

ATTACHMENT 2

FINDINGS

File Number P07-0011 -Garrett Parcel Map
October 3, 2007 Zoning Administrator Hearing

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

FINDINGS FOR APPROVAL

1.0 CEQA Findings

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The Zoning Administrator finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Consistency Findings

- 2.1 The proposed tentative map, as conditioned and mitigated, is consistent with the Low-Density Residential General Plan land use designation and Ecological Preserve (EP) Overlay.
- 2.2 The proposal, as conditioned, is consistent with the intent of Policies 2.1.1.7, 2.2.5.21, 5.7.1.1, 6.2.3.2 and 7.4.1.1 and 7.4.4.4 because there are adequate roadways, utilities, and other public service infrastructure available, or will be provided, the project fits in with the dominant pattern of development in the direct project vicinity, wildfire hazards are addressed and the payment of fees satisfies the County's requirements for mitigation of the impacts to the rare plants in Mitigation Area 0 that are not within the U.S. Fish and Wildlife Service's Recovery Plan and no El Dorado County native oak trees are proposed to be removed.

3.0 Zoning Findings

3.1 The project is zoned Estate Residential 5-acre (RE-5) which establishes a minimum parcel size of 5 acres. The project would create two parcels ranging in size from 25.0 to 5.78 acres which is consistent within the RE-5 zone district. The project is consistent with the development standards of Section 17.28.210 of the RE-5 zone district for minimum lot width of 100 feet and minimum parcel size of five acres.

4.0 Tentative Map Findings

4.1 **The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance** because they are of adequate size for the Estate Residential 5-Acre (RE-5) zone district and there is adequate emergency and regular vehicular access, public facilities and existing utilities to support the residential uses needed by the parcels.

4.2 **The site is physically suitable for the proposed type and density of development** because the parcels have existing facilities and utilities or have been conditioned to have them to support the residential uses.

4.3 **The proposed tentative map is not likely to cause substantial environmental damage** because the access driveways to both parcels have existing encroachment and are all or partially completed, and the impacts from all other required improvements have been analyzed in the Initial Study and, as conditioned, have been found to be less than significant.

5.0 Design Waiver Findings

5.1.0 Allow a driveway standard for access to Parcel 2.

5.1.1 **Special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver** because Alternative access to proposed Parcel 2 on Farview Drive would involve introducing an eighteen-foot wide road to the parcel which would allow unwanted public access and require acquisition of lands through a neighboring parcel with a 20-foot wide easement, none of which are desirable to the surrounding residents or the applicant. Requiring the parcel to front a road pursuant to Volume II, section 2, B (5) would require creating a 100-foot frontage pursuant to section 17.28.210 (C) of the Zoning Code which would then create parcels exceeding the required 3 to 1 ratio because they must remain 5 acres or more in size. The new parcel with a driveway standard would remain in standard rectangular shapes which would conform to the dominant pattern of the parcels surrounding them, and they would use an existing encroachments and not introduce any new undesirable impacts to the existing road system or to the existing neighbors.

5.1.2 **Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property** because Strict application of the requirement for lots to meet the *El Dorado County Design and Improvement Standards* required frontage on a public street or a street meeting County

subdivision design and improvement standards would create String bean lots that exceed the 3 to 1 ratio and introduce new public access and road improvements that are not desired by any of the parcel owners involved for access from Farview Drive..

- 5.1.3 **The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public** because allowing a parcel to use a driveway standard access road for exclusive access to Parcel 2 will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.
- 5.1.4 **This waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division** because the approval of this design waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.