

Findings

1.0 CEQA FINDING

- 1.1 The Planning Commission has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal. A de minimis finding on the project's effect on fish and wildlife resources cannot be found and the project is therefore subject to the payment of State Fish and Game fees pursuant to State Legislation (California Fish and Game Code Section 711.4).
- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 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 their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

- 2.1 Tentative subdivision map TM05-1398 consists of an application to create three lots ranging in size from 1.138 acres to 4.056 acres. A design waiver request was submitted to allow the following: (1) Irregular shaped lots and frontage for lots two and three to be less than 100 feet as shown on the tentative map; and (2) Permit the existing roads to remain as they currently exist.

The tentative subdivision map shall only be approved or conditionally approved if all of the following findings are made:

2.1.1 The proposed tentative map, including design and improvements, is consistent with the General Plan policies and land use map.

As proposed, the tentative map conforms to the Medium-Density Residential General Plan land use designation. Pursuant to General Plan Policy 7.3.3.4, the Planning Commission has reviewed detailed biological information, prepared by Sycamore Environmental Consultants on December 21, 2005, and has determined that a 25-foot minimum non-building setback from the identified ponds and wetlands at the subject site is sufficient to protect the water quality and habitat value of the man-made ponds and wetlands in this ephemeral drainage. A building setback of 25-feet from the ponds and wetlands will have a less than significant impact on the Northwestern Pond Turtle and no impact on the California Red-Legged Frog. Because the biological report was completed and submitted prior to the adoption of the *Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.3.3.4* on June 22, 2006, the report is considered adequate for the purposes of establishing consistency with General Plan Policy 7.3.3.4 in this case. As such, the tentative subdivision map is consistent with all applicable General Plan policies, including Policy 7.3.3.4.

2.2.2 The proposed tentative map conforms with the applicable standards and requirements of the County's zoning regulations and the Major Land Division Ordinance.

As proposed and with the approval of the requested design waivers, the tentative map conforms with the development standards within the One-acre Residential (R1A) Zone District and the Major Land Division Ordinance.

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

As originally proposed, the site is physically suited for the proposed three lots because sufficient buildable area exists on Lots 1, 2, and 3 when a 25-foot pond and wetland setbacks, building setbacks, tree canopy retention standards, and septic area repair and replacement area requirements are applied to the site. As a result of the 25-foot non-building setback from the ponds and wetlands, the site is physically suitable for the proposed type and density of development.

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

The proposed subdivision is not likely to cause substantial environmental damage with the application of 25-foot pond and wetland setbacks consistent with General Plan Policy 7.3.3.4. Minimal project grading is proposed.

3.0 [DESIGN WAIVERS](#)

Irregularly shaped lots and frontage for Lots 2 and 3 to be less than 100 feet as shown on the tentative map; and permit the existing driveway serving proposed lots two and three

to be improved to 10 feet wide with a fire safe turnout rather than 24 feet wide as required by Standard Plan 101B.

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

The irregular shape of the proposed lots does not permit the frontage of each lot to be 100 feet. Access to the proposed lots will be provided by driveway connections and driveways linked to St. Ives Court and Mineshaft Lane which are existing County maintained roads.

3.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.

Strict application of the design and improvement requirements would require a wider driveway resulting in an increased amount of project grading and potential tree removal. The Department of Transportation and El Dorado County Fire Protection District have reviewed the design waiver request and support a driveway width of 10 feet.

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

The waivers will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the requested waivers will reduce project impacts to visual resources, such as tree canopy, and ground disturbances. As proposed, the design waivers will allow the subdivision to better fit within the context of the surrounding residential uses.

3.4 The waivers would not have the effect of nullifying the objectives of Article I of Chapter 16 of the County Code or any other ordinance applicable to the division.

As the requested design waivers are expected to result in less grading and tree removal, they will not nullify the objectives of Article I of the *El Dorado County Subdivisions Ordinance* to insure that growth and development of the county is orderly. The design waivers will also not invalidate the policies of the General Plan or development standards within the *Zoning Ordinance*.