

## **Findings**

### **1.0 CEQA FINDINGS**

- 1.1 A Mitigated Negative Declaration was prepared and a Notice of Determination (NOD) was filed January 14, 2008. Under Section 15162 of the CEQA Guidelines, a subsequent or supplemental negative declaration is prepared only where it is necessary to explore the environmental impacts of a substantial change not considered in the original negative declaration. The request to allow emergency vehicle access only off an existing driveway does not rise to the level of a “substantial change” to the environmental review previously performed under the mitigated negative declaration. In addition, approval of the revision will ensure the existing driveway to Lot 1 will not require further improvement, thereby reducing environmental impacts that were previously analyzed for said improvements to less than significant.
- 1.2 The Planning Commission, in exercising its independent judgment, reviewed the changes to the Mitigated Negative Declaration, including the clarifying text in the biological section, and the modification to the biological mitigation measures, including the deletion of MM BIO-1 and MM BIO-2 and the substitution of new MM BIO-1 for MM BIO-3. The Planning Commission found that the payment of the fee reduces the biological impacts to a less than significant level. The Planning Commission further found that the mitigation measures, as modified, are more protective of the environment than those previously proposed. The Planning Commission therefore adopted the revised Mitigated Negative Declaration based on the Initial Study prepared by staff.
- 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 Division - 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 GENERAL PLAN FINDINGS**

- 2.1 As proposed, overall project density would be approximately 0.24 dwelling units per acre. This is consistent with the General Plan land use designation of MDR for the subject site as defined within General Plan Policy 2.2.1.2 because the MDR land use

designation permits a maximum density of one dwelling unit per acre and parcel sizes that range from 1.00 to 5.00 acres.

- 2.2 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.

### **3.0 ZONING FINDINGS**

- 3.1 The subdivision contains two lots which are consistent with the development standards outlined in Section 17.28.080 of the Zoning Ordinance, including a minimum lot area of one acre. Proposed lot sizes range from 1.22 to 7.18 acres consistent with the minimum parcel sizes permitted under the Zoning Ordinance.
- 3.2 The existing residential uses at the subject site are permitted by right under Section 17.28.060.

### **4.0 ADMINISTRATIVE FINDINGS**

#### **4.1 Tentative Subdivision Map**

- 4.1.1 *The proposed map and design is consistent with the General Plan and Specific Plans adopted by the County.*

As proposed, the revised tentative map conforms to the MDR General Plan land use designation and applicable General Plan policies including access, oak tree canopy retention, public water service, grading, transportation, fire protection and wastewater disposal.

- 4.1.2 *The site is physically suitable for the type and density of development proposed.*

The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately 0.24 dwelling units per acre.

- 4.1.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat.*

A Mitigated Negative Declaration (Exhibit F) was prepared to assess project-related environmental impacts. Based on the Initial Study, the Planning Commission found that the project could have a significant effect on air quality, biological resources, cultural resources and hazards and hazardous materials. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration was prepared and certified. The proposed revisions will further reduce environmental impacts that were previously analyzed for access improvements to less than significant.

- 4.1.4 *The subdivision shall have adequate access to accommodate the proposed density.*

Access to Lot 1 will be provided by a driveway from St. Ives Court with emergency vehicle access only from Mineshaft Lane, while Lot 2 will be served by connecting to Mineshaft Lane. As such, the existing access points are sufficient to serve the two proposed lots.

- 4.1.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties.*

The El Dorado County Fire Protection District reviewed the proposed tentative subdivision map and will require fire safe driveways and sprinkler systems. Fire issues, including emergency vehicle access to Lot 1 are addressed within the project's conditions of approval.

## **5.0 DESIGN WAIVER APPROVAL FINDINGS**

### **5.1 Irregularly shaped lots and frontage for lot two to be less than 100 feet as shown on the tentative map.**

- 5.1.1 *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 Lot 2 to be 100 feet.

- 5.1.2 *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 not permit the subdivision of the subject site because of its existing irregular lot shape.

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

The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the requested waiver will permit the re-configuration of an existing irregularly shaped lot. Because the lots will be served by existing access points, only minor traffic impacts will result from project implementation.

- 5.1.4 *The waivers 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.*

The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.