

Additional Design Waiver Finding:

5.0 DESIGN WAIVER FINDINGS

5.1 The Design Waivers requested are subject to specific findings under Section 16.08.020 of the El Dorado County Zoning Ordinance described below.

Design Waiver Request: To place Double Chip Seal over 6 inch Aggregate Base in lieu of the 2.5 inch Hot Mix Asphalt over 6 inch Aggregate Base as specified in condition #11.

- A. There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver.
- B. Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property.
- C. The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.
- D. The waiver would not have the effect of nullifying the objectives of this Article or any other law or ordinance applicable to the subdivision.

Response to Required Findings:

- A. The project proposes a chip seal surface in lieu of asphalt concrete. Chip seal surfacing is consistent with the existing roadways serving the property.
- B. Strict application of the standard would result in additional cost in materials and result in surfacing that is inconsistent with the area.
- C. Chip sealed surfacing will not be injurious to adjacent properties or detrimental to the public health, safety, convenience and welfare, because as conditioned, the chip seal surfacing will provide the equivalent benefit of hard surfacing in snow country, and comply with all fire safety, environmental health, and access requirements.
- D. 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 the County Code or any of the other applicable ordinances discussed within the staff report.

RECOMMENDATION:

Staff recommends the Board of Supervisors take the following actions:

- 1) Adopt the Negative Declaration, based on the Initial Study prepared by staff;

- 2) Approve General Plan Amendment A07-0015 amending the land use designation from Medium Density Residential (MDR) to Low Density Residential (LDR) based on the Findings presented;
- 3) Approve Z07-0049 rezoning Assessor's Parcel Number 042-680-32 from Medium Density Residential (MDR) to Low Density Residential (LDR) based on the Findings presented;
- 4) Conditionally approve Parcel Map P06-0006, based on the Findings and subject to the Conditions of Approval presented;
- 5) Approve Design Waiver to place Double Chip Seal over 6 inch Aggregate Base in lieu of the 2.5 inch Hot Mix Asphalt over 6 inch Aggregate Base based on the Findings and subject to the Conditions of Approval presented;
- 6) Adopt Ordinance for said rezone; and
- 7) Continue item for final action to occur with the adoption of the Resolution approving the General Plan Amendments considered by the Board during the "General Plan Window", tentatively scheduled for January 13, 2015.