

FINDINGS

Rezone Z16-0009/Anderson Planning Commission/July 13, 2017

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which says that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Rationale: Staff recommends that the Planning Commission find that there is no possibility that the proposed rezone would have any significant effect on the environment as the rezone is not anticipated to have any physical environmental impacts. As is the property contains a primary and secondary dwelling unit and is developed to its maximum residential potential. The rezone to R3A would to reduce the potential density and intensity of development permitted at the site, resulting in no increases in related impacts. No new or expanded structures are proposed, there will be no additional earthwork or grading of the site, and the use of the property would be restricted to those uses allowed by the Zoning ordinance.

A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

- 1.2 The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

Policy 2.2.1.2 identifies Adopted Plan areas as those for which specific land use plans have been prepared and adopted. These plans (e.g., specific plan or community plan) are accepted and incorporated by this reference, and the respective land use map associated with each such plan is hereby adopted as the General Plan map for each such area. The adopted plan for the Tahoe Basin is the Regional Plan for the Tahoe Basin and the Plan Area Statements, both adopted by the Tahoe Regional Planning Agency (TRPA), and the Meyers Community Plan, adopted by El Dorado County and TRPA.

Rationale: The project proposes to rezone a 4.378-acre site from Single-unit Residential (R1) to Three-acre Residential (R3A). The site is 4.378 acres

in size and 300 feet wide. The proposed project is compatible with the land use designation.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.

Rationale: The project has been reviewed in accordance with General Plan Policy 2.2.5.2 and has been found to be consistent with all applicable policies of the General Plan. The proposal is consistent with the intent of the General Plan, as determined within the General Plan Findings.

2.3 The project is consistent with General Plan Policy 2.2.5.3.

Policy 2.2.5.3 requires that the County evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include, but are not limited to, the following nineteen criteria:

1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;

Rationale: The project would not involve new development. The site is currently connected to STPUD water supply for potable water.

2. Availability and capacity of public treated water system;

Rationale: The project would not involve new development. The site is currently connected to STPUD sewer.

3. Availability and capacity of public waste water treatment system;

Rationale: The project is currently connected to an STPUD sewer connection. There is no proposed additional development at the site.

4. Distance to and capacity of the serving elementary and high school;

Rationale: The project would not create any lots and would not result in a

zone that would allow the creation of new lots. As such, there would be no impact on school capacity.

5. Response time from nearest fire station handling structure fires;
Rationale: The nearest fire station is located approximately two miles from the site. There is no proposed additional development at the site, so the project would not affect acceptable fire service ratios, response times, or other performance objectives.
6. Distance to nearest Community Region or Rural Center;
Rationale: The nearest Rural Center is Phillips, approximately six miles to the West along Highway 50.
7. Erosion hazard;
Rationale: There is no proposed additional development at the site, so no erosion is anticipated.
8. Septic and leach field capability;
Rationale: No new septic systems are proposed.
9. Groundwater capability to support wells;
Rationale: No new wells or development t are proposed.
10. Critical flora and fauna habitat areas;
Rationale: There is no proposed additional development at the site, so no disturbance of critical biological resources is anticipated.
11. Important timber production areas;
Rationale: The project is not located near and would not adversely affect timber resource areas.
12. Important agricultural areas;
Rationale: The project is not located near and would not adversely affect agricultural areas.
13. Important mineral resource areas;
Rationale: The project is not located near and would not adversely affect mineral resource areas.

14. Capacity of the transportation system serving the area;
Rationale: The project does not include any additional development and would not affect transportation system capacity.
15. Existing land use pattern;
Rationale: The project would be consistent with the adjacent existing residential uses in the area. Although there are no other site in the vicinity that are zoned R3A, the area has many parcels that are zoned R1 or RE-5 residential.
16. Proximity to perennial water course;
Rationale: The site is located approximately ½-mile from the Upper Truckee River. The rezone would not affect any water courses, as there is no proposed additional development at the site.
17. Important historical/archeological sites; and
Rationale: There is no proposed additional development at the site. There are no known historic/archaeological sites that would be affected by the project.
18. Seismic hazards and present of active faults.
Rationale: There are no active faults or extraordinary seismic hazards in the vicinity of the project.
19. Consistency with existing Conditions, Covenants, and Restrictions.
Rationale: The project would not result in any physical changes to the site, and each parcel would continue to be restricted by development and maintenance standards of the existing CC&Rs.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Chapter 130.23.

The parcel is currently zoned Single-unit Residential-Tahoe (R1-T) and would be rezoned to R3A-T with approval of the project. The project has been analyzed in accordance with Zoning Ordinance Section 130.23.030 (Development Standards) for minimum lot size, widths and building setbacks.

Rationale: Properties zoned R3A-T have a minimum lot size of three acres, with a minimum lot width of 150 feet. The site is 4.378 acres in size and 300 feet wide. The minimum setbacks for non-agricultural buildings are 30 feet for

front yards, 30 feet for sides, and 30 feet for rear yards. The existing house on the project site is located 15 feet from the rear property line. The rezone would result a legal non-conforming structure. Planning staff finds that the nature of the project site and the surrounding parcels is more consistent with the medium density residential land uses allowed within the R3A-T zoning designation as opposed to the high density residential uses allowed within the current R1-T zoning designation.