

**Findings**

**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 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 This project is located within or adjacent to an area which has wildlife resources, and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,800.<sup>00</sup> after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.<sup>00</sup> recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,850.<sup>00</sup> is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.~~

1.2 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.

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.

**2.0 General Plan Findings**

2.1 The proposed use and design conforms to the General Plan in that the parcel is located within a community region, the proposed use and developmental density are consistent with both land use designation and floor area ratio policy, and the natural resources on site will be protected pursuant to related policies in the General Plan.

- 2.2 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan's general direction as to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density or intensity zoning district. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced zone change request. Based on this analysis and the conclusions reached in the staff report, the site is found to be suitable to support the proposed density.
- 2.3 The proposed project is consistent with policies 2.1.5.1 regarding building densities, 2.2.5.21 regarding compatibility with adjoining land uses, 5.2.1.2 regarding adequate water supplies, 5.2.1.3 regarding connecting to a public water system, 5.7.1.1 regarding adequate water for fire protection, 7.3.3.4 regarding buffers and setbacks for wetlands and streams, and 7.4.4.4 regarding oak woodland preservation and mitigation.

### **3.0 Administrative Findings for Tract Map**

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

As shown on the Tree Preservation Map (Exhibit F), adequate building areas for each lot are available considering the required septic replacement area, wetland setbacks, tree canopy retention, zoning setbacks, and fire safe standards. As such, the site is physically suitable for the proposed type and density of development.

- 3.2 **The proposed subdivision is not likely to cause substantial environmental damage.**

The proposed subdivision is not likely to cause substantial environmental damage with the implementation of the mitigation measures identified as Conditions in Attachment 1.

- 3.3 **The proposed Tentative Map, including design and improvements, is consistent with the General Plan policies and land use map after rezone.**

As proposed, the tentative map conforms to the High Density Residential General Plan land use designation and applicable General Plan policies including access, tree canopy retention, water service, wetland setbacks, grading, transportation, fire protection, and wastewater disposal.

**3.4 The proposed Tentative Map conforms to 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) and One-half Acre Residential (R20,000) Zone Districts and the Major Land Division Ordinance.

**4.0 Design Waiver Findings for Tract Map**

**Design Waivers Requested**

- a. Construct a four-foot wide sidewalk in lieu of the six-foot wide sidewalk required under Standard Plan 101B.
  - 1) Special conditions peculiar to the property proposed to be divided would justify the adjustment or waiver because the adjusted sidewalk width will better conform to the surrounding landforms, resulting in reduced grading and impact on the natural resources. In addition, the narrower sidewalk is consistent with the existing road cross section of Beasley and Voltaire Drive.
  - 2) Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property because the increased sidewalk width could require more extensive grading and drainage work with increased impacts to an area that is sensitive to soil disturbance.
  - 3) The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as the construction of a four-foot wide sidewalk in lieu of the six-foot wide sidewalk would not change or increase any of the above mentioned issues.
  - 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 as the construction of a four-foot wide sidewalk in lieu of a six-foot wide sidewalk would not directly conflict with any objective contained within Article II of Chapter 16.
- b. Reduce right-of-way for Voltaire Drive, C Drive, and D Drive to 44 feet, rather than the 50 feet required under Standard Plan 101B, and reduce the right-of-way for Beasley Drive to 50 feet, rather than the 60 feet required under Standard Plan 101B.

- 1) Special conditions peculiar to the property proposed to be divided would justify the adjustment or waiver because a 44 foot right of way will be more consistent with a right of way of the existing portion of Voltaire Drive and a 50 foot right of way will be more consistent with a right of way of the existing portion of Beasley Drive.
- 2) Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property, because the increased sidewalk width could require more extensive grading and drainage work with increased impacts to an area that is sensitive to soil disturbance.
- 3) The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public because the construction of a 44 foot roadway, rather than the 50 foot roadway, and the construction of a 50 foot roadway, rather than the 60 foot roadway, would not change or increase any of the above mentioned issues.
- 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 construction of a 44 foot roadway for Voltaire Drive, C Drive, and D Drive, and 50 foot roadway for Beasley Drive, would not conflict with any objectives stated in Article II of Chapter 16.