

Findings

1.0 CEQA Findings

- 1.1 The County has considered the negative declaration together with the comments received and considered during the public hearing 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 proposed project could not have a significant effect on the environment.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Findings

- 2.1 As proposed, the project is consistent with the Commercial land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because the Commercial land use designation includes retail/office/services as compatible uses.
- 2.2 The proposal is consistent with the intent of General Plan Policies Objective 2.1.1, 2.1.1.2, 2.1.1.3, 2.1.1.7, 2.2.1.2, 2.2.1.5, 2.2.3.1, Objective 5.3.1, 5.3.1.1, 5.3.1.7, 5.7.1.1 and 6.2.3.2 concerning Community Regions, the requirements and intent of a planned development, the floor/area ratio, supporting infrastructure, and emergency access and public protection. Because of the existing adequate access, site design, and current compatibility within the context of the surrounding uses for the current continued use as residential, it is consistent with the General Plan Policies identified above.

3.0 Zoning Findings

- 3.1 The project is consistent with the El Dorado County Zoning Ordinance designation of Commercial because the existing residences are legal nonconforming and the addition of the Planned Development zoning overlay will allow discretionary review of any future change to a commercial use by the Planning Commission. Approval of the Development Plan permits the parcels to be less than 50-feet wide to allow the existing residences to have proportionate sections of the parent parcel and prevents the relocation of the supporting infrastructure.
- 3.2 The project, as proposed and conditioned, along with the zone change to Commercial-Planned Development, is consistent with the El Dorado County Zoning Ordinance Development Standards because the five parcels ranging in size from create five commercial parcels ranging in size from 5,429 to 7,122 square feet on a 0.84-acre parcel, and the existing buildings meet the development standards pursuant to section 17.32.040 with the approval of the Planned Development to allow five parcels to have widths less than 50 feet and to retain the residential uses.

4.0 ADMINSTRATIVE FINDINGS

4.1 Planned Development PD07-0032 Findings

- 4.1.2 **The planned development zone request is consistent with the General Plan.** The planned development request is the existing five dwellings split separately onto five individual parcels and can be found to be consistent with the General Plan because the application is for an existing legal nonconforming residential use that was originally developed for residential use and with the approval of the Development Plan to allow individually owned commercial enterprises to serve the residents, businesses and visitors, consistent with the Commercial land use designation, and is consistent with applicable policies as outlined in Finding 2.2.
- 4.1.3 **The proposed development is so designed to provide a desirable environment within its own boundaries.** The proposed development exists and is providing landscaping, lighting, and historic design features which will maintain the environment for the residents of the Camino Community and provide affordable housing opportunities and preservation of the historical nature and importance to the community. The addition of the Planned Development zoning overlay permits further opportunities for the Planning Commission to review any specific commercial proposal.
- 4.1.4 **Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.** With the addition of the Planned Development overlay creating the opportunity to evaluate any changes in use in the future with the submission of a revision to an approved Development Plan, the legal nonconforming residential uses could remain until a specific commercial proposal is submitted. Except for minimum parcel widths for the individual units, the can be found to exist in compliance with all County Code requirements.
- 4.1.5 **The site is physically suited for the proposed uses.** The site is physically suited for the proposed uses since the residential use has existed within the current business, commercial environment for many years.
- 4.1.6 **Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.** All required utilities are available for the residential uses to continue, including, but not limited to, water supply, sewage disposal, roads, and utilities. Any future commercial use proposed will be analyzed at that time subject to Planning Commission review.
- 4.1.7 **The proposed uses do not significantly detract from the natural land and scenic values of the site.** The proposed uses do not significantly detract from the natural land and scenic values of the site since it is devoid of native trees and shrubs except for those along the south and west parcel boundaries and has previously been mass graded. No physical changes are proposed with this project.

4.2 Parcel Map P07-0046 Findings

- 4.2.1 **The proposed parcel map, including design and improvements, is consistent with the General Plan policies and land use map.** The parcel map request is consistent with the General Plan, because the application is to subdivide a multi single-family unit commercial lot. The approval of the Development Plan to allow five parcels to have widths less than 50 feet and to retain the residential uses, and is consistent with applicable policies as outlined in Finding 2.2 with the addition of the Planned Development zoning overlay.
- 4.2.2 **The proposed parcel map does conform to the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.** The proposed parcel map conforms to the applicable standards and requirements of the County's zoning regulations except for minimum parcel size for each unit and the Minor Land Division Ordinance, because the project site has been evaluated in accordance with the Commercial development regulations, and it has been found that the project complies with the minimum design standards, as conditioned.
- 4.2.3 **The site is physically suitable for the proposed type and density of development.** The site is physically suitable for the proposed type and density of development because the site is located within a commercial district, and it can be found that the site is suited for the retail/office/warehouse development. No physical changes are proposed with this project. The existing residential use will remain until such time as a future request is made to revise the Development Plan.
- 4.2.4 **The proposed parcel map is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.** The proposed parcel map will not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. The parcel map is an administrative document to allow the individual ownership of buildings within the development. No environmental impacts will be created by the parcel map. No physical changes are proposed with this project.
- 4.2.5 **The design of the parcel map is not likely to cause serious public health hazards.** The design of the parcel map is not likely to cause serious public health hazards. The proposed parcel map would not create an undue negative impact upon the Camino community. It can be found that the improvements would not be detrimental to the public health, safety and welfare or injurious to the Camino community because the surrounding infrastructure is in place that can support it.

Conditions

Planning Services

1. This rezone, parcel map and development plan is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-I and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Zone change from Commercial (C) to Commercial-Planned Development (C-PD);

Development Plan to allow the creation of 5 lots with less than the minimum parcel width of 50 feet, each to retain the existing nonconforming single-family residential use; and

Tentative parcel map to create five commercial parcels ranging in size from 5,429 to 7,122 square feet on a 0.84-acre parcel.

Approval of the Development Plan would permit minimum parcel widths as follows:

Parcel 1: 32 feet

Parcel 2: 42 feet

Parcel 3: 44 feet

Parcel 4: 40 feet

Parcel 5: 42 feet

The approval of the Development Plan permits the residential uses to remain. Any proposal to change the residential use of any of the five buildings to commercial requires the submittal of an application for a revision to the approved Development Plan.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Parcel Map Conditions

2. All Development Services fees shall be paid prior to clearance recording the parcel map.
3. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
4. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

5. The applicant shall submit Covenants, Conditions, and Restrictions (CC&Rs) to the Development Services Department for review and approval prior to filing of the parcel map. Said CC&Rs shall provide for the maintenance and operation of the common septic system and any common areas.

El Dorado County Surveyor

6. All survey monuments shall be set prior to filing the parcel map.
7. The road serving the development shall be named by filing a completed Road Name Petition with the County Surveyor's Office prior to filing the Parcel Map.
8. Prior to filing the parcel map, a letter to the County Surveyor shall be required from all agencies that have conditions place on the map. The letter shall state that "all conditions placed on the map by (that agency) have been satisfied. The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

