

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 should be made:

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The 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 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.

2.0 GENERAL PLAN FINDINGS

- 2.1 The project is consistent with the Adopted Plan (AP) land use designation of the subject site as defined by the Tahoe Regional Planning Agency's (TRPAs) Regional Plan, Plan Area Statements 148 and 150, and Code of Ordinances. As conditioned, the project is consistent with all applicable ordinances and rules of the TRPAs regulating documents.
- 2.2 As conditioned, and with adherence to the Zoning Ordinance, the project is consistent with all applicable Policies of the General Plan, including:
 - 2.2.1 Policy 2.2.5.3 (rezoning) because the rezone is not creating a higher density or intensity zoning district as the location of the zone boundary line is being adjusted to coincide with the Plan Area Statement boundary. Essentially, the existing commercial zoning is decreasing in size while the residential zoning is increasing.
 - 2.2.2 Policy 2.2.5.21 (compatibility with surroundings) because the project is not proposing any new development. The residential zoning is consistent with the neighboring residential parcels to the east and within the parcel, and the commercial zoning is located along Highway 89 where other commercial/recreational uses currently exist;
 - 2.2.3 Policy 5.1.2.1 (adequate utilities and public services) because the project will connect to existing public water and sewer, electrical, and telecommunication facilities currently existing within the State's right-of-way and throughout the property;
 - 2.2.4 Policy 6.2.3.2 (adequate access) because the project will utilize an existing paved circular driveway and 12 foot wide access road and will record a road easement over the front 20 feet of the commercial lots fronting Highway 89 and a 20 foot wide road and utility

easement over the 12 foot wide road leading to the residential properties behind the commercial lots; and

- 2.2.5 Policy 2.10.1.1 (Tahoe basin) because the rezone would align the County's Zoning District boundaries with those boundaries of the TRPA's Plan Area Statements.

3.0 ZONING FINDINGS

- 3.1 With an approved rezone of Tahoe Commercial (CT) to Tahoe One-family Residential (TR1), the realigned zoning district boundaries will be consistent with the Plan Area Statements 148 and 150 of the TRPA's Tahoe Regional Plan. The TR1 Zoning District permits the proposed parcel size of 15.42 acres under Section 130.56.040.A.
- 3.2 The existing residential use at the subject site is permitted by right under Section 130.56.040.A and the existing commercial uses are planned for demolition. Future commercial uses on the three CT zoned parcels will be required to comply with Section 130.58.020 or 030 at time of building permit. As proposed, and with an approved rezone, the project meets all applicable development standards contained within Sections 130.56.040 and 130.58.040 of the Zoning Ordinance.

4.0 PARCEL MAP FINDINGS

- 4.1 **The proposed tentative map, including design and improvements, is consistent with the General Plan** because any necessary improvements have been considered by the reviewing agencies to determine that, with an approved rezone to TR1, this Tentative Parcel Map is consistent with the policies of the General Plan and the Tahoe Regional Plan, as analyzed and described in the Staff Report and the General Plan Findings above.
- 4.2 **The proposed Parcel Map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance** because as proposed, conditioned, and with approved design waivers of the DISM and an approved rezone to TR1, the Tentative Parcel Map conforms to the development standards within the TR1 and CT zone districts and the Minor Land Division Ordinance.
- 4.3 **The site is physically suitable for the proposed type and density of development** because the project does not propose any new development. Three commercial buildings will be demolished and at some point in the future as many as three new commercial buildings could be developed with County and TRPA permits. The project avoids disturbances to slopes in excess of 30 percent and is compatible within the surrounding land uses in the project vicinity. The proposed project, as conditioned, meets the density and minimum parcel sizes allowed in the development standards of the TR1 and CT zone districts.
- 4.4 **The proposed subdivision is not likely to cause substantial environmental damage** because the proposed Parcel Map is not anticipated to cause substantial environmental damage as conditions of approval have been included that reduce the potential for the project to cause significant effects on the environment to insignificant levels. The project site includes a residential unit and three dilapidated commercial structures with existing

supporting access roadways, electrical, sewer, water, and telephone facilities available to the site. No additional development is proposed at the project site. Demolition of the commercial structures will require a building permit to ensure there will be no environmental damage.

5.0 DESIGN WAIVERS

Four design waivers have been requested to deviate from the DISM, as discussed individually below. Section 120.08.020 of the El Dorado County Major Land Divisions Ordinance provides that the County may grant a Design Waiver upon finding that each of the following factors exist:

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

The four findings are addressed for each waiver request as follows:

5.1 Modification of Standard Plan 101C minimum road width of 18 feet to be reduced to 12 feet for connecting road to proposed Lots 1, 2, and 4.

1. *There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver.* The roadway is paved and 12 feet wide with three fire hydrants along its length. The Transportation Division supports the reduced width of the driveway. No new development is proposed and the road would be used by three existing residential lots.
2. *Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property.* Widening of the existing driveway to 18 feet for the entire length would require additional grading and tree loss and result in additional unnecessary runoff. The road would be used by three existing residential lots.
3. *The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience, and welfare of the public.* The driveway currently exists and is being used by three residences. Three fire hydrants are located along the length of the

roadway. The exiting residential driveways off the roadway could be used as turnarounds for fire safety equipment.

4. *The waiver would not have the effect of nullifying the objectives of this Article or any other law or ordinance applicable to the subdivision.* The Transportation Division has reviewed the proposed design waiver and approves of this reduced driveway width.

5.2 Modification of Standard Plan 101C minimum right-of-way requirement of 50 feet to be reduced to 20 feet for connecting road to proposed Lots 1, 2, and 4

1. *There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver.* The roadway is paved and 12 feet wide. All public utilities exist for the site and are located under or within close proximity to the roadway. Only two other existing homes would utilize this roadway for access. The Transportation Division supports the reduced width of the right-of-way.
2. *Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property.* Requiring a 50 foot right-of-way for a roadway that is only 12 feet wide, mostly straight, and relatively flat is not necessary. The Transportation Division has determined that a 20 foot right-of-way is sufficient to accommodate a 12 foot roadway and all necessary public utilities.
3. *The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience, and welfare of the public.* The driveway currently exists and is being used by three existing residences. The Transportation Division has determined that a 20 foot right-of-way is sufficient to accommodate a 12 foot roadway and all necessary public utilities.
4. *The waiver would not have the effect of nullifying the objectives of this Article or any other law or ordinance applicable to the subdivision.* The Transportation Division has reviewed the proposed design waiver and approves of this reduced right-of-way.

5.3 Waiver of Standard Plan 101C roadway structural requirement of 2.5 inches of hot mix asphalt over 6 inches of class 2 aggregate base.

1. *There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver.* The roadway is paved and in good shape. All public utilities exist for the site and are located under or within close proximity to the roadway. Only two other existing homes would utilize this roadway for access. The Transportation Division supports this waiver.
2. *Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property.* Requiring the removal of the existing paved road to build a new road to this design standard

- would be costly and is not necessary. The Transportation Division has determined that the existing paved roadway is sufficient to accommodate traffic to/from the three existing residences.
3. *The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience, and welfare of the public.* The paved driveway currently exists and is being used by three existing residences. The Transportation Division has determined that the existing paved roadway is sufficient to accommodate the three residences.
 4. *The waiver would not have the effect of nullifying the objectives of this Article or any other law or ordinance applicable to the subdivision.* The Transportation Division has reviewed the proposed design waiver and approves of this waiver.