

Findings

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:

1.0 CEQA FINDINGS

- 1.1 Pursuant to CEQA Section 15162(b), it has been determined that no subsequent negative declaration is required because there is no substantial evidence that the conditions described in Section 15162(a) have occurred, including: (1) substantial changes to the project which would require major revisions to the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes occurred with respect to the circumstances under which the project has been undertaken which would require major revisions of the previous negative declaration due to the involvement of new significant environmental effects; or (3) a substantial increase in the severity of previously identified significant effects; or new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of the previous negative declaration was adopted, shows the project will (a) have one or more significant effects not discussed in the previous negative declaration.

The proposed project is a revision to previously approved Tentative Map for which a mitigated negative declaration was certified by the Board of Supervisors on September 25, 2007. The proposed project was reviewed against the environmental analysis presented in the mitigated negative declaration. It was determined that the project does not involve any significant impacts that are substantially more severe than those previously disclosed in the negative declaration. In addition, there is no new information of substantial importance showing that that the project would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than effects shown in the negative declaration. Further, there is no new information of substantial importance showing (i) that mitigation measures or alternatives previously found not feasible would in fact be feasible, and would substantially reduce one or more significant effect of the project, but the project proponents decline to adopt the mitigation measure or alternative or (ii) that mitigation measures or alternatives considerably different from those analyzed in the negative declaration would substantially reduce one or more significant effects, by which the proponents decline to adopt the mitigation measures or alternatives.

- 1.2 A \$50.⁰⁰ recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County.

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 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.

1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building 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 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 Single Unit Residential (R1) and R20,000 Zone Districts and the Major Land Division Ordinance.

4.0 DESIGN WAIVER FINDINGS FOR TRACT MAP

Design Waivers Requested

1. 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.
2. 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 feet right of way will be more consistent with a right of way of the existing portion of Voltaire Drive and a 50 feet 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 feet roadway, rather than the 50 feet roadway, and the construction of a 50 feet roadway, rather than the 60 feet 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 feet roadway for Voltaire Drive, C Drive, and D Drive, and 50 feet roadway for Beasley Drive, would not conflict with any objectives stated in Article II of Chapter 16.