

## FINDINGS

### **Tentative Subdivision Map TM05-1402/ Planned Development Permit PD05-0015/ Rezone Z05-0018/Cheplick Planning Commission/July 14, 2022**

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:

#### **FINDINGS FOR APPROVAL**

##### **1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDING**

- 1.1 State CEQA Guidelines (Title 14 of the California Code of Regulations) identifies a specific exemption for projects such as this proposal. Section 15182 of the Guidelines (Residential Projects Pursuant to a Specific Plan) exempts residential subdivision projects that are consistent with an underlying specific plan for which an Environmental Impact Report (EIR) has been certified. The proposed project is a residential project that was analyzed in the certified Bass Lake Hills Specific Plan (BLHSP) EIR (SCH 90020375) (Exhibit K). The proposed Rezone, Planned Development and Tentative Subdivision Map would allow residential development consistent with the adopted specific plan. No new information that was not known and could not have been known at the time the EIR was certified has since become available. This Rezone, Planned Development and Tentative Subdivision Map is consistent with and is statutorily exempt in accordance with CEQA Guideline Section 15182 (Residential Projects Pursuant to a Specific Plan). 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 Planning and Building Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

##### **2.0 GENERAL PLAN FINDINGS**

- 2.1 **Policy 2.2.1.2. The Adopted Plan (AP) land use designation establishes areas for which specific land use plans have been prepared and adopted. These plans (e.g., specific plan or community plan) are accepted and incorporated by this reference, and the respective land use map associated with each such plan is hereby adopted as the General Plan map for each such area. The plans recognized by the AP category do not include the now-superseded Area Plans that comprised the County's General Plan prior to the adoption of the General Plan.**

Rationale: The 2004 El Dorado County General Plan designates the project site as AP, a description in reference to areas where Specific Plans, in this case, the BLHSP, have been designated and adopted within and by the County. The proposed project is residential and is consistent with the policies, densities and development standards identified in the BLHSP.

- 2.2 Policy 2.2.3.1 describes the requirements for the Planned Development (- PD) Combining Zone District. Primary emphasis is to be placed on furthering uses and/or design that (1) provide a public or common benefit on- or off-site, (2) cluster intensive land uses or lots to conform to the natural topography, (3) minimize impacts on various natural and agricultural resources, (4) avoid cultural resources where feasible, (5) minimize public health concerns, (6) minimize aesthetic concerns, and (7) promote the public health, safety, and welfare. A goal statement shall accompany each application specifically stating how the proposed project meets these criteria.**

**Except as otherwise provided herein residential planned Developments shall include open space lands comprising at least 30 percent of the total site which may be owned in common, by easement or fee title, by the homeowner or may be dedicated to a public agency.**

Rationale: The project proposes a rezone from RE-10 to R1A-PD and tentative subdivision map consisting of five (5) new residential lots. Policy 2.2.3.1 provides an exception to the open space dedication requirement for residential Planned Developments consisting of five (5) or fewer lots or dwelling units. The project is exempt from the open space dedication requirements.

- 2.3 Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.**

Rationale: The project site is bordered to the east by high density residential development and to the north, south and west by low density residential development. The proposed parcel sizes would create a transition from the eastern higher density development to the lower density residences to the north, south and west. The use is consistent and compatible with the development pattern in the immediate surroundings.

- 2.4 Policy 2.2.5.3 requires that the County evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include, but are not limited to, the following nineteen criteria:**

- 1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;**

Rationale: The project proposes to connect to an existing and adjacent El Dorado Irrigation District (EID) water supply. There is adequate water availability to support the project density, as discussed in the Facilities Improvement Letter (FIL) (Exhibit J).

**2. Availability and capacity of public treated water system;**

Rationale: There is adequate water availability to support the project density, as discussed in the FIL (Exhibit J).

**3. Availability and capacity of public wastewater treatment system;**

Rationale: There is adequate wastewater availability to support the project density, as discussed in the FIL (Exhibit J).

**4. Distance to and capacity of the serving elementary and high school;**

Rationale: The project is located within the Buckeye Union School District and is served by Blue Oak elementary School (approx. 1.5 mile) and Oak Ridge high School (approx. 2.25 miles). The project was distributed to the Buckeye Union School District, which did not provide comments. New development is required to provide necessary funding and/or capital facilities for the school system, as determined by applicable State-mandated development impact fees. The project proposes five (5) new residential lots and is not anticipated to have a significant impact on elementary and high school capacity.

**5. Response time from nearest fire station handling structure fires;**

Rationale: The nearest fire station is El Dorado Hills Fire Station 86 is located approx. .5 mile away. The fire department has reviewed the project and has determined with the conditions of approval, would be able to provide adequate fire protection to the site.

**6. Distance to nearest Community Region or Rural Center;**

Rationale: The project is located within the El Dorado Hills Community Region.

**7. Erosion hazard;**

Rationale: Erosion associated with the grading necessary for the on-site improvements and off-site road improvements will be controlled through adherence to County grading requirements. The Transportation Department would review the grading plans to verify conformance with established policies and standards.

**8. Septic and leach field capability;**

Rationale: The project proposes connections to public sewage facilities. No septic or leach fields are proposed.

**9. Groundwater capability to support wells;**

Rationale: The project proposes to connect to and receive potable water service from EID. No wells are proposed and the development would not affect groundwater supply.

**10. Critical flora and fauna habitat areas;**

Rationale: As identified in the update to Biological Resources Assessment no special status plants or animals were observed on the property. The potential for occurring special status plants and animals is low, with the exception of nesting birds. The project has been conditioned to provide a pre-construction bird survey if site disturbance begins during the nesting season (Conditions of Approval (COA) 12).

**11. Important timber production areas;**

Rationale: The project does not have any important timber production areas and would not adversely affect timber resource areas.

**12. Important agricultural areas;**

Rationale: The project is not designated as an important agricultural resource and would not adversely affect agricultural areas.

**13. Important mineral resource areas;**

Rationale: The project is not designated as an important mineral resource area and would not adversely affect mineral resource areas.

**14. Capacity of the transportation system servicing the area;**

Rationale: The Transportation Department reviewed the project and determined that the project will not generate enough trips to create a significant impact. No traffic study was required for this project.

**15. Existing land use pattern;**

Rationale: The project is consistent with the adjacent medium density land use pattern to the southwest and provides adequate buffers and transitions for existing development to the east and for planned development to the north. Development proposed for the project site is consistent with the scale, density, and intensity of development allowed under the Specific Plan land use designation and the proposed zoning for the project site.

**16. Proximity to perennial water course;**

Rationale: The project is located approximately .7 mile to Cameron Park Lake and Deer Creek. The project will not impact Cameron Park Lake and Deer Creek.

**17. Important historical/archeological sites;**

Rationale: A cultural resource study was prepared for the site. No prehistoric or historic resources were detected onsite.

**18. Seismic hazards and presence of active faults; and**

Rationale: There are no active faults or extraordinary seismic hazards in the vicinity of the project.

**19. Consistency with existing Conditions, Covenants and Restrictions.**

Rationale: There are no existing Conditions, Covenants, and Restrictions that apply to the site.

- 2.5 Policy 3.2.1.1. Development proposals shall be reviewed to determine if significant traffic impacts or reductions in Level of Service (LOS) per Policy 3.5.1.5.11 will occur to existing public roads as a result of the proposed project. Project proponents shall be required to make necessary road improvements or to pay a traffic impact mitigation fee (TIM), or some combination of both, to accommodate increases in traffic caused by the proposed project.**

Rationale: Traffic impacts as a result of the proposed project was evaluated and verified by County Traffic Engineers. The project is required to construct the improvements to Tierra De Dios as shown on the tentative map and in accordance with figure 4-3 of the BLHSP (COA 25).

- 2.6 Policy 3.2.1.2. Development review shall consider the adequacy of public and private roads for emergency vehicle access and for off-site traffic impacts. Inadequate roads shall be improved through such measures as "area of benefit" districts, fees, project approval conditions, assessment districts, or other means. Where no improvement or other acceptable mitigation measures are proposed to alleviate project induced situations concurrent with development, land development projects shall be denied.**

Rationale: The proposed project has been reviewed by County Department of Transportation (DOT) staff and the El Dorado Hills Fire Department (EDHFD). As conditioned, the public and private roads serving the project are adequate for emergency vehicle access. Further, traffic impacts as a result of the proposed Tentative Map were evaluated and verified by County Traffic Engineers. The project is required to construct the improvements to

Tierra De Dios as shown on the tentative map and in accordance with figure 4-3 of the BLHSP (COA 25).

**2.6 Policy 3.10.1.1. Transportation alternatives, which are cost-effective, shall be strongly encouraged. A public transit system linking employment, shopping areas, and schools with residential areas should be developed.**

Rationale: The BLHSP requires the construction of bicycle facilities to ensure connectivity with parks and adjacent developments. The proposed project will include a pedestrian access network that internally links all residential and open space areas and connects to all existing and planned external streets and pedestrian facilities contiguous with the project site. The project will pay its fair share of the Public Facilities Financing Fees to support transportation-related facilities identified in the BLHSP.

**2.7 Policy 3.10.1.5. Project review shall take into account all forms of transportation and circulation systems, including rail, bicycle trails, pedestrian paths, equestrian easements, off-site and on-site parking where appropriate.**

Rationale: The proposed project, is conditioned to pay its fair share of the Public Facilities Financing Fees to support transportation-related facilities identified in the BLHSP.

**2.8 Policy 5.1.2.1. Prior to the approval of any discretionary development, the Approving Authority shall make a determination of the adequacy of the public services and utilities to be impacted by that development. Where demand is determined to exceed capacity, the approval of the development shall be conditioned to require expansion of the impacted facility or service to be available concurrent with the demand, mitigated, or a finding made that a Capital Improvement Project is funded and authorized which will increase service capacity.**

Rationale: The project is in the El Dorado Hills Community Region, where EID) water supply and conveyance facilities are available to serve the project. The project must annex into EID, and prior to approval of any final subdivision map for the proposed project, the applicant is required to secure a “will serve” letter or equivalent written verification from EID demonstrating the availability of sufficient water supply for the project. The project, as conditioned, will construct water line extensions to connect to EID facilities. A Facility Plan Report (FPR) to be verified and approved by EID will be required prior to Final Map.

The project is conditioned to connect to EID wastewater facilities and will be evaluated for purposes of accommodating highest possible demand. The project’s solid waste generation was evaluated, and it was determined that it

would not adversely affect the permitted capacities of the Transfer Station and Material Recovery Facility in Placerville and the Potrero Hills Landfill.

The EDHFD provided a letter to the County outlining requirements to provide fire and emergency medical services to the project site, and all of the provisions identified by the EDHFD requiring compliance with their fire standards including, but not limited to: location of and specifications for fire hydrants; emergency vehicle access including roadway widths and turning radii; fire flow and sprinkler requirements; and defensible space and wildland fire-safe plans have been included as a Condition of Approval.

Law enforcement would be provided to the project by the El Dorado County Sheriff's Department. The increase in demand for law enforcement is expected to be incremental and would not require construction of a new station to serve the project.

The affected school district, Buckeye Union School District, was consulted and had no comment. The proposed project is not expected to have a significant impact on schools.

As conditioned, the proposed project would provide adequate public services and utilities.

**2.9 Policy 5.1.2.2. Provision of public services to new discretionary development shall not result in a reduction of service below minimum established standards to current users.**

Rationale: The public services and utilities demands of the project have been determined, and applicable service/utility purveyors were consulted with regard to project demand. The project will not result in a reduction of service below minimum standards to current users. Fair-share funding for infrastructure improvements is collected at time of Final Map (water and sewer) and building permit (school, fire, parks, and roads).

**2.10 Policy 5.1.2.3. New development shall be required to pay its proportionate share of the costs of infrastructure improvements required to serve the project. Lack of available public or private services or adequate infrastructure to serve the project which cannot be satisfactorily mitigated shall be grounds for denial of any project or cause for the reduction of size, density, and/or intensity otherwise indicated on the General Plan Land Use Map.**

Rationale: The proposed project would pay its proportionate share of the costs of infrastructure improvements required to serve the project.

**2.11 Policy 5.1.3.1. Growth and development and public facility expenditures shall be primarily directed to Community Regions and Rural Centers.**

Rationale: The proposed project is located in the El Dorado Hills Community Region.

**2.12 Policy 5.2.1.2. An adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.**

Rationale: The proposed project has a FIL from EID, identifying sufficient water availability, additionally the EDHFD reviewed the project and determined that the project has a sufficient emergency water supply, storage and conveyance facilities.

**2.13 Policy 5.7.1.1. Fire Protection in Community Regions, requires the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection would be provided concurrent with development.**

Rationale: The EDHFD reviewed the project and determined that the project has a sufficient emergency water supply, storage and conveyance facilities.

**2.14 Policy 6.2.2.2. Wildland Fire Hazards, requires that he County preclude development in high and very high wildland fire hazard areas unless such development can be adequately protected from wildland fire hazards, as demonstrated in a Fire Safe Plan and approved by the local Fire Protection District and/or CALFIRE.**

Rationale: The project is located in a Moderate Fire hazard Zone. A fire safe plan is not required.

**3.0 ZONING FINDINGS**

**3.1 The proposed tentative map, including design and improvements, is consistent with the General Plan.**

Rationale: The parcel is zoned Residential Estate-10 acres (RE-10), with a proposed rezone to R1A-PD as part of the project. The project has been analyzed in accordance with Zoning Ordinance Section 130.24. The site is in an urbanized region within the El Dorado Hills Community Region. The proposed Residential One Acre-Planned Development (R1A-PD) zoning and tentative subdivision map is consistent with Medium Density Residential (MDR) land use designation and the BLHSP.

**3.2 The proposed Tentative Subdivision Map conforms to the applicable standards and requirements of the County zoning regulations and Land Division Ordinance.**

Rationale: The parcels have been analyzed in accordance with Section 3.3 (Residential Development Standards) of the BLHSP and Section 130.24.030 (Residential Zones Development Standards) of the El Dorado County Zoning Ordinance.



The project conforms to the minimum parcel size and applicable development standards.

**3.3 The site is physically suitable for the proposed type and density of development.**

Rationale: The proposed development meets the density requirements of the BLHSP and conforms to the minimum parcel size and development standards of the R1A zoning designation.

**3.4 The proposed subdivision is not likely to cause substantial environmental damage.**

Rationale: The project was contemplated and analyzed in the certified BLHSP EIR (SCH 90020375). The proposed tentative subdivision map is not anticipated to result in substantial environmental damage and is consistent with the anticipated improvements in the Specific Plan area.

**4.0 DEVELOPMENT PLAN FINDINGS**

**4.1 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: As discussed in the Findings, the project has been found to be consistent with the El Dorado County General Plan and the BLHSP. Chapter 130.28 requires that residential planned developments be subject to open space, clustering and pedestrian circulation requirements. As the project proposes to create five (5) or fewer parcels, it is exempt from PD open space dedication requirements, per section 130.28.050.B.1.a. The project is a five (5) lot subdivision on ten (10) acres in an area designated as medium density residential by the BLHSP. Due to the lower density of the project and through the utilization of shared driveways, the project is clustered to the greatest extent feasible. The project proposes paved sidewalks along Tierra De Dios Drive, providing for internal circulation of pedestrians to neighboring properties. As discussed, the project satisfies the open space, clustering and pedestrian circulation requirements of Chapter 130.28.

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

Rationale: The project proposes a single-unit residential, transportation, and passive open space (landscaping) uses. The project has capacity to accommodate five (5) new residential dwellings and accessory uses. The project site is adequate in shape and size to accommodate proposed uses and other required features.

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

Rationale: The project is not requesting any exceptions to the development standards of the zone.

**4.4 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: Water supply and sewage disposal would be provided by EID. An FIL (Exhibit J), prepared by EID, has been submitted showing adequate water supply and sewage disposal for this project. The project has been conditioned to adequately improve onsite roads and bring utilities to the project.

**4.5 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: The project does not propose a mixed-use development.

**4.6 The proposed development complies 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 proposes uses allowed by the proposed base zoning (R1A) and –PD Combining Zone, is exempt from the open space requirements established for the –PD Combining Zone, and requests standards in accordance with the provisions of the –PD Combining Zone and associated Development Plan Permit.

**5.0 SPECIFIC PLAN FINDINGS**

**5.1 The project is located within and subject to requirements of the Bass Lake Hills Specific Plan (BLHSP).**

Rationale: The project site is located in Village N of the BLHSP, which identifies a density of 0.68 dwelling units per acre (du/ac). Village N has a BLHSP Land Use Designation of L7PD, which is defined as Low Density Residential Planned Development (L7PD: max 0.7 du/ac). The different villages within the L7PD allow for densities that equate to an average of 0.7du/ac of the entirety of the Land Use area. The current project site is ±10.0 acres and proposes five (5) residential lots resulting in a density of 0.5 du/ac. The project is located approximately .7 mile from US Highway 50, with hilly terrain between the project site and US Highway 50. As such the project is

not viewable from US Highway 50 and was not required to provide a viewshed analysis. The project upholds the rural character of the BLHSP from the US Highway 50 viewshed. The project is consistent with the BLHSP.

**5.2 The project is subject to the public facilities and services financing plan (PFFP) for the BLHSP.**

Rationale: The PFFP identifies the financing mechanisms to be used to pay for the public infrastructure necessary to support development with the BLHSP area. The project has been conditioned (COA 4) to provide an update to the PFFP and related fee program, prior to Final Map, to reflect the current public facilities to be constructed and current facility cost estimates. The proposed Tentative Map is consistent with the PFFP.

**5.3 The project is subject to the development agreement for the BLHSP.**

Rationale: Section 2.4 of the Development Agreement requires construction of public improvements in accordance with conditions set forth in the PFFP. The proposed Tentative Map is consistent with the PFFP, and is, consistent with the Development Agreement.

**6.0 SUBDIVISION ORDINANCE FINDINGS**

**6.1 The proposed tentative map, including design and improvements, is consistent with the General Plan and Specific Plan policies.**

Rationale: The proposed Tentative Map is consistent with the AP-BLHSP land use designation and with General Plan policies relating to public utilities, traffic, noise, air quality, riparian impacts, and oak woodland habitat, as discussed in Section 2.0 above. Further, the Tentative Map includes a Planned Development, which was designed to minimize impacts to the natural resources on the project site. The proposed Tentative Map is located within the El Dorado Hills Community Region and provides use types consistent with the land uses, densities, and intensities consistent with the El Dorado County General Plan's policies for the County's Community Regions and the BLHSP. The Conditions of Approval included as part of the project would further minimize environmental impacts associated with the project.

**6.2 The site is physically suitable for the proposed type and density of development.**

Rationale: The site is physically suitable for the proposed type and density of development. Slopes exceeding 30 percent have been avoided and the project will minimize the impacts to the existing wetlands. The proposed development pattern is consistent with the BLHSP. The proposed design

allows for the perimeter to be predominantly maintained as open space, preserving a natural buffer between existing residential subdivisions of similar and higher residential densities. The proposed residential development would not create a physical barrier to travel around or within the project site or remove existing means of access to and through existing nearby neighborhoods. The development density will be consistent with the BLHSP, which identified the site for medium density residential development.

**6.3 The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitats.**

Rationale: The proposed project was contemplated and analyzed in the certified BLHSP EIR (SCH 90020375). The proposed tentative subdivision map will not likely result in substantial environmental damage and is consistent with the anticipated improvements in the Specific Plan area.

**6.4 That the design of the subdivision or the type of improvements is not likely to cause serious public health hazards;**

Rationale: The proposed Tentative Map is not likely to cause serious public health hazards. The project site is not located within a mapped Alquist-Priolo Earthquake Fault Zone, and all new structures are to be built in accordance with the California Building Code to ensure public safety. The project has been conditioned to submit, as determined by the El Dorado County Air Quality Management District, a Fugitive Dust Plan application and/or an Asbestos Dust Mitigation Plan application for approval by the District prior to beginning project construction. The project, as mitigated and conditioned, will be required to control diesel particulate matter emissions during construction. With implementation of traffic mitigation measures and DOT conditions, the project would neither introduce dangerous road design features, nor generate traffic that is incompatible with existing traffic patterns. The project site is located in an area of moderate wildfire hazard risk. A Wildland Fire Safe Plan will be prepared for the proposed project. As conditioned, the proposed project is required to comply with all EDHFD fire standards, including, but not limited to: location of and specifications for fire hydrants; emergency vehicle access including roadway widths and turning radii; fire flow and sprinkler requirements; and defensible space and wildland fire-safe plans

**6.5 The design of the subdivision or the improvements is suitable to allow for compliance with the requirements of Section 4291 of the Public Resource Code (Section 4291 establishing criteria for fire and fuel breaks around buildings).**

Rationale: The design of the proposed Tentative Map conforms to the requirements of Section 4291 of the Public Resources Code. The public water system serving the project will provide adequate fire flow for the project. Further, as conditioned, the proposed project is required to comply with all EDHFD fire standards, including, but not limited to: location of and specifications for fire hydrants; emergency vehicle access including roadway widths and turning radii; fire flow and sprinkler requirements.

**6.6 The design of the subdivision or the type of improvements would not conflict with easements, acquired by the public at large, for access through or use of property within the proposed division.**

Rationale: Necessary utility easements are depicted on the proposed Tentative Map and shall be further verified by the County Surveyor's Office at the time of filing Final Map. All existing easements across the property for utilities and infrastructure would remain or be relocated in a manner acceptable to the affected agency. Therefore, no conflicts with easements acquired by the public at large are anticipated.

**7.0 DESIGN WAIVER FINDINGS**

The project has requested a design waiver to allow the common driveways and reciprocal access easements as illustrated on the Tentative Subdivision Map.

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

Rationale: The proposed project is for a new five (5) residential lot subdivision. The common driveways allows for greater clustering and utilization of the BLHSP medium density designated property.

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

Rationale: The strict application of the design standard would cause an unnecessary hardship on the applicant, as it would result in additional and unnecessary expenses to maintain the BLHSP density.

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

Rationale: The proposed common driveways and reciprocal access easements were reviewed and approved by the EDHFD and DOT. This waiver is not anticipated to be detrimental to health, safety, convenience, and welfare of the public.

**7.4 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: Properties within the project would be provided with safe, adequate access and circulation with the Design Waiver. Therefore, the waiver would not have the effect of nullifying the objectives of this article or other laws.