

FINDINGS

Conditional Use Permit CUP19-0013/Planned Development PD19-0006/Better Place Forest Planning Commission/December 10, 2020

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 CUP19-0004/PD19-0006 has been found categorically exempt pursuant to Sections 15303 and 15304 of the CEQA Guidelines. Section 15303 (New Construction or Conversion of Small Structures) applies to construction and location of limited numbers of new small facilities or structures, or conversion of small structures from one use to another where only minor modifications are made in the exterior of the structure. Specific examples of new or converted structures under this exemption include but are not limited to a store, motel, office, restaurant or similar structure not involving significant amounts of hazardous substances and not exceeding 2,500 square feet in floor area. Therefore, construction of a small 711 square foot visitor center, a 571 square foot storage building, a 16-space parking area and improved walking trails qualifies for a Section 15303 exemption.

Section 15304 (Minor Alterations to Land) applies to minor alterations in the condition of land, water and vegetation, including minor grading, filling and landscaping. All proposed improvements will be in areas previously disturbed during prior timber harvests, including a previously cleared area for the visitor center site. Cremains will be mixed with local soil to ensure ashes are not visually distinguishable in the mixture and to ensure there would be no adverse environmental impacts, including impacts to water resources or forest health. Therefore, the project also qualifies for a Section 15304 exemption.

- 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 Planning and Building Department, Planning Services Division, at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

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

General Plan Policy 2.2.1.2 establishes an appropriate range of land use types and densities within the County. The Medium-Density Residential (MDR) land use designation establishes areas suitable for single-family residential development with larger lot sizes to enable limited agricultural land management activities. The MDR designation establishes parcel sizes of 1.0 to 5.0 acres with a maximum allowable density of one dwelling unit per 1.0 acres. The MDR designation is appropriate within Community Regions and Rural Centers.

Rationale: The project site has an MDR General Plan Land Use Designation and is located within the Pollock Pines Rural Center. The project site is approximately 48 acres in size and surrounded by large-lot rural residential parcels. As proposed and conditioned, the project will be compatible with the existing residential landscape and surrounding residential uses, and therefore, consistent with this policy.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

This policy requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Staff has prepared this section on General Plan findings to document the project's consistency with the policies of the General Plan.

2.3 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: To ensure compatibility with adjoining land uses, the project will incorporate several design features to avoid incompatibility with adjoining residential land uses. Design features include locating visitor facilities at the center of the project parcels and more than 400 feet from the nearest residences, the use of earthtone and natural wood building designs to minimize visual impact, providing limited off street parking spaces and limiting group sizes to less than 30 persons at one time. Further, all visits will be by advance appointment only and held during daylight hours.

2.4 General Plan Policy TC-Xa does not apply to the project.

Except as otherwise provided, the following TC-Xa policies shall remain in effect indefinitely, unless amended by voters:

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.

Rationale: This is not applicable as A Better Place Forest is not a residential project, and the project will not worsen traffic, as defined by General Plan Policy TC-Xe.

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.

Rationale: This is not applicable as the Project is not requesting any modifications to Table TC-2.

3. Intentionally blank (Resolution 125-2019, August 6, 2019)

4. Intentionally blank (Resolution 159-2017, October 24, 2017)

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

Rationale: This is not applicable as the Project is not requesting the County create an Infrastructure Financing District.

6. Intentionally blank (Resolution 159-2017, October 24, 2017)

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: General Plan Policy TC-Xa does not apply to A Better Place Forest.

2.5 **General Plan Policy TC-Xb does not apply to the project.**

To ensure that potential development in the County does not exceed available roadway capacity, the County shall:

A. Every year prepare an annual Capital Improvement Program (CIP) specifying expenditures for roadway improvements within the next 10 years. At least every five years prepare a CIP specifying expenditures for roadway improvements within the next 20 years. Each plan shall contain identification of funding sources sufficient to develop the improvements identified;

B. At least every five years, prepare a Traffic Impact Mitigation (TIM) Fee Program specifying roadway improvements to be completed within the next 20 years to ensure compliance with all applicable level of service and other standards in this plan; and

C. Annually monitor traffic volumes on the county's major roadway system depicted in Figure TC-1.

Rationale: This policy is not applicable as this policy refers to the county preparing a Capital Improvement Program (CIP), preparing a Traffic Impact Mitigation (TIM) Fee Program, and monitoring traffic volumes.

2.6 General Plan Policy TC-Xc does not apply to the project.

Developer paid traffic impact fees combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county. (Resolution 201-2018, September 25, 2018)

Rationale: This policy is not applicable as this policy directs how the County will pay for building the necessary road capacity.

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

Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. Level of Service will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgement of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.”

Rationale: This project is located in a Rural Region. The Level of Service threshold is D per the General Plan. This facility will not worsen traffic, as defined by General Plan Policy TC-Xe.

2.8 The project is consistent with General Plan Policy TC-Xe.

For the purposes of this Transportation and Circulation Element, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. 2 percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily, or
- B. The addition of 100 or more daily trips, or
- C. The addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.

Rationale: Per the Trip Generation Memorandum, written by Kimely, Horn and Associates, Inc., which has been reviewed and verified by the County Transportation Department a similar facility, 80 Acres in size, located in

Los Gatos, California generated 23 new daily trips, 1 new AM peak hour trip, and 2 new PM peak hour trips during the weekday. This facility is 48 acres in size, and will not worsen traffic, as defined by General Plan Policy TC-Xe.

2.9 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; or (2) ensure the commencement of construction of the necessary road improvements are included in the County's 10-year CIP.

For all other discretionary projects that worsen (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; or (2) ensure the construction of the necessary road improvements are included in the County's 20-year CIP.

Rationale: The project will not worsen traffic on the County road system.

2.10 General Plan Policy TC-Xg does not apply to the project.

Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. This policy shall remain in effect indefinitely unless amended by voters.

Rationale: This policy is not applicable as this project does not worsen traffic conditions.

2.11 This project is consistent with General Plan Policy TC-Xh.

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: This project will pay Traffic Impact Mitigation (TIM) fees.

Resolution 095-2020 of the Board of Supervisors of el Dorado County states “Applicants shall pay the TIM Fee rate in effect at the time of building permit issuance or at the time of approval of an application for a change in the use of a building or property as provided in County Code Chapter 12.28 and the TIM Fee Administration Manual.”

2.12 General Plan Policy TC-Xi does not apply to the project.

The planning for the widening of U.S. Highway 50, consistent with the policies of this General Plan, shall be a priority of the County. The County shall coordinate with other affected agencies, such as the City of Folsom, the County of Sacramento, and Sacramento Area Council of Governments (SACOG) to ensure that U.S. Highway 50 capacity enhancing projects are coordinated with these agencies with the goal of delivering these projects on a schedule agreed to by related regional agencies.

Rationale: This policy is not applicable to the project as it is direction to the County to coordinate with other agencies.

2.13 The project is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project was reviewed by the County DOT, the County Fire District, PG&E, EID and EMD for adequate public services and utilities. All five agencies/organizations deemed public services and utilities adequate to serve the project. All agencies have reviewed the project plans and determined there would be adequate potable water and fire flow, electric service, waste disposal and vehicular/emergency vehicle access for the project’s needs. As proposed and conditioned, the project is consistent with this policy.

2.14 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.1.2.2 requires discretionary projects to provide an adequate quantity and quality of water for all uses, including fire protection.

Rationale: The project was distributed to EID and the County Fire District. Both agencies determined, as proposed and conditioned, that there would be sufficient quantity and quality of water for all proposed uses, including fire protection. To ensure water supply remains adequate in perpetuity, both agencies recommended standard conditions of approval which have been incorporated into the project.

2.15 The project is consistent with General Plan Policy 6.2.3.1.

General Plan Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant 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: DOT and the County Fire District reviewed project plans and both agencies determined, as proposed and conditioned, the project site has adequate capacity for vehicular and emergency vehicle access.

3.0 ZONING FINDINGS

3.1 The project is consistent with Title 130.

The One-acre Residential (R1A) zone district provides a more dispersed residential character by providing for and regulating residential development at a maximum density of one dwelling unit per acre. The R1A zone also provides for accessory structures and low-intensity agricultural pursuits including crop lands and orchards.

Rationale: The parcel is zoned One-acre Residential (R1A). The Residential Zone Use matrix of allowed uses and permit requirements (Chapter 130.24.020) establishes those uses that are permitted by right and those that are permitted by Conditional Use Permit (CUP). The matrix includes the use of cemetery which is permitted by CUP.

The project has been analyzed in accordance with Zoning Ordinance Section 130.24.030 (Residential Zones Development Standards) and the project parcels conform to minimum lot size, lot dimensions, building height and building setbacks. In the R1A zone, building setbacks must be a minimum of 30 feet from the front lot line, 15 feet from side lot lines, and 30 feet from rear lot lines, with a maximum building height of 45 feet. According to the proposed site plan, all proposed structures would meet or exceed these requirements. The project, as proposed, is consistent with the Zoning Ordinance because the project will comply with building setbacks and other applicable design standards including Landscaping Standards (Chapter 130.33) and Outdoor Lighting Standards (Chapter 130.34). In addition, parking and loading were analyzed according to the use type, and the proposed parking will be sufficient for the proposed uses (see Finding 3.4).

3.1 The project is consistent with Section 130.20.030(A)(3) - Similar and Compatible Uses Allowed.

Section 130.20.030(A)(3) (Similar and Compatible Uses Allowed) allows for similar and compatible uses to those listed in the Zoning Ordinance to be allowed where the approval

authority makes the following four findings:

- (1) The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve a greater intensity than the uses listed in the zone;

Rationale: The proposed use is most similar to that of a cemetery, which is allowed by CUP in the R1A zone, however, the proposed use will be significantly less intensive than a typical cemetery, in that the proposal will not involve earth, crypt or vault interments of remains, or cremated remains, the project would maintain strict limits on facility use and maximum group size and the project would have a minimal visual impact due to the small limited development footprint of the proposed visitor center facility and walking trails. The project will allow for spreading of a cremated remains and soil mixture in designated areas only. No burial or interment activities will be allowed and no other form of human remains dispersal will be permitted.

- (2) The use will be consistent with the purposes of the applicable zone;

Rationale: The One-acre Residential (R1A) zone district provides a more dispersed residential character by providing for and regulating residential development at a maximum density of one dwelling unit per acre. The R1A zone also provides for accessory structures and low-intensity agricultural pursuits including crop lands and orchards. As proposed and conditioned, the project is consistent with the intent of the R1A zone and the proposed visitor center, parking spaces and walking trails have been designed to be compatible with adjacent residential uses.

- (3) The use will be consistent with the General Plan and any applicable specific plan;

Rationale: The proposed uses have been found consistent with the General Plan as further described in the General Plan Findings Section 2.0 above.

- (4) The use will be compatible with the other uses allowed in the zone.

Rationale: Uses allowed in the R1A zone include single family residences and accessory structures supporting both residential and private non-commercial agricultural uses. As proposed and conditioned, the proposed use will not conflict with uses allowed in the R1A zone. The project will be compatible with the rural residential character of the neighborhood and has been planned to minimize any potential conflicts with adjacent property owners. To ensure compatibility with adjoining land uses, the project will incorporate several design features to avoid incompatibility

with adjoining residential land uses. Design features include locating visitor facilities at the center of the project parcels and more than 400 feet from the nearest residences, the use of earthtone and natural wood building designs to minimize visual impact, providing limited off street parking spaces and limiting group sizes to less than 30 persons at one time. Further, all visits will be by advance appointment only and held during daylight hours.

3.2 The project is consistent with Chapter 130.33 - Landscaping Standards.

Landscaping standards are provided in chapter 130.33 and in the Community Design Standards-Landscaping and Irrigation manual.

Rationale: The applicant submitted a preliminary water-conserving landscaping plan (Exhibit L) that provides a mix of trees, shrubs, ground covers and grasses. The submitted plan conforms with Chapter 130.33 and the Community Design Standards-Landscaping and Irrigation manual.

3.3 The project is consistent with Chapter 130.34 - Outdoor Lighting.

Outdoor lighting standards are provided in chapter 130.34 and in the Community Design Standards-Outdoor Lighting manual.

Rationale: As proposed and conditioned, all outdoor lighting conforms to the requirements of Chapter 130.34 and the Community Design Standards-Outdoor Lighting manual. Although use of the site will be limited to daylight hours only, the applicant submitted lighting plans for motion-activated outdoor walkway lighting for visitors returning to their vehicles at dusk (Exhibit M). The submitted plans are consistent with Chapter 130.34 (Outdoor Lighting) and conform with all applicable provisions of the Community Design Standards-Outdoor Lighting manual including light location, design, shielding, full-cutoff standards, and lumen limitations.

3.4 The project is consistent with Chapter 130.35 - Off-Street Parking and Loading.

Section 130.35 of the Zoning Ordinance establishes off-street parking requirements for funeral homes and mortuaries.

Rationale: This Conditional Use Permit and Development Plan proposes a 711 square foot visitor center and office building to serve employees and visitors to the site. Zoning Ordinance Table 130.35.030.1 (Schedule of Off-Street Vehicle Parking Requirements) requires parking for funeral homes/mortuaries to provide one parking space for every four seats (or equivalent occupancy), plus one space for each vehicle maintained on the premises. There will only be nine seats in the proposed visitor center and

there will be no maintained vehicles stored on site. Accordingly, eight parking spaces would be required for visitor parking. In addition, the structure also contains a 105 square foot employee office which would require one additional parking space, for a total requirement of nine off-street parking spaces. While not required in Table 130.35.030.1, the applicant also proposes five additional visitor parking spaces and two additional employee parking spaces (for a total of 16 off-street parking spaces), to allow for additional off-street parking to accommodate visitor groups up to 30 persons (up to 3 persons/vehicle) and to provide flexibility to accommodate unanticipated parking demand or variations in vehicle occupancy. As proposed, off-street parking spaces exceed the parking requirements established in the Zoning Ordinance and are consistent with applicable parking standards.

4.0 CONDITIONAL USE PERMIT FINDINGS

4.1 The issuance of the permit is consistent with the General Plan.

The proposed use is consistent with the policies and requirements in the General Plan as discussed in the General Plan section of the Staff Report. The proposed use is consistent with all applicable policies as set forth in Finding 2.0 above.

4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

The proposed use will not conflict with adjacent residential uses. As proposed and conditioned, the project will be compatible with the rural residential character of the neighborhood and has been planned to minimize any potential conflicts with adjacent property owners. To ensure compatibility with adjoining land uses, the project will incorporate several design features to avoid incompatibility with adjoining residential land uses. Design features include locating visitor facilities at the center of the project parcels and more than 400 feet from the nearest residences, the use of earthtone and natural wood building designs to minimize visual impact, providing limited off street parking spaces and limiting group sizes to less than 30 persons at one time. Further, all visits will be by advance appointment only and held during daylight hours. As proposed and conditioned, the proposed use would not be detrimental to public health, safety and welfare, and therefore, Finding 4.2 can be made.

4.3 The proposed use is specifically permitted by Conditional Use Permit.

Although the proposed use (memorial forest) is not specifically listed as an allowed use in the Residential Zone Use Matrix (Section 130.24.020), the project is substantially similar, although less intensive, to a cemetery, which is listed in the Matrix as a use allowed in the R1A zone by Conditional Use Permit. Further, Zoning Ordinance Section

130.20.030(A)(3)(a)) (Required Findings; Similar and Compatible Use) allows for the proposed use because it is similar in character and would not involve a greater intensity than the listed (cemetery) use. Further, the proposed use would be consistent with the purposes of the applicable zone, be consistent with the General Plan and also be compatible with other uses allowed in the zone. Therefore, Finding 4.3 can be made. For additional details, please refer to the Findings section 3 above.

5.0 DEVELOPMENT PLAN FINDINGS

5.1 The project is consistent with the General Plan.

Rationale: As discussed above in Section 2.0, General Plan Findings, the project is consistent with the applicable policies and requirements in the El Dorado County General Plan.

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

Rationale: The project parcels greatly exceed the minimum size and shape requirements for the R1A zone district and will easily accommodate the proposed uses as further described in Zoning Findings Section 3.0 above.

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

Rationale: This finding does not apply to this project as there are no exceptions to the development standards of the R1A zone requested or required. The project conforms to all applicable development standards as further discussed in Zoning Findings Section 3.0 above.

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: There are adequate public services and facilities to serve this project as previously discussed in General Plan Findings Section 2.0 above.

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: This finding does not apply as mixed-use development is not proposed as part of this project.

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 project design conforms to the intent of the (-PD) combining zone. The project proposes a development plan that provides for a combination of differing but complimentary land uses, clusters proposed development activities on the project site to minimize impacts on various natural resources, promotes efficient utilization of land and minimizes use compatibility issues and environmental impacts to the greatest practical extent.