

Findings

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 pursuant to *Section 66472.1* of the *California Government Code*:

FINDINGS

1.0 GENERAL PLAN FINDINGS

- 1.1 The proposed HDR, MDR, OS, and LDR designations are consistent with the General Plan's planning concept for the El Dorado Hills Community Region (Table 2-1). The proposed R1-PD, R1A-PD, R3A-PD, RE5-PD, RF-PD, and OS-PD zoning are consistent with the proposed land use designations.
- 1.2 The project has been reviewed in accordance with General Plan Policy 2.2.5.2 and has been found to be consistent with all applicable policies of the General Plan. As conditioned and mitigated, the proposal is consistent with the intent of the following policies:
 - 1.2.1 Policy 2.1.1.1 (Community Regions defined) because the project is in the El Dorado Hills Community Region.
 - 1.2.2 Policy 2.1.1.7 (consideration of General Plan polices) because proposed development has been considered in view of General Plan policies, as described in this section.
 - 1.2.3 Policy 2.2.1.2 (land use designations and densities) because the project's proposed land use designations and densities [3.2 du/ac (HDR); 1 to 3.2 du/ac (MDR); 1 du/5ac (LDR)] are consistent with General Plan Table 2-2, and the proposed zoning and density is consistent with General Plan Table 2-4.
 - 1.2.4 Policy 2.2.3.1 (open space and natural topography) because 84 acres of open space would be provided within the Planned Development, which meets the 30 percent requirement of the policy, and the proposed development pattern would conform to topography by clustering the smallest lots where topography is relative flat and siting the larger lots where topography is steeper.
 - 1.2.5 Policy 2.2.3.2 (density calculation) because the development density conforms to the density permitted by the underlying zone districts.

- 1.2.6 Policy 2.2.3.3 (Planned Development Combining District) because infrastructure is available or can be feasibly provided to serve the project without adverse impact to existing or approved development, and the project has been designed to account for physical and topographic conditions.
- 1.2.7 Policy 2.2.5.3 (rezone criteria) because the project has been evaluated for the 19 criteria set forth in the policy. The results of that evaluation indicate: there are adequate utilities and services to support the project density; the project is within a Community Region; erosion will be controlled through adherence to County grading requirements; the project would not adversely affect agricultural, timber, or mineral resource areas and biological resources will be protected through EIR mitigation measures; the project would be required to improve affected roadways or pay fair-share impact fees; the project would be consistent with the adjacent existing high-density land use pattern to the west and would provide adequate buffers and transitions for other locations; perennial water courses would be protected through compliance with required programs; there are no known historic/archaeological sites that would be affected; there are no active faults; and there are no applicable CC&Rs.
- 1.2.8 Policy 2.2.5.4 (Planned Development Combining District) because the project complies with this requirement and zone amendment requirements under Chapter 130.04 of the Zoning Ordinance with submittal of PD11-0006.
- 1.2.9 Policy 2.2.5.21 (compatibility with surroundings) because the development density would be visually and physically compatible with the high density residential development within the Highland View neighborhood to the west and the area to the south in the El Dorado Hills Specific Plan that is identified for high-density residential development. Larger lots would generally be along the perimeter thereby providing adequate buffering and transitions to smaller lots toward the center of the proposed development. The proposed design allows for the perimeter to be maintained as open space, preserving a natural buffer between existing residential areas of similar and lower residential densities.
- 1.2.10 Policy 2.5.1.1 (low intensity land uses) because the project provides 84 acres of open space, including parks, landscaping, open spaces and trails. Natural drainages and landscape features have been incorporated into project design. The project provides transitional development densities with lots sizes and locations that conform to natural topography.
- 1.2.11 Policy 2.8.1.1 (light and glare) because the project, as conditioned, will be required to include measures in project design to control exterior sources of nighttime lighting in accordance with Section 130.14.170 of the County Ordinance Code.

- 1.2.12 Policies TC-Xd, TC-Xe, TC-Xf, TC-Xg, and TC-Xh (roadway levels of service concurrency) because impacts of the project were evaluated and verified by the CDA Transportation Division, and the project, as mitigated and conditioned, is required by the County to either construct the identified improvements (in which case the applicant may seek reimbursement) or, if the identified improvement is included in the County's 10-year Capital Improvement Plan (CIP) when the need for the improvement is triggered, pay the County's TIM fees.
- 1.2.13 Policies TC-4g and TC-4i (bikeways and pedestrian facilities) because the project will be conditioned to construct on-site bicycle facilities to ensure connectivity within the project and adjacent developments, and the on-site bicycle facilities would connect the project with the future adjacent Class II Bike Lanes along Green Valley Road. The project, as mitigated and conditioned, will include a pedestrian access network that internally links all uses and connects to all existing or planned external streets and pedestrian facilities contiguous with the project site.
- 1.2.14 TC-5a (sidewalks and curbs) because the project design includes sidewalks for those lots 10,000 square feet or less.
- 1.2.15 Policy HO-1.2 (adequate supply of suitable housing sites) because the project provides 604 new units in the El Dorado Hills Community Region where adequate community facilities and public services are available, and the project has been designed to accommodate the environmental conditions of the site. The project also includes housing and facilities for the County's growing active adult (ages 55 +) population.
- 1.2.16 Policy HO-1.5 (higher density in Community Regions) because the project is within the El Dorado Hills Community Region.
- 1.2.17 Policy 5.1.3.1 (efficient development pattern) because the project is within a Community Region where public services are available.
- 1.2.18 Policies 5.2.1.2, 5.2.1.3, 5.2.1.4, 5.2.1.9, and 5.2.1.11 (water supply) because the project is in a Community Region, where El Dorado Irrigation District (EID) water supply and conveyance facilities are available to serve the project. In accordance with Policy 5.2.1.9, a water supply assessment (WSA) for the project was prepared in accordance with Water Code Section 10910. The WSA, which was approved by EID, concluded there will be sufficient water to meet the demands of the proposed project and other EID service area demands for the 20-year water supply planning horizon during normal, single-dry, and multiple-dry years. 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 mitigated and conditioned, will construct water line extensions to connect to EID facilities. A Facility Plan Report (FPR) will be required prior to development.

- 1.2.19 Policies 5.3.1.1 and 5.3.1.7 (wastewater capacity) because the project will connect to EID wastewater facilities, and will be conditioned to construct one of three design options that have been identified and evaluated for purposes of accommodating highest possible demand. An FPR will be required prior to development and a commitment to serve from EID will be required prior to final map approval for each phase of the project.
- 1.2.20 Policies 5.4.1.1 and 5.4.1.2 (drainage) because the project includes storm drain facilities, the preliminary design of which was determined through a site-specific drainage study, to ensure post-development flows do not exceed pre-development flows. The final design of the system must comply with the County's Design and Improvement Standards Manual. This will ensure the project would not increase off-site flood potential. The project incorporates natural features in open space areas, which maintains the aesthetic qualities of drainages. Further, as mitigated and conditioned, the project will be required to implement low impact development (LID) measures, which will help protect wetlands and riparian areas. Best management practices and LID measures are required in accordance with the County's Storm Water Management Plan and the NPDES Small MS4 Permit. The project must also implement best management practices as required under the State NPDES Construction General Permit and County Grading, Erosion, and Sediment Control Ordinance to minimize erosion on-site and off-site.
- 1.2.21 Policy 5.5.2.1 (solid waste disposal capacity) because the project's solid waste generation was evaluated, and it was determined it would not adversely affect the permitted capacities of the Transfer Station and Material Recovery Facility in Placerville and the Potrero Hills Landfill.
- 1.2.22 Policy 5.6.2.1 (energy-conserving landscaping) because the project, as mitigated and conditioned, will be required to use water-efficient landscaping and irrigation systems.
- 1.2.23 Policy 5.6.2.2 (energy-efficient heating and cooling) because the project, including the proposed tentative map and improvements, are subject to Title 24 of the California Building Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. As mitigated and conditioned, the project sponsor will be required to provide the option of roof-mounted photovoltaic energy systems on new homes.
- 1.2.24 Policies 5.7.1.1 and 5.7.4.1 (fire protection and emergency medical services) because the El Dorado Hills Fire Department (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 will be conditioned on the project.

- 1.2.25 Policy 5.7.3.1 (law enforcement) because the increase in demand is expected to be incremental, and would not require construction of a new police station to serve the project. According to the Sheriff's Office, funding considerations to supply increased police protection services would be addressed by the County Board of Supervisors.
- 1.2.26 Policy 5.8.1.1 (school capacity) because the two affected school districts (Rescue Union School District and El Dorado Union High School District) were consulted and indicated new school facilities would likely not be needed to accommodate anticipated increases in student enrollment resulting from the proposed project. The project, as conditioned, will be required to pay applicable school impact fees in accordance State law.
- 1.2.27 Policy 6.2.1.1 (fire safe requirements) because a Wildland Fire Safe Plan has been prepared for the project and implementation is required as a condition of approval.
- 1.2.28 Policies 6.2.2.1 and 6.2.2.2 (fire hazard severity zones) because the project is in an area designated as a moderate fire hazard zone and not in high or very high fire hazard area.
- 1.2.29 Policies 6.2.3.1 and 6.2.3.2 (adequate fire protection and ingress/egress) because the project must adhere to the approved Wildland Fire Safe Plan, and conditions have been added as recommended by the El Dorado Hills Fire Department to assure adequate emergency vehicle ingress/egress.
- 1.2.30 Policy 6.3.1.1 (naturally occurring asbestos) because the project site may have areas with naturally occurring asbestos, based on a review of County mapping, and an Asbestos Dust Mitigation Plan would be required for the project, the implementation of which is required as an EIR mitigation measure and condition of approval.
- 1.2.31 Policy 6.3.2.5 (erosion and slope stability hazards) a preliminary geotechnical investigation was prepared for the project site, which identified recommendations for addressing potential soils conditions requiring mitigation, the implementation of which is required as a condition of approval.
- 1.2.32 Policies 6.5.1.1, 6.5.1.6, 6.5.1.8, 6.5.1.12, 6.5.1.13 (noise analysis and mitigation) because a noise assessment was prepared for the project and identified where noise permanent mitigation would be required to meet County standards, the locations of which

are indicated in the project design and are required as a condition of approval. The project will also be conditioned to adhere to County standards for construction noise control.

- 1.2.33 Policy 6.7.4.4 (bicycle connections) because the County has reviewed the project site plan, and the project will be required to construct on-site bicycle facilities to ensure connectivity with the onsite clubhouse and the parks and adjacent developments, and the on-site bicycle facilities would connect the project with the future adjacent Class II Bike Lanes along Green Valley Road.
- 1.2.34 Policy 6.7.4.6 (wood-burning fireplaces and stoves) because the project, as mitigated and conditioned, will only be allowed to have natural gas fireplaces.
- 1.2.35 Policy 6.7.6.2 (air pollution-sensitive land uses) because the project's residential and park uses would not be located near high-volume roadways or toxic air contaminant emissions sources.
- 1.2.36 Policy 6.7.7.1 (air emissions) because the project's air quality impacts were evaluated based on the significance criteria and recommendations in the El Dorado County Air Quality Management District's Guide to Air Quality Assessment, and the project will be conditioned to implement mitigation measures to reduce emissions.
- 1.2.37 Policy 6.9.1.3 (new roadway connections) because the primary access roads into the project from Green Valley Road will be constructed in accordance with County standards.
- 1.2.38 Policy 7.1.2.1 (development on steep slopes) because approximately 98 percent of the site's topography contains less than 30 percent slopes. Those lots on the western boundary where slopes are over 30 percent shall be subject to development restrictions in compliance with the Hillside Design Standards adopted by the Board of Supervisors (Resolution 322-92) and the Interim Interpretive Guidelines.
- 1.2.39 Policies 7.1.2.2, and 7.1.2.3 (erosion/sedimentation) because the project, as mitigated and conditioned, will be required to implement best management practices as required under the State NPDES Construction General Permit and County Grading, Erosion, and Sediment Control Ordinance to minimize erosion and sedimentation. The project conforms to natural contours and maintains natural drainages and includes LID measures such as minimizing disturbed areas and impervious surfaces. Approximately 30 percent of the site will be open space, which provides opportunities to retain natural vegetation.
- 1.2.40 Policy 7.3.3.1 (wetlands) because a wetland delineation was prepared for the project in accordance with U.S. Army Corps of Engineers' Wetland Delineation Manual.

- 1.2.41 Policies 7.3.3.4, 7.3.3.5, 7.3.4.1, and 7.3.4.2 (wetland and riparian areas and natural drainage patterns) because wetland features, stream corridors, and riparian areas have been incorporated into project design, and the project will be conditioned to obtain all necessary permits and approvals from regulatory agencies prior to any work that could affect these features and to implement best management practices during construction to protect these features.
- 1.2.42 Policies 5.2.1.1, 5.2.1.2, and 5.2.1.3 (concurrency) because 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, as mitigated and conditioned, 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).
- ~~1.2.43 Policy 7.3.5.1 (drought tolerant landscaping) because the project, as mitigated and conditioned, will be required to use water efficient landscaping and irrigation systems.~~
- 1.2.44 Policy 7.4.1.5 (rare, threatened, and endangered species) because the project site was evaluated for the presence of listed animal and plant species. As mitigated and conditioned, the project will be required to protect burrowing owl and migratory bird and raptor species' nesting habitat during construction. The project will also be conditioned to avoid elderberry bushes that could provide habitat for Valley elderberry longhorn beetle.
- 1.2.45 Policy 7.4.1.6 (habitat fragmentation) because the project is not within or adjacent to an Important Biological Corridor or rare plant preserve. Approximately 84 acres of the site (or about 30 percent) would remain in open space parks and landscaping, and no migratory wildlife corridors or wildlife nursery sites would be blocked or impeded. Wildlife can continue to move through the area using the open space lands that would remain undeveloped.
- 1.2.46 Policy 7.4.4.4 (oak woodland resources) because Phase 1 of the proposed project, as mitigated and conditioned to implement an Oak Tree Removal Mitigation Plan, would replace oak trees consistent with Option A. Phase 2 of the proposed project is not allowed to develop unless consistent with Option A or until such time that additional oak tree removal policies are adopted by the County, and a Phase 2 Tentative Map specifically addressing the additional requested oak tree removal is processed and approved by the County. Phase 2 development will be subject to the requirements of Option A under Policy 7.4.4.4. If in the future, Option B becomes available, the project will undergo additional CEQA review as necessary, and must adhere to all provisions and mitigations outlined in the Option B adopted policy amendments, associated CEQA clearance document, and Oak Tree Removal Mitigation Plan.

- 1.2.47 Policy 7.5.1.3 (cultural resources studies) because the project site was evaluated for historic, prehistoric, and archaeological resources, which included record searches and field surveys. While there are no resources on-site that were considered significant under CEQA, the project will be conditioned to implement measures to protect known features and the potential for discovering previously unknown resources.
- 1.2.48 Policy 7.6.1.2.E (open space lands) because approximately 30 percent of the 280-acre project site (84 acres) will be open space.
- 1.2.49 Policy 8.1.4.1 (consideration of agricultural uses) because the Agricultural Commission reviewed the project and recommended findings consistent those required under the policy, and voted to recommend approval of the rezone from AE to residential zoning.
- 1.2.50 Policy 9.1.1.5 (parkland dedication) because the project includes two active park facilities (village park and neighborhood park) meeting required park dedication requirements.
- 1.2.51 Policy 9.2.2.2 (park maintenance) because the parks would be dedicated to the El Dorado Hills Community Services District, which would assume responsibility for maintenance.
- 1.2.52 Policies 10.2.1.3, 10.2.1.4, and 10.2.1.5 (cost of infrastructure improvements) because a Development Agreement and Public Facilities Finance Plan will be adopted for the project that identifies the applicant's responsibilities for contributing to the cost of infrastructure improvements.
- 1.2.53 Policy 10.2.1.6 (coordination of new infrastructure with existing) because the project has identified locations for connecting to existing EID water and wastewater facilities and County roadway facilities that are available to the project site.

2.0 ZONING FINDINGS

- 2.1 The PD zone request is consistent with the General Plan. The proposed R1-PD, R1A-PD, R3A-PD, RE5-PD, RF-PD, and OS-PD zoning is consistent with the proposed HDR, MDR, LDR, and OS land use designations.
- 2.2 The project provides a broad range of residential product types, open space, and a range of passive and active recreational amenities for its residents. A series of pedestrian and bicycle paths and trails would be located within the project site, including a multi-use trail. Incorporation of existing natural elements into project design as proposed by the project is typical of residential subdivisions in El Dorado Hills, and the project has been designed to incorporate existing wetlands and woodland areas.
- 2.3 The proposed development is consistent with the requirements of the newly adopted zone regulations, with one exception. Chapter 130.68 of the Zoning Ordinance Open Space

standards require a minimum 10-acre lot size unless used as an easement for pedestrian trails or paths, links between recreation or scenic areas and populations centers, or areas adjacent to water bodies or streams for scenic or recreation uses. All but two of the open space lots would be smaller than the 10-acre minimum, but the smaller lots would qualify for the size standard waiver due to the uses proposed for them, as well as by the flexibility allowed under the development plan.

- 2.4 The site is physically suitable for the proposed uses. The proposed development pattern would conform to the natural topography by clustering the smallest lots in the central, southern, and southeast portions of the site where topography is relatively flat. Larger lots would be situated along the western portion of the site where slopes are the steepest. 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 lower residential densities. The 280-acre site is large enough to provide approximately 30 percent (84 acres) as open space, which would include parks, landscaping, open spaces, and trails. The proposed tentative map maximizes the use of parcel areas not constrained by oak trees and retains trees, particularly on the perimeter areas and existing drainages where there are contiguous portions of oak canopy that connect to offsite oak woodland corridor community. The project includes oak tree planting mitigation. 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 by way of Green Valley Road, which provides direct access to the site.
- 2.5 Adequate wet and dry utilities are available or can be feasibly provided to serve the project. The project's primary access would be from a new internal roadway connecting directly to Green Valley Road. Emergency vehicle access roads will be constructed providing fire and emergency services to the project.
- 2.6 The project would not significantly detract from the natural land and scenic values of the site. The General Plan does not identify the site as a scenic resource. However, existing topographical and landscape features would be maintained and enhanced where feasible. Approximately 55 percent of the existing tree canopy would be preserved. Oak tree removal and replacement would be consistent with Policy 7.4.4.4 Option A in Phase 1. Wetlands and natural drainage features have been incorporated into project design.

3.0 TENTATIVE SUBDIVISION MAP FINDINGS (Subdivision Map Act and Title 120)

- 3.1 The proposed tentative map and the design of improvements of the subdivision are consistent with the General Plan. The proposed tentative map directs development to the El Dorado Hills Community Region and provides lot 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. The proposed project includes a General Plan Amendment to change the existing land use designations from Low Density Residential (LDR) and Open Space (OS) to a combination of LDR, High Density Residential (HDR), Medium Density Residential (MDR), and OS. With the General Plan Amendment, the proposed tentative map will be consistent with the General Plan land use designations and densities of the LDR, HDR, MDR, and OS land use designations. The development density would be similar to the high-density residential development within the Highland View neighborhood to the west, the area to the south in the El Dorado Hills Specific Plan which is identified for high density residential development, and other areas within the El Dorado Hills Community Region boundary. There are no specific plans applicable to the project site.

- 3.2 The site is physically suitable for both the type and density of the Phase 1 development. The proposed development pattern would conform to the natural topography by clustering the smallest lots in the central, southern, and southeast portions of the site where topography is relatively flat. Larger lots would be situated along the western portion of the site where slopes are the steepest. 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 lower residential densities. The 193.15-acre site is large enough to provide approximately 30 percent (58 acres) as open space, which would include a park, landscaping, open spaces, and trails. The proposed tentative map maximizes the use of parcel areas not constrained by oak trees and retains trees, particularly on the perimeter areas and existing drainages where there are contiguous portions of oak canopy that connect to offsite oak woodland corridor community. The project includes oak tree planting mitigation. 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 by way of Green Valley Road, which provides direct access to the site.
- 3.3 The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. Project parcels are not within or adjacent to the Important Biological Corridor or rare plant preserve. The project parcels contain suitable foraging and nesting habitat for special-status bird, mammal, and insect species that may inhabit the site. Impacts were evaluated and mitigation measures would be implemented to protect these species from potentially adverse effects as a result of the project (EIR Mitigation Measures BIO-1 and BIO-2). Loss of oak woodland, which provides habitat for some wildlife species, would be mitigated in accordance with EIR Mitigation Measure BIO-2a. Mitigation measures, which are required as conditions of approval, will be implemented

ensuring that the proposed subdivision would not cause substantial environmental damage and would not substantially and unavoidably injure fish or wildlife or their habitat.

- 3.4 The design of the subdivision or the type of improvements would not create serious public health and safety problems or unacceptable fire risks to occupants or adjoining properties. The project site is not located within a mapped Alquist-Priolo Earthquake Fault Zone, and all new structures to be built in accordance with the California Building Code (CBC) to ensure public safety from the possibility of ground shaking hazards. The project will be conditioned to comply with the geotechnical report's recommendations for seismic and soils hazards. An Asbestos Dust Mitigation Plan is required, which would reduce potential naturally occurring asbestos emissions and risk to nearby residents. The project, as mitigated and conditioned, will be required to control diesel particulate matter emissions during construction. With implementation of traffic mitigation measures and Transportation Division 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 has been prepared for the proposed project. As conditioned, the proposed project is required to comply with all El Dorado Hills Fire Department 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.
- 3.5 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. There are no easements, acquired by the public at large, for access through or use of, property within the subdivision. The project is designed to avoid the Sacramento Municipal Utility District utility line easement located on the southeast corner of the site.
- 3.6 A sufficient water supply is available to serve the subdivision. (Government Code Section 66473.7). A Water Supply Assessment (WSA) was prepared for the project in accordance with Section 10910 of the California Water Code. The WSA considered the ability of the El Dorado Irrigation District (EID) to supply water to the project in all water year types, including multiple-dry years (i.e., drought years). After accounting for water demand projections for the next 20 years, EID anticipates that it will have sufficient water to meet the demands of the proposed project and other service area demands for at least the next 20 years. The WSA was approved by the EID Board of Directors on August 26, 2013. A Facilities Improvement Letter from EID was submitted by the applicant and updated in August 2014. The letter states that while annexation into

the EID service area would be required prior to obtaining service, as of January 2013 there were approximately 4,687 equivalent dwelling units (EDUs) available to serve the project's requirement for 632 EDUs of water supply. EID's latest Water Resources and Service Reliability Report (2015) indicates there 4,088 EDUs available. Prior to final map approval for each phase of the project, a Meter Award Letter or similar commitment to serve that phase would be required from EID.

- 3.7 An environmental impact report was prepared with respect to the project and a finding was made pursuant to paragraph (3) of subdivision (a) of Section 21081 of the Public Resources Code that specific economic, social, or other considerations make infeasible project alternatives identified in the environmental impact report. (Government Code Section 66474.01).

The Final EIR identified significant environmental impacts that will result from implementation of the project. The EIR identified ~~10~~ nine significant impacts for which no feasible mitigation measures are available that would reduce the impacts to less-than-significant levels. ~~Four~~ Three of these are transportation impacts; mitigation measures have been identified that would reduce the impact to a less-than-significant level, but the mitigation measures may be implemented after project construction, so the EIR identified the impact as temporarily significant and unavoidable until each measure is constructed, at which time the impact would be less-than-significant. In concluding the temporary impacts are significant and unavoidable, the EIR exceeded the requirements of CEQA.

The construction and operation of the project will result in two significant air quality impacts. While mitigation measures are identified to substantially lessen construction and operation related emissions, these impacts would still be considered significant and unavoidable. The project would also result in a significant and unavoidable cumulative air quality impact. Construction and operation of the project would result in a significant and unavoidable greenhouse gas emissions impact, even with implementation of the identified mitigation measures. The project would also result in a significant and unavoidable impact with a plan adopted for the purposes of reducing greenhouse gas emissions. Finally, even with implementation of the construction noise mitigation measures, the project would result in a significant and unavoidable impact related to construction noise.

For each of these ~~10~~ nine significant and unavoidable effects, the County finds that specific economic, legal, social, recreational, and environmental benefits override and outweigh the project's significant unavoidable impacts. The CEQA Findings document contains a Statement of Overriding Considerations for the significant and unavoidable impacts pursuant to paragraph (3) of subdivision (a) of Section 21081 of the Public Resources Code.

- 3.8 Approval of tentative maps for a state responsibility area or high fire hazard zone. The Dixon Ranch tentative map is in area designated as a moderate fire hazard zone. Therefore, the project is consistent with this finding.

4.0 DESIGN WAIVER FINDINGS

Chapter 120.08.020 of the El Dorado County Subdivisions Ordinance requires that the following four findings are met for each design waiver in order to justify their approval:

- 4.1 **Reduced right-of-way (ROW) and roadway width for ‘A’ Drive and ‘B’ Circle to a 50 foot ROW with a 36 foot width from curb face to curb face, with reduced width of 26 feet from curb face to curb face on ‘B’ Circle near the intersection of ‘A’ Drive and ‘B’ Circle only.**

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

Reduced right of way and roadway width will better conform to the existing topography and natural features on the site and will assist in facilitating creation of quality linear open space corridors along the roadway. The increased right of way and road width would require more extensive grading work, increasing tree removals, increasing the potential for wetland impacts, increasing impervious area and would decrease the quality of the open spaces created or preserved by the project.

Specifically as a result of this design waiver, the grading extents and retaining walls needed along the ‘A’ Drive and ‘B’ Circle corridors on both sides of the roads are reduced along natural areas and parks, allowing for preservation of existing trees and natural areas which would otherwise be impacted to a greater extent. Additionally, the crossing of Green Springs Creek and other tributary crossings by both ‘A’ Drive and ‘B’ Circle are reduced in width as a result of this design waiver. The ‘B’ Circle corridor is proposed to be improved to accommodate the inclusion of a 10-foot multi-use trail and associated landscape area as identified on the project plans. Creation of a portion of the space within the project to accommodate this pedestrian and bicycling amenity is a direct result of this design waiver. The specific request to narrow to 26 feet curb face to curb face of ‘B’ Circle near the intersection with ‘A’ Drive is specifically intended to accommodate the preservation of existing oak trees located on both sides of the roadway at this location.

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

Wider road rights of way and roadway width will increase the landform disturbance, tree removal, and the potential for wetland impacts and will decrease the quality of open spaces. Without this design waiver, the quality and character of the primary project entrance/exit, associated natural and park spaces, and primary circulation and

multi-use trail loops within the project would be significantly reduced. The project may also then require impact to or fill of existing wetland features on the site.

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

The minimum right of way and roadway width as proposed are 50 foot ROW and 36 feet curb face to curb face, respectively with a reduced width of 26 feet curb face to curb face on 'B' Circle near the intersection of 'A' Drive and 'B' Circle only. A combination of trails and sidewalks will accommodate pedestrian/bicycle circulation. (See Exhibit G1). The proposed roadway width is consistent with County adopted fire regulations and it is unlikely that this request will be detrimental to health, safety, convenience, 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.*

Properties within the project would be provided with safe, adequate access and circulation with or without implementation of the requested Design Waiver. Therefore, the waiver would not have the effect of nullifying the objectives of this article or other laws.

4.2 **Reduced roadway width for 'C' Drive to 24 feet from curb face to curb face in the vicinity of the Green Springs Creek crossing.**

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

Reduced roadway width will better conform to the existing topography and natural features on the site and will assist in reducing grading impacts in the vicinity of the existing ponds and creek crossing. The increased road width would require more extensive grading work, increasing the potential for wetland impacts, increasing impervious area and would decrease the quality of the open spaces created or preserved by the project.

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

Wider roadway width will increase the landform disturbance, increase the potential for wetland impacts and decrease the quality of open spaces.

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

The minimum roadway width as proposed is 24 feet curb face to curb face in a limited area only. The proposed roadway width is consistent with County adopted fire regulations and it is unlikely that this request will be detrimental to health, safety, convenience, 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.*

Properties within the project would be provided with safe, adequate access and circulation with or without implementation of the requested Design Waiver. Therefore, the waiver would not have the effect of nullifying the objectives of this article or other laws.

4.3 Reduced ROW and roadway width for ‘D’ Drive through ‘N’ Drive and ‘P’ Drive through ‘Y’ Drive to a 40 foot ROW with a 30 foot width from curb face to curb face.

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

Reduced right of way and roadway width will better conform to the existing topography and natural features on the site and will assist in facilitating creation of quality open space corridors. This waiver will also aid in creating a more efficient clustering of housing within the developed portions of the project. The increased right of way and road width would require more extensive grading work, increasing tree removals, increasing the potential for wetland impacts, increasing impervious area and would decrease the quality of the open spaces created or preserved by the project as well as decrease the effective lot areas by increasing setbacks from the roadways.

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

Wider road rights of way and roadway width will increase the landform disturbance, tree removal, and the potential for wetland impacts, and will decrease the quality of open spaces.

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

The proposed minimum ROW and roadway width are a 40 foot ROW and 30 feet from curb face to curb face. A combination of trails and sidewalks will accommodate pedestrian/bicycle circulation. (See Exhibit G1). The proposed roadway width is consistent with County adopted fire regulations and will not be detrimental to health, safety, convenience, 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.*

Properties within the project would be provided with safe, adequate access and circulation with or without implementation of the requested Design Waiver. Therefore, the waiver would not have the effect of nullifying the objectives of this article or other laws.

4.4 **Reduced roadway width for dead-end roads in excess of 500 feet to 30 feet from curb face to curb face.**

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

Reduced roadway width will better conform to the existing topography and natural features on the site and will assist in facilitating creation of quality open space corridors. This waiver will also aid in creating a more efficient clustering of housing within the developed portions of the project. The increased road width would require more extensive grading work, increasing tree removals, increasing impervious area and would decrease the quality of the open spaces preserved by the project.

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

Wider roadway width will increase the landform disturbance, tree removal, and decrease the quality of preserved open spaces.

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

The minimum roadway width as proposed is 30 feet curb face to curb face. A combination of trails and sidewalks will accommodate pedestrian/bicycle circulation. (See Exhibit G1). It is unlikely that this request will be detrimental to health, safety, convenience, 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.*

Properties within the project would be provided with safe, adequate access and circulation with or without implementation of the requested Design Waiver. Therefore, the waiver would not have the effect of nullifying the objectives of this article or other laws.

4.5 **Modification of Standard Plan 103A-1 to:**

- A. **Allow driveway to be within 25 feet from a radius return;**

- B. Reduce minimum driveway widths from 16 feet to 10 feet wide for secondary single car garages where a larger driveway for the same property is also proposed; and**
- C. Eliminate 4 foot taper to back of curb.**

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

Application of this waiver will provide for more flexibility and creative design opportunities related to major physical constraints of the site such as existing topography and natural features, and provide for a more unique overall subdivision appearance while reducing project impervious area. The application of this waiver will reduce overall grading necessary to complete the project, will reduce the need for retaining walls, and will reduce proposed impervious area.

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

Strict application will impede the ability of the applicant/developer to better accomplish reduced impacts to major physical conditions of the site, reduced impervious areas, reduced impacts to oak canopy, minimized grading, and would limit final product choices creating unnecessary hardship. These waivers are routinely applied to other projects in the County without approval of an actual design waiver.

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

The application of this waiver will be subject to the judgement of the design professional and County staff review for appropriate application. The project is proposing a community of internally focused private streets. Design speeds for the internal project roadways are low. With low volume, low design speed, internally focused streets, it is unlikely that this request will be detrimental to health, safety, convenience, 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.*

Properties within the project would be provided with safe, adequate access and circulation, with or without implementation of the requested Design Waiver. Therefore, the waiver would not have the effect of nullifying the objectives of this article or other laws.

4.6 Reduced sidewalk width to 5 feet (4.5 feet from back of curb to back of walk).

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

Narrow sidewalks will better conform to the existing topography and features of the site and will contribute to a reduction in project impervious area.

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

Strict application of this standard will increase landform disturbance, tree removal, the potential for wetland impacts, impervious area and decrease the quality of created/preserved open spaces.

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

The El Dorado County Department of Transportation has indicated in previous approvals that reduced sidewalk width will not be detrimental to health, safety, convenience, 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.*

An overall planning effort for pedestrian circulation within the project has been prepared. (See Exhibit G1 for pedestrian circulation). Therefore, the waiver would not have the effect of nullifying the objectives of this article or other laws.

4.7 Reduced gutter pan width for both vertical and rolled curb and gutter to 10 inches and 8 inches, respectively.

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

Reduced curb and gutter width will provide a more aesthetically pleasing solution to surface drainage control without compromising the ability of the project to accomplish satisfactory drainage conveyance. The reduced visual impact of the concrete will be more visually compatible within a project containing substantial corridors of open space adjacent to roadway frontages.

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

Strict application of this standard will create an aesthetic conflict between the remaining and created open spaces and the roadway improvements.

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

It is unlikely that this request will be detrimental to health, safety, convenience, 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.*

The project is required to provide for drainage design in accordance with the County's Drainage Manual. Therefore, the waiver would not have the effect of nullifying the objectives of this article or other laws.

4.8 Sidewalks on one side of roads, as delineated on Exhibit G1 (Phase 1 Development Plan).

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

All sidewalks are appropriately related to on-street parking locations when provided. Fewer sidewalks will reduce the visual impact of the concrete and will be more visually compatible within a project containing substantial corridors of open space adjacent to roadway frontages. Fewer sidewalks will contribute to a reduction in project impervious area.

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

Strict application of this standard will create an aesthetic conflict between the remaining and created open spaces and the roadway improvements, and will increase project impervious area.

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

It is unlikely that this request will be detrimental to health, safety, convenience, 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.*

An overall planning effort for pedestrian circulation within the project has been prepared. Therefore, the waiver would not have the effect of nullifying the objectives of this article or other laws.

4.9 **Reverse horizontal curves without a 100 foot tangent.**

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

Elimination of the 100 foot tangent will allow roadways to better conform to the existing topography and natural features on the site and will assist in facilitating creation of quality linear open space corridors along the roadway. Elimination of the tangent requirement would reduce the overall grading necessary to complete the project, may reduce the amount of disturbed area, reduce project tree removals and reduce the potential for wetland impacts.

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

Retention of a tangent requirement will increase the landform disturbance, tree removal, and the potential for wetland impacts. Strict application will impede the ability of the applicant/developer to better accomplish reduced impacts to major physical conditions of the site, reduced impacts to oak canopy, minimized grading, and would create unnecessary hardship.

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

The application of this waiver will be subject to the judgement of the design professional for appropriate application. The project is proposing a community of internally focused private streets. Design speeds for the internal project roadways are low. With low volume, low design speed, internally focused streets allowing for drivers to safely traverse reverse curves, it is unlikely that this request will be detrimental to health, safety, convenience, 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.*

The project is required to provide a roadway design under the direction of a licensed civil engineer, and in accordance with generally recognized engineering standard practice. Therefore, the waiver would not have the effect of nullifying the objectives of this article or other laws.

4.10 **Reduce ROW and roadway width for hammerhead and Wye turnarounds.**

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

The reduced ROW and roadway width will minimize landform disturbance and better conform to the existing topography and natural features on the site. This waiver will also aid in creating a more efficient clustering of housing within the developed portions of the project.

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

A larger ROW and roadway will increase the landform disturbance, tree removals, impervious area potential for wetland impacts, and decrease the quality of preserved open spaces.

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

It is unlikely that this request will be detrimental to health, safety, convenience, 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.*

Properties within the project would be provided with safe, adequate access and circulation with or without implementation of the requested Design Waiver. Therefore, the waiver would not have the effect of nullifying the objectives of this article or other laws.

4.11 Maximum centerline grade for 'A' Drive to be 12 percent.

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

Increased gradient will allow 'A' Drive to better conform to the existing topography and natural features on the site. The lower gradient would require larger cuts and fills and more extensive grading work, additional or higher retaining walls along 'A' Drive, additional tree removals, and decreased quality of the preserved areas. 'A' Drive is a special circumstance in that it does not provide an opportunity for through trips or full time access to other areas outside of the project.

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

The lower gradient would increase the landform disturbance and require more extensive grading work, additional or higher retaining walls along 'A' Drive, additional tree removals, decreased quality of the preserved areas, and would impede

the ability of the applicant or developer to better accomplish reduced impacts to major physical conditions of the site.

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

The application of this waiver will be subject to the judgement of the design professional for appropriate application. The project is proposing a community of internally focused streets. 'A' Drive is a special circumstance in that it does not provide an opportunity for through trips or full time access to other areas outside of the project. Design speeds for the internal project roadways are low. With low volume, low design speed, internally focused streets without through traffic, it is unlikely that this request will be detrimental to health, safety, convenience, 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.*

It should be noted that 'A' Drive is expected to carry approximately 3,100+/- ADT (Average Daily Traffic). The Design and Improvement Standards Manual (DISM) states that roadways exceeding 2,000 ADT are generally classified as collectors, and it further indicates on page 24 Item 9 that a minor collector roadway gradient should not exceed 10 percent. However, Standard Plan 101B clearly allows for roadways up to 5,000 ADT to be 12 percent maximum gradient. This waiver is requested in compliance with Standard Plan 101B for clarification since it is arguably a possible design waiver. The proposed roadway gradient is in conformance with County Standard Plan 101B, and the properties within the project would be provided with safe, adequate access and circulation, with or without implementation of the requested Design Waiver. Therefore, the waiver would not have the effect of nullifying the objectives of this article or other laws.

4.12 Reduce intersection spacing to less than 300 feet between the intersections of 'B' Circle/'A' Drive and 'B' Circle/'E' Drive.

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

Reduced intersection spacing between these two intersections will allow roadways to better conform to the existing topography and natural features on the site and will assist in facilitating creation of quality linear open space corridors along the roadway. The increased spacing requirement would require more extensive grading work increasing tree removals and the potential for wetland impacts.

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

The spacing requirement will increase the landform disturbance, tree removals, and the potential for wetland impacts.

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

It is unlikely that this request will be detrimental to health, welfare, convenience, and safety 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.*

Properties within the project would be provided with safe, adequate access and circulation with or without implementation of the requested Design Waiver. Therefore, the waiver would not have the effect of nullifying the objectives of this article or other laws.