

**Z15-0002/P15-0006/PD15-0004/S17-0015/Montano De El Dorado Phase I and II Master Plan** – As approved by the Board of Supervisors on August 10, 2021

**Findings**

**1.0 CEQA FINDINGS**

- 1.1 Required Findings have been made pursuant to CEQA Guidelines Sections 15091(Findings for EIR certification), 15092 (Findings for lead agency approval) and 15093 (Statement of Overriding Considerations) as more fully detailed in the attached CEQA Findings of Fact and Statement of Overriding Considerations (Exhibit AA).

Exhibit AA explains required supporting information in detail including Effects Determined Not to be Significant, Less Than Significant Impacts and Potentially Significant Impacts that can be mitigated below a level of significance. This document also provides required findings for project alternatives including a No Project Alternative, a Modification of Special Events Alternative and a Reduced Development Alternative. Further, this document also explains how general CEQA findings can be made including the requirement for a project-specific MMRP (Exhibit L) to ensure all feasible mitigation measures imposed as part of project approval will be monitored and enforced in perpetuity.

Pursuant to CEQA Guidelines section 15093(a) and (b), the Board of Supervisors is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of the project, including region-wide or statewide environmental benefits, outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable” (CEQA Guidelines, §15093(a)). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the FEIR or elsewhere in the administrative record (CEQA Guidelines, §15093(b)).

Accordingly, and as more fully detailed in the Statement Of Overriding Considerations (Exhibit AA, Page 69), The Planning Commission also recommends the Board of Supervisors adopt a Statement of Overriding Considerations based on the following project-specific findings:

All feasible mitigation measures identified in the Final EIR within the purview of the County will be implemented with implementation of the Montano De El Dorado Phase I and II Master Plan, and that the remaining significant unavoidable effects are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits based upon the facts set forth above, the Final EIR, and the record, as follows:

- (1) The Montano De El Dorado Phase I and II Master Plan would implement General Plan designated land uses and associated zoning of Regional Commercial.
- (2) The Montano De El Dorado Phase I and II Master Plan would expand retail, hospitality, and office uses.
- (3) The project has the potential to generate annual sales tax revenues of \$200 to \$400 square feet of retail and restaurant uses and approximately \$3,500 per hotel room (EPS Montano de El Dorado Phase II General Plan Policies memo dated January 5, 2021).
- (4) The Montano De El Dorado Phase I and II Master Plan would provide community gathering opportunities associated with special events and amphitheater site.
- (5) Considering all the above factors, there are specific economic, legal, social, technological, and other considerations associated with the project that serve to override and outweigh the project's significant unavoidable effects and, thus, the adverse effects are considered acceptable.

- 1.2 The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department-Planning Division at 2850 Fairlane Court, Placerville, CA.

## **2.0 GENERAL PLAN FINDINGS**

### **2.1 The project is consistent with General Plan Policy 2.1.1.2.**

This policy establishes Community Regions defining those areas as appropriate for the highest intensity of self-sustaining compact urban-type development or suburban type development within the County based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns, the location of major topographic patterns and features, and the ability to provide and maintain appropriate transitions at Community Region boundaries. Policy 2.1.1.2 requires Community Region boundaries be shown on the General Plan land use map.

Rationale: The project is consistent with this policy. The project site is located within the El Dorado Hills Community Region as shown on the General Plan land use map.

### **2.2 The project is consistent with General Plan Policy 2.1.1.7.**

This policy requires development within Community Regions proceed only in accordance with all applicable General Plan Policies, including those regarding infrastructure availability as set forth in the Transportation and Circulation and the Public Services and Utilities Elements. This policy also requires development in Community Regions be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructure become available and wildfire hazards are mitigated.

Rationale: The project is consistent with this policy. As also stated in Finding 2.2.5.2 below, the project has been found consistent with all applicable General Plan policies. Further, the project was reviewed by the DOT for adequate road access. The project was also reviewed by the El Dorado Hills Fire Department for emergency vehicular access, required fire flow and Wildfire Safe Plan requirements. The project was further reviewed by PG&E, El Dorado Disposal (EDD) and EID for electric, solid waste and public water/sewer service. The above agencies and utility companies had no significant issues or concerns with the project and have determined, as proposed and conditioned, public services and utilities would be adequate to serve the project and wildfire hazards would be minimized.

**2.3 The project is consistent with General Plan Policy 2.2.1.2.**

General Plan Policy 2.2.1.2 identifies that the purpose of the Commercial (C) land use designation is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. This designation is considered appropriate within Community Regions, Rural Centers and Rural Regions.

Rationale: Policy 2.2.1.2 provides for a full range of commercial uses to serve the residents, businesses and residents of the County. As proposed, the project would allow for a community shopping center consisting of a variety of retail, office and service uses to serve the needs of the local community. The project is consistent with this policy.

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

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

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

**2.5 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: Existing land uses adjacent to the project site include the existing Montano Phase I development to the north, single-family residential uses on lands zoned Residential, Single Unit (R1) to the east (Creekside Greens Development), an existing retail store (Walgreens) and three vacant parcels on lands zoned Research and Development (R&D) to the west and existing commercial development on lands zoned Research and Development (R&D) to the south. (For details, refer to the site aerial photo and Zoning Map Exhibits C and F.) To ensure compatibility with adjacent residential uses to the east, the project has included several architectural and site design features to minimize impacts including building setbacks, use of non-glare building materials and finishes, landscape and soundwall screening, community-compatible building design and fully shielded, downward-directed lighting. In addition, the project also includes restrictions on the size, number, location and sound levels of outdoor special events to ensure adverse effects to the adjacent residential uses are minimized. Therefore, the project has been located and designed to be compatible with adjoining land uses.

2.6 **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 19 criteria:

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

Rationale: EID has reviewed preliminary project plans and determined there will be adequate public water supply and infrastructure to serve the project as explained in the EID Facilities Improvement Letter (FIL) for the project, dated February 13, 2019 (Exhibit W).

2. Availability and capacity of public treated water system;

Rationale: EID has reviewed project plans and determined the public treated water system has adequate capacity to serve the project as explained in the project FIL dated February 13, 2019 (Exhibit W).

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

Rationale: EID has reviewed project plans and determined the public waste water treatment system has adequate capacity to serve the project as explained in the project FIL dated February 13, 2019 (Exhibit W).

4. Distance to and capacity of the serving elementary and high school;  
  
Rationale: As this is a non-residential project, this criterion does not apply.
  
5. Response time from nearest fire station handling structure fires;  
  
Rationale: The nearest fire station, operated by the EDH Fire, is located approximately 1.0 miles south of the project site. EDH Fire reviewed the project plans and determined their response times for emergency fire protection services would be less than the minimum response time allowed for in General Plan Table 3.11-1 (within Community Regions, 8-minute response to 80 percent of the population) and therefore, adequate to serve the project.
  
6. Distance to nearest Community Region or Rural Center;  
  
Rationale: The project is within the El Dorado Hills Community Region. This criterion does not apply.
  
7. Erosion hazard;  
  
Rationale: As proposed and conditioned, construction and operation of the project would not cause an erosion hazard. The project would be consistent with all applicable requirements of law regarding sediment control including Chapter 15.14 of County Code (Grading, Erosion and Sediment Control Ordinance).
  
8. Septic and leach field capability;  
  
Rationale: Waste water will be treated through a public waste water treatment system. This criterion does not apply to the project.
  
9. Groundwater capability to support wells;  
  
Rationale: No wells are proposed as part of the project. This criterion does not apply.
  
10. Critical flora and fauna habitat areas;  
  
Rationale: The project EIR found that, with incorporation of mitigation measures included in the project MMRP (Exhibit L), the project would not adversely affect biological resources.

11. Important timber production areas;  
  
Rationale: The project is not located in and would not adversely affect timber resource areas.
  
12. Important agricultural areas;  
  
Rationale: The project would not adversely affect important agricultural areas, as it is not designated as or adjacent to Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Locally Important Farmland.
  
13. Important mineral resource areas;  
  
Rationale: The project is not located near and would not adversely affect mineral resource areas.
  
14. Capacity of the transportation system serving the area;  
  
Rationale: Based on DOT review of the project plans, as proposed and conditioned, the project would not negatively affect transportation system capacity in the region.
  
15. Existing land use pattern;  
  
Rationale: The project would be consistent with existing commercial and Research and Development (R&D) land uses to the north, south and west. To ensure compatibility with adjacent residential land uses to the east, the project has included several architectural and site design features to minimize impacts including building setbacks, use of non-glare building materials and finishes, landscape and soundwall screening, community-compatible building design and fully shielded, downward-directed lighting. In addition, the project also includes restrictions on the size, number, location and sound levels of outdoor special events to ensure adverse effects to the adjacent residential uses are minimized.
  
16. Proximity to perennial water course;  
  
Rationale: No perennial water courses exist on the property.
  
17. Important historical/archeological sites;  
  
Rationale: As discussed in the Project EIR, there are no important historical or archaeological sites on the project parcel.

18. Seismic hazards and presence of active faults; and

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

19. Consistency with existing Conditions, Covenants, and Restrictions (CC&R).

Rationale: The project has been conditioned to require new CC&Rs for the Phase II expansion be consistent with existing CC&Rs for Phase I.

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

General Plan Policy 2.8.1.1 requires that development limit excess nighttime light and glare from parking lot lighting, signage and buildings.

Rationale: The project would strictly limit nighttime light levels to ensure excess light and glare is eliminated from parking lots, signage and buildings. To ensure the effects of light and glare are reduced to less than significant levels, the DEIR includes several mitigation measures, incorporated into the project's MMRP (Exhibit L), including a measure to require final improvement plans to include specifications that demonstrate outdoor lighting is located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way consistent with Title 130, Chapter 130.34 (Outdoor Lighting) of County Code. Therefore, the project is consistent with this policy.

### **Transportation and Circulation Element Policies**

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

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

1. Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service (LOS) F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.

Rationale: The Montano de El Dorado project is a non-residential project. This policy does not apply to non-residential projects.

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 LOS F without first getting the voters' approval.

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

3. intentionally blank (Resolution 125-2019, August 6, 2019)
4. intentionally blank (Resolution 159-2017, October 24, 2017)
5. The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

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

1. intentionally blank (Resolution 159-2017, October 24, 2017)
2. 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 Montano de El Dorado project is a non-residential project. This policy does not apply to non-residential projects.

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

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

- A. Every year prepare an annual Capital Improvement Program (CIP) specifying expenditures for roadway improvements within the next 10 years. At least every five years prepare a CIP specifying expenditures for roadway improvements within the next 20 years. Each plan shall contain identification of funding sources sufficient to develop the improvements identified;
- B. At least every five years, prepare a Traffic Impact Mitigation (TIM) Fee Program specifying roadway improvements to be completed within the next 20 years to ensure compliance with all applicable level of service and other standards in this plan; and
- C. Annually monitor traffic volumes on the county's major roadway system depicted in Figure TC-1.

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

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

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

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

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

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

Rationale: This project is located in the El Dorado Hills Community Region. The LOS threshold is E per the General Plan. The Transportation Impact Study indicates that all intersections and all study segments operate at level-of-service E or better with traffic abatement, whether constructed by others, constructed by the County through the CIP or as a condition of the project.

<b>TIS Reference Number</b>	<b>Intersection</b>	<b>How Traffic Abatement was Addressed</b>
M1	Latrobe Road/Golden Foothill Parkway S	Complete - Constructed by Others
M2	Latrobe Road/Town Center Blvd.	To be conditioned of project
M3	Latrobe Road/White Rock Road	CIP 72374 will build- TIF fees are contribution
M4	Latrobe Road/Town Center Blvd.	To be conditioned of project
M5	Latrobe Road/White Rock Road	CIP 72374 will build- TIF fees are contribution
Queuing	Latrobe Road/White Rock Road	CIP 72374 will build- TIF fees are contribution
Queuing	Post Street/White Rock Road	CIP 72374 will build- TIF fees are contribution

The County has included improvements required along White Rock Road in CIP Project 72374 to be constructed before 2030. Construction of the improvement within the 10-year timeframe will provide General Plan LOS consistency. Payment of the Traffic Impact Fee is the project’s fair share contribution to the improvement.

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

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

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

**Rationale:** The proposed Project would expand the existing Montano de El Dorado retail center (Phase I) to include additional retail space, an office building, hotel, and a small amphitheater. Phase II would consist of a total of 10 buildings for a total floor area of approximately 75,400 square feet and 143,900 square feet of commercial and office uses. The project would also include the provision of outdoor special events within existing Phase I and within the proposed amphitheater and parking lots within Phase II. The Traffic Study which informed the EIR was finalized by Kimley-Horn and Associates in February 2019.

The non-CEQA findings of the traffic study include:

The proposed project is estimated to generate approximately 4,400 new daily trips, with 128 new trips occurring during the AM peak-hour, and 382 new trips occurring during the PM peak-hour.

The TIS indicates that all intersections, and all study segments operate at level-of-service E or better with implementation of traffic abatements listed in the TIS.

<b>TIS Reference Number</b>	<b>Intersection</b>	<b>How Traffic Abatement was Addressed</b>
M1	Latrobe Road/Golden Foothill Parkway S	Complete - Constructed by Others
M2	Latrobe Road/Town Center Blvd.	To be conditioned of project
M3	Latrobe Road/White Rock Road	CIP 72374 will build- TIF fees are contribution
M4	Latrobe Road/Town Center Blvd.	To be conditioned of project

M5	Latrobe Road/White Rock Road	CIP 72374 will build- TIF fees are contribution
Queuing	Latrobe Road/White Rock Road	CIP 72374 will build- TIF fees are contribution
Queuing	Post Street/White Rock Road	CIP 72374 will build- TIF fees are contribution

The County has included improvements required along White Rock Road in CIP Project 72374 to be constructed before 2030. Construction of the improvement within the 10-year timeframe will provide General Plan LOS consistency. Payment of the Traffic Impact Fee is the project’s fair share contribution to the improvement.

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

At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County’s 10-year CIP.

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County’s 20-year CIP.

**Rationale:** The County is conditioning the project to construct all road improvements necessary which are identified as abatements in the TIS. If the necessary improvements are constructed by the County or others prior to the triggering of abatement by the project, payment of Traffic Impact Fees is considered to be the project’s proportionate fair share towards abatement of this impact.

Necessary improvements included as conditions of the project are listed below for clarity.

- a) Construct the fiber optic interconnect (aka El Dorado County Intelligent Transportation System [ITS] Pilot Project) and perform signal coordination and timing modifications as necessary, between signalized intersections on Latrobe Road from the Golden Foothill Parkway (north) / Monte Verde intersection, to the Latrobe Road /US50 EB ramps,

concurrent with the Primary Driveway Signal construction. All improvements are subject to review and approval by DOT. The fiber-optic interconnect and associated signal coordination may be reimbursable, if the El Dorado County ITS Pilot Program is approved by the Board of Supervisors.

b) Construct recommended roadway Improvements #2 and #4 (as discussed in Section 3.12.4, "Non-CEQA Operations Analysis" in the Project EIR), Latrobe Road / Town Center Blvd Intersection Improvements prior to issuance of any building permit.

- Reconfigure the westbound approach to include one shared-left/through lane, and two right-turn lanes.
- Change the intersection signal timing to allow for a permitted/overlap phase for the westbound right-turn lanes. These improvements may require further restriping or improvements to the western portion of Town Center Boulevard as well as potential improvements to the privately owned roadway to the west.

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

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

Rationale: The County is conditioning the project to dedicate right-of-way, and construct, fund necessary improvements to mitigate the effects of traffic from the project or pay their fair share toward a necessary improvement that is included in the County's CIP. See Policy TC-Xf discussion. The proposed condition related to right of way is repeated below for clarity.

Offer of Dedication: Offer to dedicate a pedestrian easement of sufficient width to contain the Latrobe Road sidewalks, plus six inches. This condition may be waived by the County Engineer if sufficient width of the existing R/W is already documented.

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

All subdivisions shall be conditioned to pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision

Rationale: This project will pay Traffic Impact Fees.

Resolution 095-2020 of the Board of Supervisors of El Dorado County

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

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

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

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

**2.17 The project is consistent with General Plan Policy 5.1.2.1.**

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

Rationale: The project is consistent with this policy. The project was reviewed by DOT for adequate road access. The project was reviewed by the EDHFire for emergency vehicular access and required fire flow requirements. The project was also reviewed by PG&E, EDD and EID for electric, solid waste and public water/sewer service. The above agencies and utility companies had no significant issues or concerns with the project and have determined, as proposed and conditioned, public services and utilities would be adequate to serve the project. To ensure the project will comply with applicable regulations for public service, each entity recommended standard conditions of approval which have been incorporated into the project.

**2.18 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: EID and the EDH Fire reviewed preliminary project plans and the Project Draft EIR and determined that, as proposed and conditioned, adequate water flow, including water flow for fire protection, will be available to serve the project. With incorporation of standard conditions of approval, both EID and the EDH Fire have deemed water service to be adequate for the project.

**2.19 The project is consistent with General Plan Policy 5.1.2.3.**

General Plan Policy 5.1.2.3 requires new development pay its fair share of infrastructure costs.

Rationale: On July 2, 2019 EPS completed a PFFP for the project (Exhibit J) to address the requirements of Policy 10.2.1.4 and 10.2.1.5. As required by these policies, the PFFP was completed to ensure the project will 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” (Policy 10.2.1.4) and that “cost burdens of any civic, public, and community facilities, infrastructure, ongoing services, including ongoing operations and maintenance necessitated by a development proposal...are adequately financed to assure no net cost burden to existing residents may be required...” (Policy 10.2.1.5). The PFFP found that, as proposed and conditioned, the project would be consistent with these policies. The PFFP confirmed the project would pay its fair share toward the cost of public facilities and not create a new cost burden for existing residents in the project vicinity. Therefore, as the project will pay its fair share of new infrastructure costs, the project is consistent with this policy.

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

General Plan Policy 5.7.1.1 requires the applicant to demonstrate adequate emergency water supply, storage, conveyance facilities and access for fire protection exists or will be provided for new development.

Rationale: The project is consistent with this policy. EID and the EDH Fire reviewed preliminary project plans including water supply and storage infrastructure and determined that, as proposed and conditioned, adequate water flow, including water flow for fire protection, will be available to serve the project. Further, the EDH Fire conducted a site visit and reviewed preliminary project plans and determined adequate access for fire protection is available for the project.

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

General Plan Policy 5.7.3.1 requires the Sheriff’s Department review development applications to determine that adequate law enforcement capacity will be available to serve the project.

Rationale: The project is consistent with this policy. The El Dorado County Sheriff’s Office (EDSO) reviewed preliminary project plans and the DEIR and determined adequate law enforcement capacity is available to serve the project for the following reasons: 1) the project is located within 1/3 mile from the existing EDSO Sheriff’s substation in El Dorado Hills and 2) the project is not proposing new residential units, and therefore, would not

increase the population within the County requiring new or expanded law enforcement facilities.

**2.22 The project is consistent with General Plan Policies 5.7.4.1 and 5.7.4.2.**

General Plan Policies 5.7.4.1 and 5.7.4.2 require adequate emergency medical facilities and services be available prior to approval of new development.

Rationale: The project is consistent with this policy. The EDH Fire, the emergency medical services provider for the region, reviewed preliminary project plans as well as the project EIR and determined, as proposed and conditioned, that adequate emergency medical services will be available to serve the project.

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

General Plan Policy 6.2.3.1 requires adequate emergency water flow, fire access, firefighting personnel and equipment be available prior to approval of new development.

Rationale: The project is consistent with this policy. EDH Fire, as the responsible fire protection district, reviewed preliminary project plans and the project EIR and determined, as proposed and conditioned, that emergency water flow, fire access, firefighting personnel and equipment be available to serve the project.

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

General Plan Policy 6.2.3.2 requires adequate access exists, or can be provided, to ensure emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: The project is consistent with this policy. Both EDH Fire and County DOT reviewed preliminary project plans and the project EIR and determined, as proposed and conditioned, that the project would provide for adequate emergency vehicle access and private vehicle evacuation.

**2.25 The project is consistent with General Plan Policies 6.5.1.2 and 6.5.1.3.**

General Plan Policies 6.5.1.2 and 6.5.1.3 require an acoustical analysis and project-specific noise mitigation for any proposed noise levels exceeding the performance standards of General Plan Table 6-2 (Noise Level Performance Protection Standards for Noise Sensitive Land Uses Affected by Non-Transportation Sources) in the Public Health, Safety and Noise Element.

Rationale: The project is consistent with this policy. An acoustical analysis was completed as part of the project's DEIR. The DEIR reviewed the noise and vibration thresholds of Table 6-2 and analyzed impacts related to initial construction and operation of the project and associated effects at sensitive receptors (such as the single-family homes to the east of the project site). Anticipated noise and vibration impacts would include

project construction activities, long-term operational impacts from stationary or area noise sources on the project parcels (e.g. mechanical equipment) and long-term operational noise from on-site activities, including special events at the proposed community pavilion and other onsite locations (DEIR Noise and Vibration Impacts 3.10-1, 3.10-2, 3.10-4, 3.10-5, 3.10-6). To reduce overall noise and vibration impacts, the DEIR identified several mitigation measures including soundwalls, landscape screening and time-of-day limitations to amplified noise or speech that would reduce overall noise and vibration levels consistent with these policies. To ensure ongoing enforcement of noise mitigation measures, these measures have also been incorporated into the project's MMRP (Exhibit L).

### **Economic Development Element Policies**

**2.26 The project is consistent with General Plan Policies 10.2.1.4, 10.2.1.5, 10.2.2.2, 10.2.5.1 and 10.2.5.2.**

General Plan Economic Development Element Policies 10.2.1.4, 10.2.1.5, 10.2.2.2, 10.2.5.1 and 10.2.5.2 require discretionary projects be analyzed for any significant negative fiscal or economic effects to the County. Taken together, these policies establish thresholds of economic or fiscal significance and also provide appropriate methodology, as applicable, for determining the specific economic or fiscal impacts of a project. Further, these policies also prescribe specific remedies to ensure any identified negative fiscal or economic impacts, if any, are fully mitigated.

**Rationale:** The project is consistent with the above-referenced Economic Development Element policies. On July 2, 2019 EPS completed a PFFP for the project (Exhibit J) to address the requirements of Policy 10.2.1.4 and 10.2.1.5. As required by these policies, the PFFP was completed to ensure the project will 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” (Policy 10.2.1.4) and that “cost burdens of any civic, public, and community facilities, infrastructure, ongoing services, including ongoing operations and maintenance necessitated by a development proposal...are adequately financed to assure no net cost burden to existing residents may be required...” (Policy 10.2.1.5). The PFFP found that, as proposed and conditioned, the project would be consistent with these policies. The PFFP confirmed the project would pay its fair share toward the cost of public facilities and not create a new cost burden for existing residents in the project vicinity. On January 5, 2021, EPS also provided a supplemental memo with a qualitative assessment of the project's consistency with remaining Policies 10.2.2.2 (pay-as-you-go financing), 10.2.5.1 (avoidance of County General Fund revenues to fund the incremental cost of new municipal services) and 10.2.5.2 (determination

of a project's fiscal and economic effects) (Exhibit K). In this memo, EPS found the project consistent with these additional policies and found that the project would provide a significant positive fiscal and economic benefit to the County. The memo also provided detailed findings as to why further technical fiscal and economic analyses would not be recommended for this project.

### **3.0 ZONING FINDINGS**

#### **3.1 The project is consistent with Title 130.**

The project site is zoned Regional Commercial - Community Design Review Combining Zone (CR-DC) and proposes to rezone to the Regional Commercial - Planned Development Combining Zone (CR-PD). The project has been analyzed in accordance with the development standards for the CR zone district in Chapter 130.22.030 (Commercial Zone Development Standards), including minimum lot size, lot widths, building setbacks and Floor Area Ratio (FAR).

**Rationale:** The project is consistent with the Regional Commercial - Planned Development Combining Zone (CR-PD) zoning designation. Staff analyzed the project in accordance with Zoning Ordinance Chapter 130.22.030 (Commercial Zone Development Standards) for minimum lot size, lot width, maximum building height, building setbacks and FAR. Minimum building setbacks for the CR zone include 20 feet for the front and secondary front, zero or five feet for the sides and rear, and either 10 or 30 feet for property lines abutting residential zoned lands (east side of the project parcel). The planned development overlay allows use of flexible development standards, allowing specified exceptions to the development standards for the CR zone under the official Development Plan. As proposed, the Development Plan allows modifications to building setbacks, including minimum setbacks ranging from zero feet to more than 30 feet, modifications to the 50-foot maximum building height for specific structures and exceptions to the minimum lot size and lot width as shown above in Table 1 of this report. The project, as proposed and conditioned, is consistent with the Zoning Ordinance because the planned development has been designed to comply with the applicable development standards of the CR-PD as provided within Section 130.22.30 of County Code.

#### **3.2 The project is consistent with Chapter 130.28: Planned Developments.**

Chapter 130.28 of the Zoning Ordinance establishes standards for Planned Developments.

**Rationale:** Staff analyzed the project in accordance with applicable provisions of Chapter 130.28. Staff confirmed all proposed uses are allowed in the base (CR) zone as required in 130.28.030 (Combination with Other Zones). Further, staff submitted the proposed Development Plan for approval by

the Commission and Board consistent with Chapter 130.28.040 (Zone Change and Development Plan Requirements). Therefore, the requested Development Plan is consistent with Chapter 130.28.

**3.3 The project is consistent with Section 130.36.080: Sign Permit Requirements and Review Procedures.**

Staff analyzed the project and found it consistent with Section 130.36.080, including Section 130.36.080(A) (Sign Permit Required) and Section 130.36.080(B) (Uniform Sign Program Required).

Rationale: Staff analyzed sign permit requirements for Phase II of the Montano De El Dorado Master Plan and found the project consistent with applicable provisions of Sections 130.36.080(A) (Sign Permit Required) and 130.36.080(B) (Uniform Sign Program Required [new multi-tenant shopping centers]).

Section 130.52.040(A) (Development Plan Permit - Process) specifically provides for flexibility from the strict application of Zoning Ordinance standards to allow for proposed developments to utilize innovative site planning techniques and other effective design responses to site features, uses on adjacent properties and environmental constraints.

Section 130.52.040(D)(2) (Development Plan Permit - Scope of Approval) also allows a Development Plan Permit to establish project-specific design guidelines to be applied consistently throughout a common development, including but not limited to architectural standards and review processes, landscape standards, maintenance agreements, sign programs and CC&Rs.

As a result of broad changes to sign development standards in Zoning Ordinance Chapter 130.36 (Signs) since adoption of the (2006) Phase I Sign Program (Exhibit O), the applicant has requested additional time to create an ordinance-compliant Uniform Sign Program for Phase II. The applicant desires to create a sign program that best utilizes the site while conforming to the existing Phase I Sign Program to the greatest extent feasible under the strict limits of the current ordinance. Although Section 130.36.080(B) (Uniform Sign Program Required) would typically require the Planning Commission review a final Uniform Sign Program in conjunction with other entitlements, the adopted Development Plan for Phase I and Phase II provides flexibility to this concurrent review requirement due to the above circumstances. Therefore, the Planning commission has reviewed and conceptually approved the Draft Conceptual Phase II Uniform Sign Program (Exhibit P) under Development Plan PD15-0014 with a condition that the applicant submit a final ordinance-compliant Phase II Uniform Sign Program for review by the Commission

within one year after project approval consistent with Section 130.52.040(D)(2).

**3.4 The proposed use is consistent with Section 130.37.060: Noise Standards.**

Noise sensitive land uses affected by non-transportation noise sources shall not exceed standards set forth in Table 130.37.060.1 (Noise Level Performance Standards for Noise Sensitive Land Uses Affected By Non-Transportation Sources).

Rationale: The project is consistent with this Section. An acoustical analysis was completed as part of the project DEIR and the DEIR found project noise levels will be consistent with the thresholds of Table 130.37.060.1. For additional details, please refer to General Plan consistency Finding 2.22 above.

**4.0 DEVELOPMENT PLAN PERMIT FINDINGS**

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

Staff analyzed the proposed Development Plan for consistency with the General Plan and Chapter 130.28.

Rationale: The project is consistent with the General Plan and Chapter 130.28 as described further in Findings Sections 2.0 (General Plan Findings) and 3.2 (Zoning Findings - Planned Developments) above. Therefore, Finding 4.1 can be made.

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

Staff from applicable County and local agencies analyzed the project plans and proposed uses for consistency with all applicable regulatory requirements regarding design of the project site.

Rationale: Finding 4.2 can be made. The project was reviewed by DOT for adequate road access, the EDH Fire for emergency vehicular access and required fire flow requirements, PG&E for electric infrastructure requirements, EID for public water and sewer infrastructure requirements, EDD for solid waste disposal requirements and Planning and Building Department staff for compliance with building and zoning requirements. All reviewing agencies determined that, as proposed and conditioned, the project site will be adequate in shape and size to accommodate proposed uses and other required features.

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

County staff reviewed project plans and analyzed the proposed exceptions to the CR zone development standards for minimum lot size, lot width, building setbacks and building height as shown in Table 1 of this report.

Rationale: Finding 4.3 can be made. Exceptions to development standards under the Development Plan including minimum lot size, lot width, building setbacks and building height may be allowed in order to allow clustering of proposed commercial buildings and best accommodate the physical dimensions of the site. Exceptions to the above development standards will allow for a uniform design concept and shared amenities including parking/traffic circulation, landscaping, pedestrian walkways and shared common areas.

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

Staff analyzed the project for adequate public services and facilities as required by Finding 4.4.

Rationale: Finding 4.4 can be made. The project was reviewed by DOT staff for adequate road access and reviewed by EDH Fire for emergency vehicular access and required fire flow requirements. The project was further reviewed by PG&E, EDD and the EID for electric, solid waste and public water/sewer service. The above agencies and utility companies had no significant issues or concerns with the project and have determined, as proposed and conditioned, public services and utilities would be adequate to serve the project. To ensure the project will comply with applicable regulations for public service in perpetuity, each entity recommended standard conditions of approval which have been incorporated into the project.

4.5 **If mixed-use development is being proposed, the development conforms to the standards in section 130.40.180 (mixed use development) in article 4 (Specific Use Regulations) of this title.**

Staff reviewed the project plans for consistency with Finding 4.5.

Rationale: Required Finding 4.5 does not apply. Mixed-use development is not proposed for this project.

4.6 **The proposed development complies with the provisions of the –PD combining zone Section 130.28.010 (Planned Development (-PD) Combining Zone Established).**

Staff analyzed the project for consistency with Section 130.28.010.

Rationale: Finding 4.6 can be made. The project conforms to all applicable provisions of Section 130.28.010 as further explained in Finding 3.2 (Planned Developments) above.

## **5.0 PARCEL MAP FINDINGS**

The Subdivisions Ordinance Section 120.44.030 (Findings requiring disapproval) requires the approving authority not approve a tentative map if the approving authority makes any of the following findings:

### **5.1 That the proposed map is not consistent with applicable general and specific plans.**

Rationale: The project is consistent with all applicable General Plan policies. The project proposes to create 12 commercial parcels from an existing 16.85-acre parcel. Resulting lot sizes would range from 0.72 acres to 3.48 acres in size. The project parcel is located in the El Dorado Hills Community Region and the parcel's General Plan Land Use Designation is C. Accordingly, the proposed Parcel Map has been found to be consistent with the General Plan as set forth in Finding 2.2.

### **5.2 That the design or improvement of the proposed division is not consistent with applicable general and specific plans.**

Rationale: The design or improvement of the proposed Parcel Map has been found to be consistent with all applicable General Plan policies as set forth in Finding 2.2 and as described in Finding 4.1 above.

**5.3 That the site is not physically suitable for the type of development.**

Rationale: The project is consistent with the allowed uses in the CR zone. In addition, the requested Planned Development Combining Zone under Chapter 130.28.010 (Planned Development [-PD] Combining Zone Established) will allow for flexible development standards, promote more efficient utilization of land, reflect the character, identity and scale of the local community and best utilize the site to minimize use compatibility issues and environmental impacts. Further, to ensure the Development Plan is compatible for the site and will adequately accommodate all existing and proposed uses, the project has been reviewed by all applicable County departments and local agencies for compliance with health and safety regulations, including DOT, EDH Fire, EID, PG&E, EMD, AQMD and the Planning Division. As proposed and conditioned, the above departments and agencies have determined the proposed Development Plan is physically suitable for the type of development proposed.

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

Rationale: The project is consistent with the density requirements of the CR zone.

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

Rationale: As further specified in the Project CEQA Findings Section 1.4.2 (CEQA Guidelines Section 15091 and 15092 Findings) (Exhibit AA), mitigation measures imposed as part of project approval would eliminate or substantially lessen identified environmental impacts. Therefore, the proposed subdivision would not be expected to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.

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

Rationale: The project has been reviewed by all applicable County departments and local agencies for compliance with health and safety regulations, including DOT, the EDH Fire, EID, PG&E, EMD, AQMD and the Planning Division. As proposed and conditioned, all departments and agencies have determined the subdivision design and improvements will conform to all applicable health and safety regulations, and the project will not cause serious public health hazards.

**5.7 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: The proposed subdivision and associated improvements have been reviewed and approved by the EDH Fire as suitable to allow for compliance with Public Resources Code § 4291, applying to vegetative clearances and related fire protection measures to protect existing structures.

**5.8 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: Preliminary subdivision plans and easement documentation has been reviewed by the County's Surveyor's Office staff for potential conflicts with existing or proposed easements, and no conflicts have been found on the project parcels. To further ensure no potential easement conflicts will occur on the project site, the County's Surveyor's Office staff will conduct a final easement review of the project parcels, as part of standard procedure, prior to recordation of the final map.

**6.0 CONDITIONAL USE PERMIT FINDINGS**

**6.1 The issuance of the permit is consistent with the General Plan.**

Rationale: The proposed use is consistent with the General Plan, as discussed in detail in Finding 2.2 (General Plan consistency) above in this report.

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

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

Conditional Use Permit S17-0015 would allow outdoor special events and office uses within existing Phase I and proposed Phase II of the Montano De El Dorado Master Plan. The proposed office uses are unlikely to impact public health, safety and welfare as office uses are

completely enclosed in a building and would be compatible with other uses allowed by right in the CR zone.

To ensure proposed outdoor special events are not detrimental to public health, safety and welfare or injurious to the neighborhood, all outdoor special events would be limited to the type, date range(s), number and locations as shown and described in the attached Outdoor Special Events Plan (Exhibit I). Further, any amplified music or speech at the proposed community pavilion (amphitheater) would be limited to no more than once per week. With the exception of once-weekly outdoor movie nights (April–September), concluding at 10:00 p.m., all events with amplified sound would be conditioned to conclude no later than 9:00 p.m. To reduce noise impacts to adjacent neighborhoods, the pavilion area would be constructed in the shape of a shallow bowl with a central platform at the bottom of the bowl (Exhibit H). Further, sound barrier walls will surround the central platform on three sides and heavy landscaping would help to block unwanted noise. In addition, the Phase II site will also include a combination of sound walls and landscape buffers along the entire eastern boundary to minimize noise and visual impacts from special events outside the community pavilion.

**6.3 The proposed use is specifically permitted by Conditional Use Permit.**

Rationale: Outdoor entertainment and office uses are included as uses allowed by CUP for the CR zone on Zoning Ordinance Table 130.22.020 (Allowed Uses and Permit Requirements for the Commercial Zones). Therefore, Finding 4.3 can be made.