

**Findings**

**1.0 CEQA FINDINGS**

- 1.1 According to CEQA Guidelines Section 15090, prior to approving a project the lead agency shall certify that: (1) The Final EIR has been completed in compliance with CEQA; (2) The Final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and (3) The Final EIR reflects the lead agency's independent judgment and analysis.

Rationale: Staff recommends that the Planning Commission forward to the Board of Supervisors find that the Final EIR for the Vineyards at El Dorado Hills constitutes a complete, accurate, adequate, and good faith effort at full disclosure under CEQA, and to certify the Final EIR as completed in compliance with CEQA. The Final EIR will be presented to the El Dorado County Board of Supervisors for review and recommendation of the Final EIR, including its attachments and exhibits. In addition, the Planning Commission and the Board of Supervisors will review and consider all testimony and additional information presented at or prior to the public hearing.

- 1.2 According to CEQA Guidelines Section 15091(a), no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- 1) Changes or alterations have been required in, or incorporated into, the project which avoids or substantially lessen the significant environmental effect as identified in the Final EIR;
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency;
- 3) Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Rationale: The CEQA Findings of Fact and Statement of Overriding Considerations (Exhibit Q) address each of the significant environmental effects that could occur with implementation of the project and identifies findings for each significant environmental effect consistent with the possible findings described above.

- 1.3 According to CEQA Guidelines Section 15091(b), the findings required by 15091(a) (above) shall be supported by substantial evidence in the record.

Rationale: The documents and other materials, which constitute the record of proceedings, are in the custody of the El Dorado County Planning and Building Department, located at 2850 Fairlane Court, Building C, Placerville, CA 95657.

- 1.4 According to CEQA Guidelines Section 15091(c), the finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

Rationale: The CEQA Findings of Fact and Statement of Overriding Considerations (Exhibit Q) address the feasibility of proposed mitigation measures and project alternatives and identify specific reasons for rejecting specified project alternatives.

- 1.5 The EIR is consistent with CEQA Guidelines Section 15091(d). This section says that when making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

Rationale: The Mitigation Monitoring and Reporting Plan provides a detailed description of the environmental impacts, required mitigation, responsible lead agency, and monitoring timeline. Issue areas with prescribed mitigation measures include Air Quality, Biological Resources, Cultural and Tribal Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation and Circulation. Each of these impacts are summarized in the Draft EIR (Executive Summary, pp. ES-4 through ES-35), along with the mitigation measures intended to reduce these impacts to a less than significant level for consistency with CEQA Guideline 15091(1)(a).

- 1.6 The EIR is consistent with CEQA Guidelines Section 15091(e). According to subsection (e), the public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

Rationale: The documents and other materials, which constitute the record of proceedings, are in the custody of the El Dorado County Planning and Building Department, located at 2850 Fairlane Court, Building C, Placerville, CA 95657.

- 1.7 The EIR is consistent with CEQA Guidelines Section 15092. EIR approval is required as follows: a) After considering the Final EIR and in conjunction with making findings under Section 15091, the Lead Agency may decide whether or how to approve or carry out the project. b) A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either: (1) The project as approved will not have a significant effect on the environment, or (2) The agency has: (A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and (B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093. (c) With respect to a project which includes housing development, the public agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.

Rationale: The Final EIR identifies two environmental impacts (Aesthetics and Cultural Resources) that cannot be mitigated to a less than significant level. A statement of overriding concerns has been prepared in accordance with Section 15093.

- 1.8 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 65474.01).

Rationale: The Final EIR identified significant environmental impacts that will result from implementation of the project. The EIR identified eighteen significant impacts for which feasible mitigation measures are available to reduce the impacts to less-than-significant levels. Impacts to Air Quality, Biological Resources, Cultural and Tribal Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation and Circulation would be significant without the implementation of mitigation measures, but would be reduced to a less-than-significant level with mitigation measures implemented. Development of the project may substantially degrade the existing visual character of the project site and its surroundings. While the project has been designed to minimize visual impacts through the provision of extensive areas of open space and setbacks from public vantage points, the conversion of the project site to developed uses would result in a

significant and unavoidable impacts associated with visual character, both under project-level and cumulative conditions. The Live Oak Schoolhouse, a historical resource on the project site, could be adversely affected by the project. While mitigation measures require the Live Oak Schoolhouse area to be placed within an open space lot and be preserved in perpetuity and further require additional study and documentation of the resource, the school building is in a state of significant disrepair and may need to be demolished for public safety reasons. It is noted that the Live Oak Schoolhouse is dilapidated and could collapse or require removal for public safety reasons regardless of the project.

For these 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 impact pursuant to paragraph (3) of subdivision (a) of Section 21081 of the Public Resources Code.

- 1.9 The County has adopted a Mitigation Monitoring Program for the Project in accordance with Section 15097 of the CEQA Guidelines. In order to ensure that the mitigation measures identified are implemented, a Mitigation Monitoring Program is attached as Exhibit P.

## 2.0 **GENERAL PLAN FINDINGS**

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

This policy establishes the Low Density Residential land use designation for areas of single family development in a rural setting and is intended to provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County.

Rationale: The project proposes single family residential parcels within the rural region of El Dorado County, with 65.58 acres of open space, including oak woodlands, vineyards, cultural resources and sloped hillsides, providing a visual transition from adjoining development and is consistent with the land uses envisioned for this designation. The project is consistent with the residential units per acre accommodated through this designation, as described below under the Planned Development and density bonus discussions.

### 2.2 **The project is consistent with General Plan Policy 2.2.3.1.**

General Plan 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.

Residential Planned Developments must include open space lands comprising at least 30 % of the total site. The commonly owned open space can be improved for recreational purposes such as parks, recreational facilities, ball fields, golf courses, or picnic areas, or may be retained in a natural condition. Both improved and natural open space may be incorporated into a single Residential Planned Development. Commonly owned open space shall not include space occupied by infrastructure (e.g., roads, sewer and water treatment plants) except when multi-use trails are included within such space.

Rationale: The project proposes to add the Planned Development (PD) Combining District to the existing Estate Residential, 5-acre (RE-5) zoning, resulting in the proposed RE-5-PD zone. The project would provide 65.58 acres of open space, exceeding the minimum 30% requirement of 34.2 acres. The open space includes a multi-use trail, the historic Live Oak Schoolhouse, oak woodland preservation and replanting areas, a detention basin, and a 25-acre vineyard. The proposed development pattern would conform to topography by clustering the residential lots where topography is relative flat or in areas of the site with low or moderate slopes and using the open space lots to preserve areas where topography is steeper. The existing perennial drainage, wetlands, seeps, and pond features would be preserved onsite within the proposed open space, minimizing the impacts on natural resources. The open space lots along Malcolm Dixon Road and Via Veritas would provide access to the multi-use trail that loops through the project site to provide visual access to the project's open space, natural, aquatic, and cultural features.

### 2.3 **The project is consistent with General Plan Policy 2.2.3.2.**

The calculation of development density for purposes of Planned Developments is based on the maximum density permitted by the underlying zone district(s).

Rationale: The RE-5-PD zone would allow the project to have up to 42 residential units. This is based on the 22.8 base units allowed under the base density of five units per acre (114.03 acres x 0.2 dwelling units per acre = 22.8 base units) plus the 19.53 density bonus units allowed with application of the Planned Development concept which allows a density bonus of 1.5 dwelling units per unit of open space conserved (65.1 developable acres of conserved open space x 0.2 dwelling units per acre x 1.5 density bonus = 19.53 density bonus units). It is noted that the 65.1 developable acres excludes bodies of water.

**2.4 The project is consistent with General Plan Policy 2.2.3.3.**

Where an application to apply the -PD combining zone district also includes the request to rezone the base zone district(s), said rezone shall not occur where the land cannot support a higher density or intensity of land use due to infrastructure availability, physical and topographic constraints, or otherwise conform to Policy 2.2.5.3.

**Rationale:** As the request to amend the base zones also includes the addition of a –PD combining zone, General Plan Policy 2.2.3.3 requires an analysis on whether the project site could support the proposed density and intensity of use based on available infrastructure and the lack of physical constraints or, if present, the ability to surmount them. The proposed site can support the proposed density as discussed in the Draft EIR. The project design serves to better align the natural features of the project site, including oak woodlands, biological and aquatic resources, and the visual open space resources present on the project site, by conserving these features within open space lots rather than proposing a typical large lot, rural estate development. Water and transportation infrastructure can feasibly serve the project without adverse impact to existing or approved development, there is adequate capacity to accommodate the proposed on-site septic systems for the residential lots, and the project has been designed to account for physical and topographic conditions. The PD zone request is consistent with the General Plan. The proposed RE-5-PD zoning is consistent with the LDR land use designation.

**2.5 The project is consistent with General Plan Policy 2.2.4.1.**

Policy 2.2.4.1 allows Residential Planned Developments which provide a minimum of 30% commonly owned publicly dedicated open space shall be allowed an open space density bonus of additional residential units for the provision of lands set aside for open space, wildlife habitat areas, parks (parkland provided in excess of that required by the Quimby Act), ball fields, or other uses. This policy allows projects to exceed the maximum density permitted by the General Plan land use designation by allowing 1.5 dwelling units for each unit of developable land set aside as open space.

**Rationale:** The project proposes clustering techniques in order to provide a significant open space component that is used to preserve the area of the site with a historical resource (the Live Oak Schoolhouse), to preserve areas of oak woodlands and accommodate oak woodland planting, and to provide for agricultural opportunities. The open space component preserved by the project is eligible for a density bonus as allowed under Policy 2.2.4.1. The density bonus calculation for the project is as follows:

**Base Units Permitted Under the General Plan**

114.03 acres developable land x 0.2 dwelling units per acre (Low Density Residential) = 22.8 base units

**Density Bonus Unit**

65.1 acres developable open space x 0.2 dwelling units per acre (Low Density Residential) x 1.5 density bonus = 19.53 density bonus units

***Total Allowed Units = 42.33 units (22.8 base units + 19.53 density bonus units)***

**2.6 The project is consistent with General Plan Policy 2.2.5.2.**

All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.

Rationale: 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 General Plan, as determined within the General Plan Findings.

**2.7 The project is consistent with General Plan Policy 2.2.5.3.**

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 EID water supply (Exhibit I). There is adequate water availability to support the project density, as discussed in the Draft EIR (Exhibit N).

2) Availability and capacity of public treated water system;

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

3) Availability and capacity of public waste water treatment system;

Rationale: The project would not be served by the public wastewater treatment system.

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

Rationale: The project application and environmental documents were provided to RUSD and EDUHSD for review. The project is within the attendance boundary areas of Jackson Elementary School (approximately 1.5 miles from the site), Marina Village Middle School (approximately 2 miles from the site), Oak Ridge High School (approximately 3 miles from the site). The school districts did not indicate any need for new school facilities or any adverse impacts regarding demand for schools associated with the project. The project would result in approximately 26 students (13 students in grades kindergarten through 5<sup>th</sup>, 6 students in grades 6<sup>th</sup> through 8<sup>th</sup>, and 6 high school students). 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 conditions of approval require the payment of school facility mitigation fees prior to building permit issuance, in accordance with State law.

5) Response time from nearest fire station handling structure fires;

Rationale: The project site is located within the El Dorado Hills Fire Department (EDHFD) service area. The Department has reviewed the project and has determined with the requested conditions of approval, the District would be able to provide adequate fire protection to the site.

6) Distance to nearest Community Region or Rural Center;

Rationale: The project site is outside of the border of El Dorado Hills Community Region, which is located south of the site, across Malcom Dixon Road. The site is within the Rural Region of the County.

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 would be served by an on-site septic system for each residential lot. The applicant conducted a soil test trench evaluation and submitted a Septic Feasibility Report for the site (Exhibit G). Prior to approval of Final Map, each proposed parcel would be required to undergo additional testing and analysis to demonstrate adequate area and capability to accommodate the necessary sewage disposal area for the parcel. The proposed lots are sized such that anticipated sewage disposal areas will meet all State and County setback requirements and not be located in areas with 30% or greater slopes. The El Dorado County Department of Environmental Health reviewed the Septic Feasibility Study submitted with the project and determined that the proposed systems would have adequate capacity to serve the proposed development.

9) Groundwater capability to support wells;

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

10) Critical flora and fauna habitat areas;

Rationale: The project site provides habitat for special-status species and sensitive habitats as described in the Draft EIR. EIR Mitigation Measures 3.3-1 through 3.3-12 would ensure that the project avoids impacts to special-status species and sensitive habitats and, thus, would not adversely affect biological resources.

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 serving the area;

Rationale: The Transportation Department has reviewed the Transportation Impact Study and Supplemental Traffic Assessment prepared for the project (Draft EIR Appendix H). The project would be required to improve, or contribute to improvements for, adversely affected roadways through implementation of Mitigation Measures 3.11-1, 3.11-2, and 3.11-3 and would not adversely affect transportation system capacity.

15) Existing land use pattern;

Rationale: The project is consistent with the adjacent medium density land use pattern to the south and provide adequate buffers and transitions for existing development to the east and west 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 General Plan land use designation and the zoning for the project site.

16) Proximity to perennial water course;

Rationale: Perennial water features are avoided through location of such features primarily within the project's open space lots and would be protected through compliance with required EIR mitigation measures.

17) Important historical/archeological sites;

Rationale: The project site includes significant historical features, including a portion of the historic Coloma Road and the Live Oak Schoolhouse as described in the Draft EIR. The project includes mitigation measure 3.4-2 to address potential impacts to the Coloma Road resource. The Live Oak Schoolhouse is in a state of significant disrepair. The Live Oak Schoolhouse site is located within Lot C, an open space lot, and would not be developed. There is the potential for the Live Oak Schoolhouse to be demolished due to its disrepair. If this is necessary, the project would include a resource recovery effort to identify and document any resources associated with the Live Oak Schoolhouse.

18) Seismic hazards and present 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.

**2.8 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: The surrounding land uses include Arroyo Vista Way, oak woodlands, and low density residential uses to the east; oak woodlands and a single family home to the north; Malcolm Dixon Road, medium density residential uses, and Green Valley Road. The project's use of clustering of the residential component provides for extensive open space areas to serve as a buffer between the proposed residential uses and adjacent existing residential development. The open space areas would result in the project being visually compatible with the low density residential development to the west and east of the project site. Open space lots are generally located along the project perimeter, providing adequate buffering and transitions from the 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.

**2.9 The project is consistent with General Plan Policy 2.3.2.1.**

Disturbance of slopes thirty (30) percent or greater shall be discouraged to minimize the visual impacts of grading and vegetation removal.

Rationale: The portion of the project site proposed for development with residential uses is located in areas that are generally low to moderate slopes. Areas with steep slopes in excess of 30% are limited to the northern portion of Lot C; these steeper slopes and associated visual features will be retained by the project with the exception of vegetation management in accordance with the Wildland Fire Safe Plan.

**2.10 The project is consistent with General Plan Policy 2.5.1.1.**

Low intensity land uses including parks and natural open space areas, special setbacks, parkways, landscaped roadway buffers, natural landscape features, and transitional development densities shall be incorporated into new development projects to provide for the physical and visual separation of communities.

Rationale: The project provides 65.58 acres of open space, which include areas of oak woodlands, biological and aquatic resources, cultural resources, and a multi-use trail. These open space features are incorporated throughout the project site and specifically provide for the separation of proposed residential uses from existing development to the east and west of the project and providing a buffer from Malcolm Dixon Road.

**2.11 The project is consistent with General Plan Policy 2.8.1.1.**

Development shall limit excess nighttime light and glare from parking area lighting, signage, and buildings. Consideration will be given to design features, namely directional shielding for street lighting, parking lot lighting, sport field lighting, and other significant light sources, that could reduce effects from nighttime lighting. In addition, consideration will be given to the use of automatic shutoffs or motion sensors for lighting features in rural areas to further reduce excess nighttime light.

Rationale: The project would include indoor lighting and outdoor lighting. Use of highly reflective building materials is not proposed as part of the project. Exterior sources of lighting will be required to be located, adequately shielded, and directed downward such that no direct light falls outside the property line and that the lighting illuminates only the intended areas and does not penetrate into residential communities, in accordance with County Code Section 130.14.170. Street lights are not required for internal subdivision streets and are proposed to be installed only where needed, such as at the access gates on Via Veritas and Malcolm Dixon Road.

**2.12 The project is consistent with General Plan Policy TC-1p.**

The County shall encourage street designs for interior streets within new subdivisions that minimize the intrusion of through traffic on pedestrians and residential uses while providing efficient connections between neighborhoods and communities.

Rationale: The design of the interior streets for the project would provide for the majority of the lots to be accessed from internal streets that are not through streets. The project will connect to Malcolm Dixon Road at Via Veritas and Road A, providing efficient connections while minimizing through traffic that would adversely affect residential uses and pedestrians.

**2.13 The project is consistent with General Plan Policy TC-1s.**

Notwithstanding classified roads (Policy TC-1r), the County shall only add new local roads into the existing County-maintained road system if maintenance for these local roads will be provided for through a County Service Area Zone of Benefit or other similar means acceptable to the Board of Supervisors.

Rationale: The project proposes a private internal street system and would not create new local roads that would require County maintenance. The project will be required to provide for road maintenance through the HOA for the roads within the subdivision.

**2.14 The project is consistent with General Plan Policy TC-1w.**

Policy TC-1w requires new streets and improvements to existing rural roads necessitated by new development to be designed to minimize visual impacts, preserve rural character, and ensure neighborhood quality to the extent possible consistent with the needs of emergency access, on- street parking, and vehicular and pedestrian safety.

Rationale: The project proposes improvements to Malcolm Dixon Road and an internal street system with right-of-ways and road designs that are consistent with the rural road standards (e.g., no construction of unnecessary travel lanes or more urban features such as sidewalks or separate bicycle lanes). The design of the roads and roadway improvements associated with the project are consistent with the rural roads throughout the region and minimize the visual impacts of new roadways and reflect the rural character, while ensuring adequate access and being designed to standards necessary to ensure vehicular and pedestrian safety.

**2.15 The project is consistent with General Plan Policy TC-Xa.**

According to Policy TC-Xa, except as otherwise provided, the following 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.
- 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.
- 3) 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.

[Paragraph 4 of Measure E amendments removed from policy language]

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

[Paragraph 6 of Measure E amendments removed from policy language]

- 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: The project is consistent with this policy. The project is consistent with General Plan Policy TC-Xa. The Transportation Impact Study and Supplemental Traffic Assessment prepared for the project was incorporated into the Draft Environmental Impact Report (Draft EIR) and included as Draft EIR Appendix H. The traffic analysis identifies that there are three intersections to which the project will contribute additional traffic and which are forecast to operate at Level of Service F: 1) the intersection of Green Valley Road and El Dorado Hills Boulevard/Salmon Falls Road, 2) the intersection of Green Valley Road and Loch Way, and 3) the intersection of Green Valley Road and the Malcolm Dixon Road Connector (Chartraw Road). These intersections are forecast to operate at LOS F with or without the approval of this project, but the project will significantly worsen the impact as described under Impact 3.11-1 in the Draft EIR. The project would fully mitigate its impacts to these intersections through implementation of Mitigation Measures 3.11-1, 3.11-2 and 3.11-3; these measures ensure that the improvements will be implemented prior to the project triggering the LOS F impact. With implementation of these three measures, the project's impacts to these three intersections would be reduced to acceptable levels as discussed under Impact 3.11-1 on pages 3.11-17 through 3.11-23 of the Draft EIR and would be consistent with paragraphs 1. The project does not have any components that would conflict with paragraphs 2, 3, or 5 of this policy.

**2.16 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 judgment 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: The project is located within the Rural Region. The traffic analysis for the project considered weekday Average Daily Traffic (ADT), AM peak hour,

and PM peak hour traffic volumes. Under future and future plus project conditions, roadway segments are shown to operate from LOS C to LOS E during peak hours. As demonstrated by the Transportation Impact Study and Supplemental Traffic Assessment (Draft EIR Appendix H) and described in the Draft EIR, the project would not cause any roadway segments to exceed the LOS allowed under this policy under existing or future conditions. The project would exceed the LOS established by this policy at three intersections: 1) the intersection of Green Valley Road and El Dorado Hills Boulevard/Salmon Falls Road, 2) the intersection of Green Valley Road and Loch Way, and 3) the intersection of Green Valley Road and the Malcolm Dixon Road Connector (Chartraw Road). The improvement to address the Green Valley Road and El Dorado Hills Boulevard/Salmon Falls Road has been constructed and the project will pay its fair share of the improvement cost, as required by Draft EIR Mitigation Measure 3.11-1. The project will be required to construct the improvements to mitigate impacts to the Green Valley Road/Loch Way prior to issuance of the building permit for the residential unit that would trigger the impact as required by Draft EIR Mitigation Measure 3.11-2 and to fund the Green Valley Road/Malcolm Dixon Road Connector (Chartraw Road) improvement for the County's Capital Improvements Program with a requirement that the improvement be constructed when the intersection reaches a specified LOS that would occur prior to the impact triggered by the project as required by Draft EIR Mitigation Measure 3.11-3. These mitigation measures would ensure that the project is in compliance with this policy.

**2.17 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 - a two 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]) traffic on the County road system, the County shall condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in the General Plan Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal.

**Rationale:** The Transportation Impact Study and Supplemental Traffic Assessment prepared for the project identified effects upon and improvements for the local roadway system in the area affected by the project. The project would worsen traffic, meaning that the project would contribute traffic at a level as defined by Policy TC-Xe, at three intersections, which have been previously described. The project would not result in worsened traffic conditions, that is either exceed the County's LOS standards or contribute

traffic to a facility that exceeds, or is forecasted to exceed the County's LOS standards without the project, at the level identified by Policy TC-Xe. As previously described, the mitigation measures necessary to mitigate the project's traffic contribution to these intersections would ensure that the improvements are in place prior to exceedance of the County's threshold.

**2.18 The project is consistent with General Plan Policy TC-Xg.**

TC-Xg directs that 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.

Rationale: Daily, AM, and PM peak hour trip generation were addressed in the Transportation Impact Study and Supplemental Traffic Assessment prepared for the project and documented in the Draft EIR for the project. Impacts of the project were evaluated and verified by the CDA Transportation Division, and the project, as mitigated and conditioned, would provide right-of-way for improvements to Malcolm Dixon Road along the project's southern boundary, construct the internal road system, and fund improvements that have already been constructed to mitigate the project's traffic impacts and construct improvements necessary to mitigate the project's traffic impacts as previously described.

**2.19 The project is consistent with General Plan Policy TC-Xh.**

Policy TC-Xh requires subdivisions to 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 requirement is included in the Conditions of Approval for the project.

**2.20 The project is consistent with General Plan Policy HO-1.2.**

To ensure that projected housing needs can be accommodated, the County shall maintain an adequate supply of suitable sites that are properly located based on environmental constraints, community facilities, and adequate public services.

Rationale: The General Plan identifies the project site as a location appropriate for single family residential uses and the project would contribute a relatively small percentage of the quantity of housing units anticipated to be built within the planning horizon of the General Plan. The project does not propose to reduce nor to add to the County's supply of residential sites.



**2.21 The project is consistent with General Plan Policy HO-5.1.**

The County shall require all new dwelling units to meet current state requirements for energy efficiency and shall encourage the retrofitting of existing units.

Rationale: The project is required to meet the most recent CalGreen requirements for energy efficiency, based on the current State building code requirements as adopted by El Dorado County.

**2.22 The project is consistent with General Plan 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, according to the purveyor responsible for the service or utility as provided in Table 5-1, 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 CIP project is funded and authorized which will increase service capacity.

Rationale: The project would include development that would increase demand for public services and utilities, however, conditions of approval and mitigation measures have been included to ensure adequate capacity is maintained. The project would not generate a substantial increase in solid waste or demand for electricity, natural gas, or other utilities. EID has indicated adequate water supply to serve the project. Park in-lieu fees will be assessed prior to recordation of a final map and have been included in the Conditions of Approval for this project.

**2.23 The project is consistent with General Plan 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, pursuant to Table 5-1.

Rationale: The project application was reviewed by El Dorado Irrigation District (EID), EDHFD, the Transportation Division, Environmental Management, RUSD, EDUHSD, El Dorado Disposal, and the Sherriff's Office. These offices and entities have not indicated that the project would result in a reduction of service below minimum standards. The project will be conditioned to pay parks fees, school fees, and the County's impact fees to fund its fair-share of needed public facilities and infrastructure to serve the project. The project is not anticipated to have a significant impact on emergency response times or levels of service to current users.

**2.24 The project is consistent with General Plan 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 to the extent permitted by State law. 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 to the extent allowed by State law.

Rationale: The project would include development that would increase demand for public services and utilities, however, conditions of approval and mitigation measures, including payment of fees, have been included to ensure adequate capacity is maintained.

**2.25 The project is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The project was reviewed by the County Transportation Division, EDHFD, and EID for adequate public services capacity. The applicants propose to connect to existing water service from EID. A Facility Improvement Letter (FIL) extension was issued March 25, 2019. Water supply and conveyance facilities are available to serve the project; the project would provide a booster pump station near the existing Salmon Falls Tank. Prior to approval of any final map for the proposed project, the applicant is required to secure a Facility Plan Report and the necessary water meters for the final map lots to ensure no lots are created without a source of water. The EDHFD has determined that the minimum fire flow for this project is 1,000 gallons per minute for a two-hour period while maintaining a 20-pound-per-square-inch residual pressure. The project, as mitigated and conditioned, will construct water line extensions to connect to EID facilities.

**2.26 The project is consistent with General Plan Policy 5.2.1.4.**

This policy requires that rezoning and subdivision approvals in Community Regions or other areas dependent on public water supply shall be subject to the availability of a permanent and reliable water supply.

Rationale: EID has annexed the project site into its boundaries and has provided a series of Facility Improvement Letters and extensions indicating its ability to serve the project site with its existing water supply. While the Facility Improvement Letter does not represent a commitment to serve, it addresses the location and approximate capacity of existing facilities that may be available to serve the project. The EID letter dated March 25, 2019

indicated that as of January 1, 2017, there were approximately 15,591 Equivalent Dwelling Units (EDUs) available in the El Dorado Hills Water Supply Region. EID estimated that the project would require approximately 44 EDUs of water supply; with inclusion of the vineyards, the project is anticipated to have a demand of approximately 51 EDUs. This demand is less than that associated with the approved Diamante Estates project (existing approval for the project site) which was anticipated to require 59 EDUs (LAFCO Staff Report – Request for Time Extension Diamante Estates, June 22, 2016).

**2.27 The project is consistent with General Plan Policy 5.2.1.9.**

Policy 5.2.1.9 requires that in areas served by a public water purveyor or an approved private water system, the applicant for a tentative map or for a building permit on a parcel that has not previously complied with this requirement must provide a Water Supply Assessment that contains the information that would be required if a water supply assessment was prepared pursuant to Water Code section 10910.

Rationale: The project is within the EID service area and existing water supply and conveyance facilities are available to serve the project. Senate Bill (SB) 610 requires the preparation of water supply assessments (WSA) for large developments of more than 500 dwelling units. Anticipated water consumption for the project is below the threshold for which a WSA is required. The EID 2015 Urban Water Management Plan addresses the availability of water to serve EID's projected future demand through 2045 and provides information similar to that provided within a WSA to determine whether a water district would be able to meet its projected demand under normal (average) conditions, single dry year conditions, and multiple dry year conditions. The UWMP demonstrates the EID's water supply is reliable and is projected to significantly exceed demand under average year, single dry-year, and multiple dry year conditions. No water deficits are projected. The project, as mitigated and conditioned, will construct water line extensions to connect to existing EID facilities. A Facility Plan Report will be required prior to development.

**2.28 The project is consistent with General Plan Policy 5.2.1.11.**

This policy requires that the County direct new development to areas where public water service already exists. In Community Regions, all new development shall connect to a public water system. In Rural Centers, all new development shall connect either to a public water system or to an approved private water system.

Rationale: The project would require up to approximately 51 EDUs of water supply (42 EDUs for the residential component and approximately 9 EDUs for the vineyard component), which has been requested from EID. As stated in the FIL, sufficient water supply exists to serve buildout of the project.

Connections to the water supply system are currently available for the project, including an existing water line stub out in Clarinda Street, which is located across Malcolm Dixon Road where it borders the project site.

**2.29 The project is consistent with General Plan Policy 5.3.1.2.**

While Policy 5.3.1.2 addresses residential development in medium density residential areas, the policy guidance regarding lot size and use of septic can be considered applicable to the proposed project. Policy 5.3.1.2 requires that lots less than five acres relying on on-site septic systems shall only occur when a public water supply is available for domestic use.

Rationale: The project would have a one-acre minimum lot size. Since the project would be served by a public water supply through EID, the one-acre minimum lot size proposed by the project is consistent with this policy.

**2.30 The project is consistent with General Plan Policy 5.3.1.7.**

While Policy 5.3.1.7 provides that all new development within Community Regions, shall connect to public wastewater treatment facilities. In Community Regions where public wastewater collection facilities do not exist project applicants must demonstrate that the proposed wastewater disposal system can accommodate the highest possible demand of the project.

Rationale: The project would is not located within a Community Region and is located within the Rural Regions of the County. Additionally, the project has provided a Septic Feasibility Study (Exhibit G), which demonstrates that the proposed wastewater disposal can accommodate the highest possible demand of the project.

**2.31 The project is consistent with General Plan Policy 5.4.1.1.**

Policy 5.4.1.1 requires storm drainage systems for discretionary development that protect public health and safety, preserve natural resources, prevent erosion of adjacent and downstream lands, prevent the increase in potential for flood hazard or damage on either adjacent, upstream or downstream properties, minimize impacts to existing facilities, meet the National Pollution Discharge Elimination System (NPDES) requirements, and preserve natural resources such as wetlands and riparian areas.

Rationale: The proposed development would add additional impervious surfaces at the project site, which would increase surface runoff on an ongoing basis. This increase could result in an increase in both the total volume and the peak discharge rate of stormwater runoff and could result in exceeding the capacity of onsite stormwater systems, greater potential for on- and offsite flooding, and impacts to wetland and aquatic resources on the project site if not properly managed. A Drainage Report (Exhibit N, Appendix E) was

prepared for the project that addresses the potential increase in run-off, drainage demands for the project, and the water quality. The Drainage Report indicates that the majority of lots are rear-draining and that natural drainage patterns will generally be maintained. With project implementation, post-development conditions were projected to exceed pre-development condition in one location prior to mitigation. The project has proposed a detention basin with 1.1 acre-feet storage capacity which would ensure that post-development runoff conditions do not exceed pre-development conditions. Existing onsite drainages would be preserved. The project would provide for water quality treatment consistent with the Phase II MS 4 Permit and El Dorado County West Slope Development Standards. The treatment measures are required to be detailed in project improvement plans consistent with County requirements. The applicant shall prepare and implement a SWPPP that complies with the SWRCB Statewide Construction General Permit. The SWPPP must identify BMPs that will protect water quality from polluted stormwater runoff. In addition, the final design of the storm drainage system must comply with the County's Design and Improvement Standards Manual, which will ensure the project would not increase off-site flood potential or result in significant water quality impacts. The EIR identifies Mitigation Measures

**2.32 The project is consistent with General Plan Policy 5.4.1.2.**

Policy 5.4.1.2 requires that discretionary development protect natural drainage patterns, minimize erosion, and ensure existing facilities are not adversely impacted while retaining the aesthetic qualities of the drainage way.

Rationale: The project would avoid natural drainage features by incorporating such features into the open space lots, which maintains the aesthetic and functional qualities of the site's drainage features. The project would also generally maintain the natural drainage pattern and topography. As mitigated and conditioned, the project will be required to implement low impact development (LID) measures, which will help protect wetland, riparian, and aquatic 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. The plan would be designed to prevent increased discharge of sediment at all stages of construction, from initial ground disturbance to project completion.

**2.33 The project is consistent with General Plan Policy 5.5.2.1.**

Policy 5.5.2.1 requires that, concurrent with the approval of new development, evidence will be required that capacity exists within the solid waste system for the processing, recycling, transformation, and disposal of solid waste.

**Rationale:** The project would generate solid waste that would be similar in character to that associated with domestic use and construction-related waste. The project site will be served by El Dorado Disposal Service for solid waste collection, disposal, and recycling services. El Dorado Disposal Service transports waste to the Western El Dorado Recover Systems Transfer Station and Material Recovery Facility in Placerville, which is permitted to accept up to 400 tons per day. After processing, non-recyclable wastes from the transfer and recovery facility are transported to the Potrero Hills Landfill which has a remaining estimated capacity of approximately 13.9 million cubic yards (CalRecycle 2017) and is estimated to remain in operation until February 2048. The project would generate 420 pounds of waste per day (0.2 tons per day). This represents approximately 0.04% of the permitted capacity at the transfer and recovery facility; and, 0.004% of the permitted daily waste at the Potrero Hills Landfill facility. This relatively small increase in solid waste would not consume a substantial proportion of the permitted capacity at either facility and would not result in the need to expand or construct new landfill facilities. In addition, this project would adhere to all required State or County waste management ordinances and requirements, such as diversion of construction and demolition debris and hazardous waste handling requirements that ensure that use of landfill space is limited and the potential for accidental spills is minimized.

**2.34 The project is consistent with General Plan Policy 5.6.2.1.**

Policy 5.6.2.1 requires energy conserving landscaping plans for all projects requiring design review or other discretionary approval.

**Rationale:** The project, as conditioned, will be required to use water-efficient landscaping and irrigation systems consistent with Chapter 130.33 of the County Code, the Model Water Efficient Landscape Ordinance (MWELo) and with the County's Landscaping and Irrigation Standards; through water conservation and efficiency measures, these requirements also reduce energy demand associated with the project's water supply and on-site irrigation. All landscaping plans will be reviewed for compliance with County Code requirements.

**2.35 The project is consistent with General Plan Policy 5.6.2.1.**

Policy 5.6.2.2 requires all new subdivisions to include design components that take advantage of passive or natural summer cooling and/or winter solar access, or both, when possible.

Rationale: The project, including the tentative subdivision map, improvement plans, and building permits, are subject to the current version of Title 24 of the California Building Standards Code that requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. As mitigated and conditioned, all houses shall be designed to meet or exceed the applicable Title 24. Title 24 regulates energy uses including space heating and cooling, hot water heating, and ventilation.

**2.36 The project is consistent with General Plan Policy 5.7.1.1.**

Prior to approval of new development, the applicant will be required to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or will be provided concurrent with development.

Rationale: EDHFD reviewed the project and provided a letter to the County outlining requirements to provide fire protection services to the project site, including requirements for minimum flows and fire hydrant specifications. The project would construct a booster station for the EID Salmon Falls Tank to ensure adequate fire flows. A Wildland Fire Safe Plan has been prepared for the project that identifies fuel management requirements to reduce wildland fire risks and improvements to ensure adequate emergency access for fire protection. The Wildland Fire Safe Plan has been reviewed and approved by EDHFD. The Conditions of Approval require the project to provide access, hydrants, sprinklers, and improvements consistent with EDHFD requirements.

**2.37 The project is consistent with General Plan Policy 5.7.2.1.**

Policy 5.7.2.1 requires that prior to approval of new development, the responsible fire protection district shall be requested to review all applications to determine the ability of the district to provide protection services. The ability to provide fire protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as conditions of approval.

Rationale: As previously discussed, the project was reviewed by the Transportation Department, EDHFD, and EID to ensure that adequate access and water would be provided to meet Fire Safe standards and conform to the County Design Improvement Standards Manual and would be conditioned to provide adequate access and improvements to ensure adequate fire

protection services and ensure the project does not have an adverse effect on fire protection service standards

**2.38 The project is consistent with General Plan Policy 5.7.3.1.**

Policy 5.7.3.1 requires that the Sheriff's Department shall be requested to review all applications to determine the ability of the department to provide protection services prior to discretionary approval. The ability to provide protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as conditions of approval.

Rationale: The project application was provided to the Sheriff's Office for review. The project would slightly increase demand for law enforcement services due to the increased population and development at the project site but is not anticipated to result in a reduction in existing service levels. The County Board of Supervisors reviews staffing levels for the Sheriff's Office on an annual basis to ensure that acceptable service levels are maintained.

**2.39 The project is consistent with General Plan Policy 5.7.4.1.**

Policy 5.7.4.1 requires that prior to approval of new development, the applicant shall demonstrate that adequate medical emergency services are available and that adequate emergency vehicle access will be provided concurrent with development.

Rationale: The development would increase the need for fire protection and emergency medical services. EDHFD has reviewed the project and identified necessary measures to ensure adequate equipment and staff to maintain acceptable service ratios, response times, and other performance objectives with implementation of the project. No additional facilities would be needed to serve the project site.

**2.40 The project is consistent with General Plan Policy 5.7.4.2.**

Prior to the approval of new development, the Emergency Medical Services Agency shall be requested to review all applications to determine the ability of the department to provide protection services. The ability to provide protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as conditions of approval.

Rationale: EDHFD reviewed the project and identified requirements to provide services to the project site. EDHFD has adequate equipment and staff to maintain acceptable fire service ratios, response times, and other



performance objectives with implementation of the project. No additional facilities would be needed to serve the project site.

**2.41 The project is consistent with General Plan Policy 5.8.1.1.**

School districts affected by a proposed development shall be relied on to evaluate the development's adverse impacts on school facilities or the demand therefor. No development that will result in such impacts shall be approved unless:

- 1) To the extent allowed by State law, the applicant and the appropriate school district(s) have entered into a written agreement regarding the mitigation of impacts to school facilities; or
- 2) The impacts to school facilities resulting from the development are mitigated, through conditions of approval, to the greatest extent allowed by State law.

**Rationale:** The project application and environmental documents were provided to RUSD and EDUHSD for review. The school districts did not indicate any need for new school facilities or any adverse impacts regarding demand for schools associated with the project. The project would result in approximately 26 students (13 students in grades kindergarten through 5<sup>th</sup>, 6 students in grades 6<sup>th</sup> through 8<sup>th</sup>, and 6 high school students). 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 conditions of approval require the payment of school facility mitigation fees prior to building permit issuance, in accordance with State law.

**2.42 The project is consistent with General Plan Policy 6.2.2.1.**

Policy 6.2.2.1 Fire Hazard Severity Zone Maps shall be consulted in the review of all projects so that standards and mitigation measures appropriate to each hazard classification can be applied. Land use densities and intensities shall be determined by mitigation measures in areas designated as high or very high fire hazard.

**Rationale:** Project implementation would result in the construction of residences in an area of moderate fire potential. A Wildland Fire Safe Plan has been prepared to address wildland fire risks, including fuel reduction requirements, maintenance and design requirements, and access requirements and is required to be implemented as a condition of approval. Further, EIR Mitigation Measure 3.7-4 requires implementation and on-going enforcement of the Wildland Fire Safe Plan to ensure that fire risks are reduced throughout construction and operation of the project.

**2.43 The project is consistent with General Plan Policy 6.2.2.2.**

Policy 6.2.2.2 The County shall preclude development in areas of high and very high wildland fire hazard or in areas identified as “urban wildland interface communities within the vicinity of Federal lands that are a high risk for wildfire,” as listed in the Federal Register of August 17, 2001, unless such development can be adequately protected from wildland fire hazard, as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection.

Rationale: The project is in an area designated as a moderate fire hazard zone and is not in high or very high fire hazard area nor is the site designated as an interface area.

**2.44 The project is consistent with General Plan Policy 6.2.3.1.**

As a requirement for approving new development, the County must find, based on information provided by the applicant and the responsible fire protection district that, concurrent with development, adequate emergency water flow, fire access, and firefighting personnel and equipment will be available in accordance with applicable State and local fire district standards.

Rationale: The Transportation Department, EDHFD, and EID reviewed the project, as previously described. EDHFD provided a letter to the County outlining requirements to provide fire protection services to the project site, and all of the provisions identified by the EDHFD requiring compliance with their fire standards. The project must also adhere to the approved Wildland Fire Safe Plan. EID identified requirements to ensure adequate fire flows. The conditions of approval require the project to adhere to EDHFD and EID requirements.

**2.45 The project is consistent with General Plan Policy 6.2.3.2.**

Policy 6.2.3.2 requires that new development 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: The project is required to implement to the approved Wildland Fire Safe Plan as a condition of approval as well as an EIR mitigation measure, which includes provisions to ensure adequate access in emergency conditions. Compliance with these requirements will assure adequate emergency access and evacuation routes.

**2.46 The project is consistent with General Plan Policy 6.3.2.5.**

Policy 6.3.2.5 says that applications for development of habitable structures shall be reviewed for potential hazards associated with steep or unstable slopes, areas susceptible to high erosion, and avalanche risk. Geotechnical studies shall be required when development may be subject to geological hazards. If hazards are identified, applicants shall be required to mitigate or avoid identified hazards as a condition of approval. If no mitigation is feasible, the project will not be approved.

Rationale: The project proposes to cluster residential lots and avoid placing development in the steeper areas of the project site. Soils on the project site are not associated with high erosion potential. As discussed in the Draft EIR, the project site does not have a significant risk of becoming unstable as a result of liquefaction, subsidence, or collapse of soils, but does have areas with a moderate potential for landslides and areas with moderate erosion potential. All grading activities onsite would be required to comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance and EIR Mitigation Measure 3.5-2 requires the preparation of a design-level geotechnical evaluation and adherence to the recommendations included in the geotechnical evaluation.

**2.47 The project is consistent with General Plan Policy 6.5.1.1.**

Policy 6.5.1.1 requires that where noise-sensitive land uses are proposed in areas exposed to existing or projected exterior noise levels exceeding the levels specified in Table 6-1 or the performance standards of Table 6-2, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in the project design.

Rationale: A Noise Analysis (Exhibit N Draft EIR, Appendix F) and identified that the proposed residential uses would not be exposed to existing or projected interior noise levels exceeding County standards, except for the potential for construction noise associated with the project to result in temporary noise impacts EIR Mitigation Measure 3.9-1 requires construction contractors to implement best management practices to reduce exposure to the temporary construction noise impact.

**2.48 The project is consistent with General Plan Policy 6.5.1.3.**

Policy 6.5.1.3 indicates that where noise mitigation measures are required to achieve the standards of Tables 6-1 and 6-2, the emphasis of such measures shall be placed upon site planning and project design. The use of noise barriers shall be considered a means of achieving the noise standards only after all other practical design-related noise mitigation measures have been integrated into the project and the noise barriers are not incompatible with the surroundings.

Rationale: A Noise Analysis (Exhibit N Draft EIR, Appendix F) and identified that the proposed residential uses would not be exposed to existing or projected interior noise levels exceeding County standards, except for the potential for construction noise associated with the project to result in temporary noise impacts. EIR Mitigation Measure 3.9-1 requires construction contractors to implement best management practices to reduce exposure to the temporary construction noise impact. Noise barriers or other physical improvements are not necessary to achieve the County's noise standards.

**2.49 The project is consistent with General Plan Policy 6.5.1.6.**

Policy 6.5.1.6 requires that new noise-sensitive uses shall not be allowed where the noise level, due to non-transportation noise sources, will exceed the noise level standards of Table 6-2 unless effective noise mitigation measures have been incorporated into the development design to achieve those standards.

Rationale: A Noise Analysis (Exhibit N Draft EIR, Appendix F) was prepared for the project. The site is not located near any industrial operations, noise-generating recreation facilities, or other non-transportation noise sources.

**2.50 The project is consistent with General Plan Policy 6.5.1.1.**

Policy 6.5.1.7 requires that noise created by new proposed non-transportation noise sources be mitigated so as not to exceed the noise level standards of Table 6-2 for noise-sensitive uses.

Rationale: A Noise Analysis (Exhibit N Draft EIR, Appendix F) was prepared for the project. The site is not located near any industrial operations, noise-generating recreation facilities, or other non-transportation noise sources.

**2.51 The project is consistent with General Plan Policy 6.5.1.8.**

Policy 6.5.1.8 indicates that new development of noise sensitive land uses will not be permitted in areas exposed to existing or projected levels of noise from transportation noise sources which exceed the levels specified in Table 6-1, unless the project design includes effective mitigation measures to reduce exterior noise and noise levels in interior spaces to the levels specified in Table 6-1.

Rationale: A Noise Analysis (Exhibit N Draft EIR, Appendix F) was prepared for the project. As described in the Draft EIR, the vineyard component of the project is anticipated to result in short-term noise but would not result in exposure of existing residences or future project residences to noise levels in excess of County standards. The vineyard does not include any on-site production or distribution facilities.

**2.52 The project is consistent with General Plan Policy 6.5.1.9.**

Policy 6.5.1.9 requires that noise created by new transportation noise sources, excluding airport expansion but including roadway improvement projects, shall be mitigated so as not to exceed the levels specified in Table 6-1 at existing noise sensitive land uses.

Rationale: Implementation of the project would create new roadways internal to the project and would result in a slight increase in vehicle trips on existing roadways. The small amount of traffic generated by the 42 proposed residential units would not result in any significant increases in noise on existing transportation noise sources or a significant noise level associated with the new transportation sources proposed by the project.

**2.53 The project is consistent with General Plan Policy 6.5.1.11.**

The standards outlined in Table 6-5, which addresses maximum allowable noise exposure for non-transportation construction noise in Rural Regions, do not apply to activities associated with actual construction of a project as long as such construction occurs between the hours of 7 a.m. and 7 p.m., Monday through Friday, and 8 a.m. and 5 p.m. on weekends, and on federally-recognized holidays. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards.

Rationale: EIR Mitigation Measure 3.9-1 requires construction contractors to implement best management practices to reduce exposure to the temporary construction noise impact, including limiting construction to the hours identified by this policy.

**2.54 The project is consistent with General Plan Policy 6.5.1.12.**

Policy 6.5.1.12 says that when determining the significance of impacts and appropriate mitigation for new development projects, the following criteria shall be taken into consideration:

- A. Where existing or projected future traffic noise levels are less than 60 dBA Ldn at the outdoor activity areas of residential uses, an increase of more than 5 dBA Ldn caused by a new transportation noise source will be considered significant;
- B. Where existing or projected future traffic noise levels range between 60 and 65 dBA Ldn at the outdoor activity areas of residential uses, an increase of more than 3 dBA Ldn caused by a new transportation noise source will be considered significant; and
- C. Where existing or projected future traffic noise levels are greater than 65 dBA Ldn at the outdoor activity areas of residential uses, an increase of

more than 1.5 dBA Ldn caused by a new transportation noise will be considered significant.

Rationale: A Noise Analysis (Exhibit N Draft EIR, Appendix F) was prepared for the project and did not identify any significant increases in traffic noise levels. As described in the Final EIR, the increase in trips associated with the project would result in noise increases of approximately 0.1 dB, which is below the thresholds identified by Policy 6.5.1.12.

**2.55 The project is consistent with General Plan Policy 6.5.1.13.**

Policy 6.5.1.13 requires that when determining the significance of impacts and appropriate mitigation to reduce those impacts for new development projects, including ministerial development, the following criteria shall be taken into consideration:

- A. In areas in which ambient noise levels are in accordance with the standards in Table 6-2, increases in ambient noise levels caused by new nontransportation noise sources that exceed 5 dBA shall be considered significant; and
- B. In areas in which ambient noise levels are not in accordance with the standards in Table 6-2, increases in ambient noise levels caused by new nontransportation noise sources that exceed 3 dBA shall be considered significant.

Rationale: The Draft EIR addresses potential noise impacts associated with the project. The on-site vineyard, which would not include any production or distribution facilities, is anticipated to result in minimal increases in noise during operations (non-transportation noise would be associated with workers pruning and positioning the vines, amending the soil, etc. and harvesting which would occur for several months out of the year). Noise associated with these activities would not exceed the standards identified by this policy.

**2.56 The project is consistent with General Plan Policy 6.7.4.4.**

Policy 6.7.4.4 requires that all discretionary development applications be reviewed to determine the need for pedestrian/bike paths connecting to adjacent development and to common service facilities (e.g., clustered mailboxes, bus stops, etc.).

Rationale: The project is a rural subdivision and has been reviewed by the Transportation Department. Policy TC-5a of the Transportation Element only requires sidewalks and curbs throughout residential subdivisions where any residential lot or parcel size is 10,000 square feet or less. Bike and pedestrian paths would not be required for these lots, as the project would create lots of 1 acre or larger. While there are no pedestrian or

bicycle paths or facilities associated with adjacent development, thus eliminating the project's ability to connect to adjacent existing facilities, the project does include a multi-use path to allow for pedestrian and bicycle movement throughout the site.

**2.57 The project is consistent with General Plan Policy 6.7.4.6.**

The County shall regulate wood-burning fireplaces and stoves in all new development. Environmental Protection Agency (EPA)-approved stoves and fireplaces burning natural gas or propane are allowed.

Rationale: The project does not propose to include wood-burning stoves or fireplaces in any residence. Fireplaces in all units would be powered with natural gas and would be consistent with the air district.

**2.58 The project is consistent with General Plan Policy 6.7.6.2.**

New facilities in which sensitive receptors are located (e.g. residential subdivisions, schools, childcare centers, playgrounds, retirement homes, and hospitals) shall be sited away from significant sources of air pollution.

Rationale: The project is not located near any significant sources of air pollution, such as highways, roadways with a large volume of daily trips, or industrial uses.

**2.59 The project is consistent with General Plan Policy 6.7.7.1.**

The County shall consider air quality when planning the land uses and transportation systems to accommodate expected growth, and shall use the recommendations in the most recent version of the El Dorado County Air Quality Management (AQMD) Guide to Air Quality Assessment: Determining Significance of Air Quality Impacts Under the California Environmental Quality Act, to analyze potential air quality impacts (e.g., short-term construction, long-term operations, toxic and odor-related emissions) and to require feasible mitigation requirements for such impacts. The County shall also consider any new information or technology that becomes available prior to periodic updates of the Guide. The County shall encourage actions (e.g., use of light-colored roofs and retention of trees) to help mitigate heat island effects on air quality.

Rationale: The project's air quality impacts were evaluated based on the significance criteria and recommendations in the AQMD's Guide to Air Quality Assessment, as detailed in Section 3.2, Air Quality, of the Draft EIR. The project will be implementing EIR Mitigation Measures 3.2-1, 3.2-2, and 3.2-3 to address construction emissions and ensure conformance with AQMD requirements. The project is for a rural subdivision and is not anticipated to have any heat island effects.

**2.60 The project is consistent with General Plan Policy 6.9.1.3.**

Policy 6.9.1.3 requires that new roads connecting to County roads be designed to provide safe access as required by the County Design and Improvement Standards Manual.

Rationale: The primary access roads connecting the project to Malcolm Dixon Road will be constructed in accordance with County standards developed to ensure safe access.

**2.61 The project is consistent with General Plan Policy 7.1.2.1.**

General Plan Policy 7.1.2.1 prohibits development or disturbance on slopes exceeding 30 percent unless necessary for access. The County may consider and allow development or disturbance on slopes 30 percent and greater when:

- Reasonable use of the property would otherwise be denied.
- The project is necessary for the repair of existing infrastructure to avoid and mitigate hazards to the public, as determined by a California registered civil engineer or a registered engineering geologist.
- Replacement or repair of existing structures would occur in substantially the same footprint.
- The use is a horticultural or grazing use that utilizes “best management practices (BMPs)” recommended by the County Agricultural Commission and adopted by the Board of Supervisors.

Rationale: Areas of the project site with steep slopes are located in open space lots. The project does not propose construction on steep slopes, including slopes of 30% or greater.

**2.62 The project is consistent with General Plan Policy 7.1.2.2.**

Discretionary and ministerial projects that require earthwork and grading, including cut and fill for roads, shall be required to minimize erosion and sedimentation, conform to natural contours, maintain natural drainage patterns, minimize impervious surfaces, and maximize the retention of natural vegetation. Specific standards for minimizing erosion and sedimentation shall be incorporated into the Zoning Ordinance.

Rationale: The project conforms to natural contours and maintains natural drainages. Approximately 57.5% of the site will be open space, which provides opportunities to preserve the on-site drainage and retain natural vegetation. EIR Mitigation Measure 3.5-1 require measures to reduce erosion, control sediment, and manage runoff and EIR and Mitigation Measures 3.3-7 through 3.3-12 provide for protection of natural vegetation and aquatic features on the project site. 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.

**2.63 The project is consistent with General Plan Policy 7.1.2.3.**

This policy requires enforcement of Grading Ordinance provisions for erosion control on all development projects and adoption of provisions for ongoing, applicant-funded monitoring of project grading.

Rationale: The project 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. As conditioned, the project will adhere to the state and County requirements addressing grading and erosion control.

**2.64 The project is consistent with General Plan Policy 7.3.2.1.**

Policy 7.3.2.1 requires that stream and lake embankments shall be protected from erosion, and streams and lakes shall be protected from excessive turbidity.

Rationale: Implementation of EIR Mitigation Measures 3.5-1 and 3.3-7 through 3.3-10 would ensure that construction and operation activities associated with the project would be designed and implemented to reduce erosion and address potential water quality impacts. Construction activities for the project would create the potential for soil erosion and sedimentation of stormwater drainage systems, both within and downstream of the project site. As mitigation for potential impacts to water quality, the applicant will prepare and implement a SWPPP that complies with the SWRCB Statewide Construction General Permit. The SWPPP must identify BMPs that will protect water quality from polluted stormwater. Adequate surface drainage control would be designed by the project civil engineer to ensure that all slopes have appropriate drainage and vegetation measures to minimize erosion of soils. The project is conditioned to comply with the El Dorado County Grading Ordinance, Erosion and Sediment Control and Stormwater Quality Ordinances, the West Slope Development and Redevelopment Standards, and Post Construction Storm Water Plan Requirements and implementation of BMPs.

**2.65 The project is consistent with General Plan Policy 7.3.2.2.**

Policy 7.3.2.2 says that projects requiring a grading permit shall have an erosion control program approved, where necessary.

Rationale: Grading and improvement plans are required to reduce or mitigate erosion and sedimentation from the project. As previously discussed, the project is

subject to state and local requirements related to water quality and erosion control. The grading plans would incorporate appropriate erosion control measures as provided in the Grading, Erosion and Sediment Control Ordinance and El Dorado County SWMP. The project is required to prepare and implement a SWPPP, which will include measures to address erosion control.

**2.66 The project is consistent with General Plan Policy 7.3.3.1.**

Policy 7.3.3.1 requires that projects that would result in the discharge of material to or that may affect the function and value of river, stream, lake, pond, or wetland features, including a delineation of all such features. For wetlands, the delineation shall be conducted using the U.S. Army Corps of Engineers (USACE) Wetland Delineation Manual

Rationale: A Jurisdictional Wetland Delineation & Biological Resources Assessment (Exhibit N Draft EIR, Appendix C.5) was prepared for the project in accordance with federal and state requirements for such reports, including the U.S. Army Corps of Engineers' Wetland Delineation Manual.

**2.67 The project is consistent with General Plan Policy 7.3.3.4**

This policy requires the County to encourage the incorporation of protected areas into conservation easements or natural resource protection areas. Exceptions to riparian and wetland buffer and setback requirements shall be provided to permit necessary road and bridge repair and construction, trail construction, and other recreational access structures such as docks and piers, or where such buffers deny reasonable use of the property, but only when appropriate mitigation measures and Best Management Practices are incorporated into the project. Until standards for buffers and special setbacks are established in the Zoning Ordinance, the County shall apply a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. These interim standards may be modified in a particular instance if more detailed information relating to slope, soil stability, vegetation, habitat, or other site- or project-specific conditions supplied as part of the review for a specific project demonstrates that a different setback is necessary or would be sufficient to protect the particular riparian area at issue. For projects where the County allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized. If avoidance and minimization are not feasible, the County shall make findings, based on documentation provided by the project proponent, that avoidance and minimization are infeasible.

Rationale: Wetland features, riparian areas, and aquatic resources have been addressed through project design, which has placed wetlands, drainages, and aquatic resources into the open space lots and has avoided direct impacts to such features through designing roadway crossings and improvements that avoid the features. The Jurisdictional Wetland

Delineation & Biological Resources Assessment (Exhibit N Draft EIR, Appendix C.3) and subsequent Biological & Wetlands Resources Assessment (Exhibit N Draft EIR, Appendix C.5) prepared for the project and addressed in the Draft EIR provided site-specific recommendations to address biological and aquatic resources. EIR Mitigation Measures 3.3-7 through 3.3-10 ensure adequate setbacks from aquatic resources and riparian habitat, measures to minimize disturbance of these features and address the requirements of Section 130.30.030G of the County Code, including best management practices to ensure that any potential encroachment into such features would not have an adverse impact.

**2.68 The project is consistent with General Plan Policy 7.3.3.5**

Policy 7.3.3.5 requires that rivers, streams, lakes and ponds, and wetlands be integrated into new development in such a way that they enhance the aesthetic and natural character of the site while disturbance to the resource is avoided or minimized and fragmentation is limited.

Rationale: The wetland, aquatic, and riparian features present on the project site have been incorporated into the lots designated as open space in order to reflect the aesthetic and natural character of the project site and to minimize disturbance to these resources and avoid fragmentation (Exhibit N Draft EIR, Appendix C.5). EIR Mitigation Measures 3.3-7 through 3.3-10 which ensures adequate setbacks and other measures to ensure disturbance to these features is minimized. The project would 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.

**2.69 The project is consistent with General Plan Policy 7.3.4.1**

This policy states that natural watercourses shall be integrated into new development in such a way that they enhance the aesthetic and natural character of the site without disturbance.

Rationale: The wetland, aquatic, and riparian features present on the project site have been incorporated into the lots designated as open space in order to reflect the aesthetic and natural character of the project site and to minimize disturbance to these resources and avoid fragmentation (Exhibit N Draft EIR, Appendix C.5). EIR Mitigation Measures 3.3-8 through 3.3-10 which ensures adequate setbacks and other measures to ensure disturbance to these features is minimized. The project would 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.

**2.70 The project is consistent with General Plan Policy 7.3.4.2**

Policy 7.3.4.2 Modification of natural stream beds and flow shall be regulated to ensure that adequate mitigation measures are utilized.

Rationale: Proposed structures, utilities, roads, and trails are designed to avoid permanent fill of waters of the United States, including wetlands and riparian habitat, and to avoid modification of these natural features. Activities that would affect these areas are addressed by EIR Mitigation Measure 3.3-7, which requires that any activity that may affect the aquatic resources “other waters of the U.S.” present on the site obtain authorization and appropriate permits for the applicable regulatory agencies, and EIR Mitigation Measures 3.3-8 through 3.3-10 which ensures adequate setbacks and other measures to ensure disturbance to these features is minimized.

**2.71 The project is consistent with General Plan Policy 7.4.1.5**

Policy 7.4.1.5 requires that species, habitat, and natural community preservation/conservation strategies be prepared to protect special status plant and animal species and natural communities and habitats when discretionary development is proposed on lands with such resources, unless it is determined that those resources exist, and either are or can be protected, on public lands or private Natural Resource lands.

Rationale: The project site was evaluated for the presence of listed animal and plant species as described in Section 3.3 of the Draft EIR. As previously described the project has been designed to incorporate extensive open space areas, including aquatic and riparian habitat and oak woodlands, into the site design through 65.58 acres of open space lots. As mitigated and conditioned, the project will be required to implement measures to protect special-status species, sensitive habitats, aquatic resources, and oak woodlands, consistent with this policy. EIR Mitigation Measures 3.3-1 through 3.3-6 to minimize or avoid impacts on valley elderberry longhorn beetle, western pond turtle, California red-legged frog, protected raptors, migratory bird species, special-status bat species, and special-status plant species (Exhibit N Draft EIR, Appendix C.5). EIR Mitigation Measures 3.3-7 through 3.3-10 ensure adequate setbacks from aquatic resources and riparian habitat, measures to minimize disturbance to these features and address the requirements of Section 130.30.030G of the County Code, including best management practices to ensure that any potential encroachment into such features would not have an adverse impact. EIR Mitigation Measures 3.3-11 and 3.3-12 would require mitigation for oak woodland canopy removed as part of the project and also require a preservation plan for oak woodlands that would be retained (Exhibit N Draft EIR, Appendix C.2).

**2.72 The project is consistent with General Plan Policy 7.4.1.6.**

Policy 7.4.1.6 requires that all development projects involving discretionary review shall be designed to avoid disturbance or fragmentation of important habitats to the extent reasonably feasible. Where avoidance is not possible, the development shall be required to fully mitigate the effects of important habitat loss and fragmentation. Mitigation shall be defined in the Integrated Natural Resources Management Plan (INRMP) (see Policy 7.4.2.8 and Implementation Measure CO-M).

**Rationale:** As previously described the project has been designed to incorporate extensive open space areas, including aquatic and riparian habitat and oak woodlands, into the site design through provided 65.58 acres within open space lots. The project has been designed to preserve all aquatic features, including the intermittent drainages, seeps, wetlands, and pond features. The site design includes areas of connected open space in order to reduce disturbance and fragmentation of important habitats. EIR Mitigation Measures 3.3-7 through 3.3-10 ensure adequate setbacks from aquatic resources and riparian habitat, measures to minimize disturbance to these of these features, and address the requirements of Section 130.30.030G of the County Code, including best management practices to ensure that any potential encroachment into such features would not have an adverse impact. EIR Mitigation Measures 3.3-11 and 3.3-12 would require mitigation for oak woodland canopy removed as part of the project and also require a preservation plan for oak woodlands that would be retained (Exhibit N Draft EIR, Appendix C.2).

**2.73 The project is consistent with General Plan Policy 7.4.4.4**

Policy 7.4.4.4 For all new development projects (not including agricultural cultivation and actions pursuant to an approved Fire Safe Plan necessary to protect existing structures, both of which are exempt from this policy) that would result in soil disturbance on parcels that (1) are over an acre and have at least 1 percent total canopy cover or (2) are less than an acre and have at least 10 percent total canopy cover by woodlands habitats as defined in this General Plan and determined from baseline aerial photography or by site survey performed by a qualified biologist or licensed arborist, the County shall require one of two mitigation options: (1) the project applicant shall adhere to the tree canopy retention and replacement standards described by this policy; or (2) the project applicant shall contribute to the County's Integrated Natural Resources Management Plan (INRMP) conservation fund described in Policy 7.4.2.8.

**Rationale:** The project has been designed to adhere to the oak tree canopy retention and replacement standards established by General Plan Policy 7.4.4.4 Option A. In order to address on-site tree canopy removal, the Oak Canopy Plan was prepared for the project by California Tree and Landscape Consultants, Inc. in 2018 (Exhibit N Draft EIR, Appendix C.2). The Oak Canopy Plan outlines the project's oak mitigation planting

requirement in accordance with General Plan Policy 7.4.4.4, Option A. The project would retain approximately 94.8% of oak woodland canopy. Consistent with this policy, the project would replant acorns or trees on-site at the County's required ratio, as detailed in EIR Mitigation Measure 3.3-11.

**2.74 The project is consistent with General Plan Policy 7.5.1.3**

This policy requires that cultural resource studies (historic, prehistoric, and paleontological resources) shall be conducted prior to approval of discretionary projects and that the avoidance and protection of sites be encouraged.

Rationale: Peak and Associates performed a Cultural Resource Assessment the project in October 2017. The project site was also the subject of previous studies conducted by ECORP Consulting, Inc. and Past Forward/ECORP Consulting, Inc. The cultural resources studies prepared for the project site are included in Appendix D of the Draft EIR. The findings of the cultural resources studies are addressed in Section 3.4 of the Draft EIR. There are a number of resources present on the project site. As disclosed in the Draft EIR, there are two significant historic resources, the Live Oak Schoolhouse and associated features and Coloma Road. While the Live Oak Schoolhouse would be placed within an open space lot and the area would be protected from development, due to the state of disrepair of the Live Oak Schoolhouse, there is the potential for this resource to be removed. EIR Mitigation Measures 3.4-1 and 3.4-2 would reduce potential impacts to the Live Oak Schoolhouse and Coloma Road resources. EIR Mitigation Measure 3.4-3 identifies measures to be taken to address the inadvertent discovery of historic, cultural, tribal cultural, or paleontological resources during project construction activities.

**2.75 The project is consistent with General Plan Policy 7.6.1.1.**

This policy addresses the provision of open space the the Open Space, Rural Residential, and Natural Resource land use designations and identifies that the primary purposes of open space include: A) conserving natural resource areas as habitat, ecologic, and scientific purposes, B) conserving natural resource lands for the managed production of resource, C) maintaining areas of importance for outdoor recreation, D) delineating open space for public health and safety, and E) providing for open space to create buffers which may be landscaped to minimize the adverse impact of one land use on another.

Rationale: The project would place 65.58 acres of open space into open space lots for the long-term conservation of the open space. This open space would primarily serve to conserve natural resource areas for the conservation of plant and animal life as this open space would be used to conserve the wetlands, drainage, and other aquatic resources present on the project site

as well as a significant portion of the project's oak woodland canopy, consistent with the intent described by Policy 7.6.1.1, Paragraph A.

**2.76 The project is consistent with General Plan Policy 7.6.1.3.**

Policy 7.6.1.3 requires that the County implement Policy 7.6.1.1 through zoning regulations and the administration thereof. Paragraph C of this policy requires the County's zoning regulations to provide for setbacks from floodplains, streams, lakes, rivers, and canals to maintain Purposes A, B, C, and D set forth in Policy 7.6.1.1 and Paragraph D of this policy requires zoning regulations to provide for maintenance of permanent open space and regulations to minimize impacts on wetlands, flood plains, streams, lakes, rivers, canals, and slopes in excess of 30 percent and shall maintain Purposes A, B, C, and D in Policy 7.6.1.1.

Rationale: The project would be required to implement all applicable zoning regulations, including those related to open space. EIR Mitigation Measures 3.3-8 and 3.3-9 ensure adequate setbacks and measures to minimize impacts to wetlands, drainages, other aquatic resources, and riparian habitat. EIR Mitigation Measure 3.3-10 requires the open space areas to be effectively managed by a Homeowners Association and includes specific requirements to be followed to protect natural resources. EIR Mitigation Measure 3.3-12 requires the project to develop a detailed oak tree preservation plan, including addressing the tree protection measures identified in the Oak Woodland Canopy Analysis, Preservation, and Replacement Plan prepared for the project.

**2.77 The project is consistent with General Plan Policy 9.1.2.4.**

Policy 9.1.2.4 requires that every discretionary application as well as public facilities planning be evaluated with regard to their ability to implement the Hiking and Equestrian Trails Master Plan and the Bikeway Master Plan.

Rationale: In 2008, the decision was made to combine efforts related to County park and trail resources outside of the Tahoe Regional Planning Agency area into a single, comprehensive planning document. The El Dorado County Parks and Trails Master Plan is the resultant document and provides direction for both parks and trails, while replacing the earlier Hiking and Equestrian Trails Master Plan. This plan does not identify any parks and recreation facilities for the project area. Similarly, the El Dorado County Bicycle Transportation Plan (2010) does not identify any bicycle facilities for the project area. Although not required by either plan, the project does include a public multi-use trail accessible to pedestrians and off-road bicyclists from Via Veritas and Malcolm Dixon Road.

**2.78 The project is consistent with General Plan Policy 10.2.1.3.**

This policy requires that all costs of upgrading and/or constructing civic, public and community facilities, and basic infrastructure exclusively needed to serve new development be the responsibility of new development and not existing residents.

**Rationale:** The project would fund or construct roadway improvements required to serve the project, including on-site roadways and, as described by EIR Mitigation Measures 3.11-1 through 3.11-3, off-site improvements to address impacted intersections. The project would construct the on-site water infrastructure necessary to provide water service to the project and would construct a booster pump for the Salmon Falls Water Tank. The project would also pay for its fair-share of park and recreation, school, fire, and transportation improvements and facilities needed to serve the project through payment of applicable parks fees, school fees, fire, and transportation impact mitigation fees, respectively.

**2.79 The project is consistent with General Plan Policy 10.2.1.4.**

Policy 10.2.1.4 requires that new discretionary development pay its fair share of the costs of all civic and public and community facilities it utilizes, based upon the demand for these facilities which can be attributed to new development.

**Rationale:** The project would fund or construct roadway improvements required to serve the project, including on-site roadways and, as described by EIR Mitigation Measures 3.11-1 through 3.11-3, off-site improvements to address impacted intersections. The project would construct the on-site water infrastructure necessary to provide water service to the project and would construct a booster pump for the Salmon Falls Water Tank. The project would also pay for its fair-share of park and recreation, school, fire, and transportation improvements and facilities needed to serve the project through payment of applicable parks fees, school fees, fire district fees, and transportation impact mitigation fees, respectively. Project property owners and residents would also pay applicable use and service fees for various civic, public, and community facilities and public and community services, when applicable.

**2.80 The project is consistent with General Plan Policy 10.2.1.3**

Policy 10.2.1.6 requires that new infrastructure and facilities be coordinated with existing infrastructure and facilities and shall maximize use of existing facilities capacity to the extent that any exists.

**Rationale:** The project would connect to existing EID water and County roadway facilities that are available to serve the project site.



### 3.0 ZONING FINDINGS

#### 3.1 The proposed use is consistent with Title 130.

The parcel is zoned Residential Estate (RE) with a minimum lot size designation of five acres (RE-5). The RE zone is intended to preserve the rural character of an area by providing for and regulating the development of low density and rural residential development at a range of densities to include one dwelling unit per five acres and one dwelling per 10 acres. Agricultural structures and uses are considered compatible with this zone. Allowed uses in this zone include detached single uses and vineyards.

The development standards in the RE-5 zone include a minimum lot size of 5 acres, minimum lot width of 100 feet, and 30 feet setbacks from the front, side, and rear of the lot, and a maximum building height of 45 feet.

Chapter 130.28 implements the Planned Development (-PD) Combining Zone which provides innovative planning and development techniques that allow the use of flexible development standards; provides for a combination of different land uses which are complimentary, but may not in all aspects conform to the existing zoning regulations; allows clustering of intensive land uses to minimize impacts on various natural resources; avoids cultural resources where feasible; promotes more efficient utilization of land; reflects the character, identity and scale of local communities; protect suitable land for agricultural uses; and minimizes use compatibility issues and environmental impacts. All residential development projects in the -PD Combining Zone are required to set aside 30% of the total site for open space that is commonly owned or publicly dedicated. Commonly owned open space may include land for recreational purposes, passive purposes, aesthetic purposes, protection of agricultural or natural resources, pedestrian circulation, or water features. The -PD Combining Zone requires residential lots to be clustered, where feasible to promote integrated site design that considers natural features of the site, creates more area for open space and recreation, minimizes aesthetic impacts, maintains opportunities for commercial grazing, and minimizes loss of important agricultural lands. Density bonuses may be earned based on the acreage of developable land (developable land excludes lakes, rivers, and perennial streams and areas encumbered by road and/or public utility improvements) within the open space multiplied by 1.5 times the density allowed in the existing or proposed zone(s).

Chapter 130.30 establishes development standards, including fence heights, setback requirements, standards for avoidance and minimization of impacts to wetland and sensitive riparian habitat, height limits, fences, walls, and retaining walls, and gates.

Rationale: The proposed residential, vineyard and open space uses are allowed by the RE-5 zone. The project has requested a -PD combining zone in order to receive a density bonus as provided by Section 17.28.060). As part of the -PD Combining Zone and associated Development Plan Permit, the project has requested a reduction in minimum lot size to 1 acre and a reduction in minimum lot widths as some lots will have widths reduced from the 100-foot standard. Other development standards for the RE zone

and general development standards, including setbacks, established by Chapter 130.30 would be met.

Based on the project's 114.03-acre size, the project is required to provide a minimum of 34.2 acres of open space. With 65.58 acres of open space, the project exceeds the minimum open space requirement.

As described above, the project proposes clustering techniques in order to provide a significant open space component that is used to preserve the area of the site with a historical resource (the Live Oak Schoolhouse), to preserve areas of oak woodlands and accommodate oak woodland planting, and to provide for agricultural opportunities. It is noted that the site is not designated as important farmland nor is the site currently used for grazing. The project proposes a multi-use trail that provides access to the on-site open spaces.

Consistent with Section 130.28.060 the density bonus calculation for the project is as follows:

**Base Units Permitted Under the General Plan**

114.03 acres developable land x 0.2 dwelling units per acre (Low Density Residential) = 22.8 base units

**Density Bonus Units**

65.1 acres developable open space x 0.2 dwelling units per acre (Low Density Residential) x 1.5 density bonus = 19.53 density bonus units

**Total Allowed Units = 42.33 units**

The project, as proposed and conditioned, is consistent with the Zoning Ordinance because the parcels have been designed to comply with the RE-5 development standards, with modifications as provided by Chapter 130.28 of the County Code.

**3.2 The proposed use is consistent with Chapter 130.30.050.G**

Chapter 130.30.050.G establishes standards for avoidance and minimization of impacts to wetlands and sensitive riparian habitat.

Rationale: Proposed structures, utilities, roads, and trails are designed to avoid permanent fill of waters of the United States, including wetlands and riparian habitat, and to avoid modification of these natural features. Setbacks from wetlands identified on the subdivision map are consistent with the provisions of the Zoning Ordinance of 25 feet from intermittent wetlands and 50 feet from perineal wetlands (Exhibit D).

**3.3 The proposed use is consistent with Chapter 130.37.**

Chapter 130.37 establishes standards concerning acceptable noise levels for both noise-sensitive land uses and for noise-generating land uses.

Rationale: As discussed in Section 3.9 of the Draft EIR, the project would not exceed the County's noise standards, with the exception of construction noise. EIR Mitigation Measure 3.9-1 would ensure compliance with County Code requirements for acceptable noise levels.

**3.4 The proposed use is consistent with Chapter 130.39.**

Chapter 130.39 establishes standards for oak resources conservation, including standards implementing the County's Oak Resources Management Plan. It is noted that this chapter was updated following the project application being deemed complete and the project is mitigating for oak woodlands through the Interim Interpretive Guidelines For El Dorado County General Plan Policy 7.4.4.4 (Option A) (Interim Oak Woodland Guidelines) in effect at the time of being deemed complete.

Rationale: The project would remove approximately 5.2% of the oak woodland canopy on the project site. EIR Mitigation Measure 3.3-11 would ensure mitigation for removal of oak woodland consistent with the requirements of the Interim Oak Woodland Guidelines. EIR Mitigation Measure 3.3-12 would ensure that the oak woodlands retained on the project site are preserved in accordance with County requirements.

**3.5 The proposed use is consistent with Chapter 130.52.040.**

Chapter 130.52.040 establishes the process, applicability, review authority, CEQA consideration, scope of approval, and findings requirements for development plan permits. This section requires a Development Plan Permit application to be filed and processed in conformance with Chapter 130.28 (Planned Development (-PD) Combining Zone). When determined appropriate by the review authority, this section provides for variations in zone development standards contained within Title 130 or design standards contained in the Design and Improvement Standards Manual (DISM)/Land Development Manual (LDM), or successor document and also allows for establishment of project specific design guidelines. This section further establishes six specific findings that must be made by the review authority when approving a request for a Development Plan Permit. Each finding is addressed below.

- 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 [Title 130];**

Rationale: The project site is designated for residential use by the General Plan and Zoning Code. As set forth in the Findings above, the project is consistent with the General Plan and the Zoning Code. The purpose of the proposed rezone to apply the –PD Combining Zone and the proposed development plan (Z14-16-0002, PD16-0001) is to expand the amount of open space, provide for clustering of residential units to avoid wetlands, seeps, drainages, oak woodlands, and other biological and aquatic features, to preserve large areas of open space as an aesthetic and natural resource, and to avoid development in the portions of the site with steeper slopes. As described in the Draft EIR, Mitigation Measures have been identified to ensure compliance with applicable County requirements, including the General Plan and Zoning Code, and to avoid or reduce potentially significant environmental impacts. The project meets the overall intent of the General Plan and would serve to further many of the described goals and policies therein, including preserving significant areas of open space as an aesthetic and natural resource, increasing public access to open space by providing a public multi-use trail, and preserving the area of the site with the Live Oak Schoolhouse.

- 2) **The site is adequate in shape and size to accommodate proposed uses and other required features;**

Rationale: The project would subdivide approximately 114 acres into 42 residential lots approximately one acre or slightly larger in size. The project would include approximately 65.58 acres of public trails, a vineyard, and open space area, and the onsite wetlands, drainages, and aquatic resources as well as the majority of oak woodlands would be preserved onsite within the proposed open space. The site is located appropriately for the proposed residential development and is physically suitable for the proposed uses, including the types of uses (single family homes, a multi-use trail, vineyard, and open space) and the proposed density.

- 3) **That any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography;**

Rationale: The project includes modifications to standard lot size, lot width, and roadway right-of-way width requirements. Lot width in this zone is usually required to be a minimum of 100 feet, and lot size a minimum of 5 acres. As previously described, lots are proposed to have a one-acre minimum lot size and two lots will have reduced widths. The project has also requested a modification to Road Standard 101 C for the project's

private roads to reduce the right-of-way requirement from 60 feet to 30 feet. The roadway is proposed at 26 feet, which is wider than required by STD 101C. The right-of-way reduction is necessary to accommodate proposed road improvements. The reduced right-of-way allows for a more compact and clustered project footprint and preservation of natural resources such as oak woodlands and wetland features. In addition, this reduction allows for a road pattern that better conforms to the site's topography and provides for the efficient use of land, without oversizing roads, and is consistent with the character of the area. The travel lanes would continue to meet and exceed the County's minimum requirements to ensure adequate access to and from the site, both under normal and emergency conditions and the proposed design has been revised and accepted by EDHFD. The requested modifications to the County's standard requirements allow the project to place a significant amount of land into open space lots and provide a residential clustered lot pattern that avoids drainages, wetlands, oak woodlands, and other natural resources and avoids areas of the site with steep slopes. The clustering also serves to provide some separation between the proposed residential lots and adjoining existing residential lots.

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

Rationale: The project has been reviewed by the County Transportation and Environmental Management Divisions, the AQMD, and the EDHFD. Water and other utilities are available to serve the site, as previously described herein and as discussed in the Draft EIR. Conditions and EIR Mitigation Measures have been applied to ensure that there are no health or safety risks, and to ensure that adequate water supply and adequate fire protection measures will be in place to serve the project.

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

Rationale: Not applicable. The project does not propose mixed-use development.

- 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 proposes uses allowed by the base zoning (RE-5) and –PD Combining Zone, meets the minimum open space requirements established for the –PD Combining Zone, requests standards in accordance

with the provisions of the –PD Combining Zone and associated Development Plan Permit, and requests a density bonus based on the open space provided by the project consistent with Chapter Section 130.28.

#### 4.0 **TENTATIVE SUBDIVISION MAP FINDINGS**

##### 4.1 **The project is consistent with Section 120.44.030.**

Section 120.44.030 of the Subdivision Ordinance, Findings Requiring Disapproval, prohibits the approving authority from approving a tentative map if the approving authority makes any of the following findings:

*A That the proposed map is not consistent with applicable general and specific plans;*

Rationale: The project site is designated for Low Density Residential use by the General Plan. As set forth in the Findings above, the project is consistent with the General Plan and the Zoning Code. The proposed project would not require a General Plan Amendment, as it is currently consistent with the General Plan land use designations and densities of the Low Density Residential designation, including policies that provide for a density bonus. There are no specific plans applicable to the project site.

*B That the design or improvement of the proposed division is not consistent with applicable general and specific plans;*

Rationale: The design of the proposed tentative subdivision map is consistent with the General Plan. The project site is 114.03 acres located in the Rural Region and is adjacent existing residential development to the south, east, and west. Adequate access and utility-related infrastructure can be provided, and services are located in close proximity. The site is characterized by moderately rolling hillsides, with steep slopes located in the northern portion of the site. The project has been designed to cluster residential development in areas of the site with low to moderate slopes and to minimize disturbance to natural and sensitive resources. The design of the project locates residential and infrastructure uses appropriately within the project site and the project site is physically suited for the proposed uses. There are no specific plans applicable to the project site.

*C That the site is not physically suitable for the type of development;*

Rationale: The project would subdivide approximately 114 acres into 42 residential lots approximately one acre or slightly larger in size. The project would include approximately 65.58 acres of public trails, a vineyard, and open space area, and the onsite wetlands, drainages, and aquatic resources as well as the majority of oak woodlands would be preserved onsite within

the proposed open space. The site is located appropriately for the proposed residential development and is physically suitable for the proposed uses, including the types of uses (single family homes, a multi-use trail, vineyard, and open space).

*D. That the site is not physically suitable for the proposed density of development;*

Rationale: The project would subdivide approximately 114 acres into 42 residential lots approximately one acre or slightly larger in size. The project would include approximately 65.58 acres of public trails, a vineyard, and open space area, and the onsite wetlands, drainages, and aquatic resources as well as the majority of oak woodlands would be preserved onsite within the proposed open space. The project would cluster the residential lots to reduce disturbance of aesthetic and natural resources on the project site. This clustering results in an increase in the density of the units. The proposed density can be accommodated on the project site and the site is suitable for the proposed infrastructure, utilities, and on-site septic associated with the proposed uses and density.

*E. That the design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;*

Rationale: The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. The project would be required to implement General Plan requirements, Zoning Code standards, and EIR Mitigation Measures that ensure that impacts to biological resources, including fish, wildlife, and their habitat, are less than significant, that ensure that environmental impacts associated with air quality, geology and soils, hydrology and water quality are less than significant. The project has avoided direct impacts to drainages, wetlands, and other aquatic resources and EIR Mitigation Measures would ensure that the project provides appropriate setbacks from these features and the project construction and operation activities do not result in significant adverse impacts to these features. Areas with steep slopes are placed within open space lots to avoid environmental impacts associated with development of steep slopes. Loss of oak woodland, which provides habitat for some wildlife species, would be mitigated as described in the Draft EIR. Conformance with federal, state, and County requirements and EIR Mitigation Measures, which are required as conditions of approval, will ensure that the proposed subdivision would not cause substantial environmental damage and would not substantially and unavoidably injure fish or wildlife or their habitat.

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

Rationale: The design of the subdivision and 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 Standards Code to ensure public safety from the possibility of ground shaking hazards and exposure to geotechnical hazards. The project will be conditioned to comply with the geotechnical report's recommendations for seismic and soils hazards. 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 ensure that project traffic is compatible with existing traffic patterns. The project site is located in an area of moderate wildfire hazard risk. The applicant conducted a soil test trench evaluation and submitted a Septic Feasibility Report for the site (Exhibit G). The El Dorado County Department of Environmental Health reviewed the Septic Feasibility Study submitted with the project and determined that the proposed systems would have adequate capacity to serve the proposed development. Prior to approval of Final Map, each proposed parcel would be required to undergo additional testing and analysis to demonstrate adequate area and capability to accommodate the necessary sewage disposal area for the parcel as required by EIR Mitigation Measures 3.5-3a and 3.5-3b. The proposed lots are sized such that anticipated sewage disposal areas can be accommodated, will meet all State and County setback requirements, and will not be located in areas with 30% or greater slopes. The El Dorado County Department of Environmental Health reviewed the Septic Feasibility Study submitted with the project and determined that the proposed systems would have adequate capacity to serve the proposed development. As conditioned, the 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.

*G. That the design of the division or the improvements are not suitable to allow for compliance of the requirements of public resources code § 4291;*

Rationale: Project implementation would result in the construction of residences in an area of moderate fire potential. A Wildland Fire Safe Plan has been prepared for the project that identifies fuel management requirements to reduce wildland fire risks and improvements to ensure adequate emergency access for fire protection and is consistent with the



requirements of Public Resources Code Section 4291. The Wildland Fire Safe Plan has been reviewed and approved by EDHFD. The project is conditioned to implement the Wildland Fire Safe Plan and to provide access, hydrants, sprinklers, and improvements consistent with EDHFD requirements. Before construction, the portions of the site planned for residences and public infrastructure would be grubbed and vegetation would be removed. Construction activities on the project site would incorporate standard Best Management Practices (such as designated smoking areas and vehicles with spark arrestors) to reduce the potential for project construction to result in fire that could spread to the adjacent wildland and effect existing residences. EIR Mitigation Measure 3.7-4 ensures that throughout the life of the project, individual property owners and the HOA will continue to implement applicable components of the Wildland Fire Safe Plan.

*H. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the approving authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.*

Rationale: The design of the subdivision and the proposed 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. The existing road and utility easement per DOC 2008-009522 was granted to ALTO LLC for the purpose of a secondary access to Malcolm Dixon Road and is proposed to be relocated to the proposed road alignment of the subdivision (originally aligned with Diamante Estates project road alignment) and is substantially equivalent to the one recorded on the property for the purpose of a secondary access granted to ALTO LLC. The project is designed to accommodate existing easements, such as road and utility easements, including PG&E's easement for existing power poles and power line.

## 5.0 DESIGN WAIVER FINDINGS

The project has requested a modification to Road Standard 101C that would reduce the right-of-way from 50 feet to 30 feet in width, as shown in the Typical Road Section illustrated on the Tentative Subdivision Map.

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

The proposed project is for a new 42 residential lot subdivision with gated access off of Malcolm Dixon Road. A reduced right of way width would better conform to the existing topography and natural features on the site. The larger right of way would increase the potential for wetland impacts and decrease the quality of open spaces created and preserved by the project.

**5.2 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 could increase land disturbance, the potential for wetland oak impacts, and decrease the quality of open spaces.

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

The proposed roadway width is consistent with County Standard 101C, the only changes would be to easement width. The fire department has approved the use of a roadway constructed Fire Safe Standards. The Transportation Department takes no exception to this design waiver. This waiver is not anticipated to be detrimental to health, safety, convenience, and welfare of the public.

**5.4 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 have the effect of nullifying the objectives of this article or other laws.