be verified during the review and prior to issuance of any construction permits. Therefore, the proposed deviation would not be detrimental to the health, safety, 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.**

Rationale: The modified improvements and development standards have previously been approved for other Serrano Villages. The roadway and lot designs sufficiently serve the subdivision and provide aesthetic amenities for the subdivision. Granting of the Design Waivers would not nullify the objectives of the County Subdivision Ordinance. Other applicable provisions of the DISM remain in effect.

Design Waiver Request 3: Exceedances of 3:1 lot width to depth ratio for Lots 4, 6, 8, 12, 13, and 15-19.

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

Rationale: The project site is triangular, constrained by adjoining developments to the west and north and a public road to the east. Access to the project site is limited to the intersection of Appian Way and Sangiovese Drive which constrains the on-site roadway design to adhere to dead-end road and turning radius requirements. The resultant lot development areas make up the balance of the project site and many of the lots exceeding the 3:1 ratio are needed for the building pad grades and retaining walls.

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

Rationale: Strict application of the design standard to shorten the length of the lots would shift the rear yard setback closer to the graded building pad, limiting or eliminating the potential for ancillary structures and improvements. Utilizing the existing project boundary ensures a uniform lot-to-lot fence line for a harmonious transition to the adjoining properties and eliminates the potential for creating remainder parcels with access constraints for maintenance. The standard design or improvement requirements would result in an atypical design in the Specific Plan area and would create a hardship that disrupts the harmonious designs utilized throughout the Specific Plan area.

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

Rationale: The Design Waiver has been reviewed by the local fire protection district and County DOT and does not risk the safety needs of the future residents of this Village and the public in general.

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.**

Rationale: The Design Waiver would not have any effect of nullifying the objectives of the County Subdivision Ordinance or other laws applicable to this

subdivision as this Design Waiver would allow modification of a DISM standard that does not prevent the developability of the lot or the Village M5 subdivision. Other applicable provisions of the DISM remain in effect.

Design Waiver Request 4: - Creation of a flag lot for Lot 1.

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

Rationale: The set aside of open space Lot C provides for a constrained development area for Lots 1 and 2. Due to the nature of the attached product design and the location of the required driveway for Lots 1 and 2, the lot orientation results in the need for modified planned development standards that rotate the required front, side and rear property lines/yards in relation to the street frontage, meaning that the rear yards of Lots 1 and 2 must occur to the north instead of the east. This rotation is necessary because the driveway to Lots 1 and 2 must access from Shelbourne Court instead of Sangiovese Drive (due to grades and existence of landscape Lot B), as well as maintaining the overall north-south orientation of the product design consistent with that shown for the other 18 lots. Thus, Lot 1 results in a flag lot.

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

Rationale: Strict application of the standard would alter the orientation of Lots 1 and 2. This would require re-locating the driveway, additional grading impacts, and reducing the size of open space Lot C, thereby imposing an encumbrance to the design and functionality of the development.

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

Rationale: The proposed adjustment to the standard would be limited to Lot 1 only and would retain the functionality of the Lot. The proposed adjustment has been reviewed by the local fire protection district and County DOT and therefore would not be injurious to adjacent properties or be detrimental to the health, safety, 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.**

Rationale: The Design Waiver would not have any effect of nullifying the objectives of the County Subdivision Ordinance or other laws applicable to this subdivision as this Design Waiver would allow modification of a DISM standard that does not prevent the developability of the lot or the Village M5 subdivision. Other applicable provisions of the DISM remain in effect.