

FINAL FINDINGS

Subdivision Map Amendment TM-C22-0002/Willsey As Approved by the Board of Supervisors on October 24, 2023

1.0 CEQA FINDINGS

- 1.1 The subject Subdivision Map Amendment has been found to be Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the CEQA Guidelines which states that Minor Alterations in Land Use Limitations not resulting in the creation of any new parcel are exempt.
- 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 El Dorado County Planning and Building Department, at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 **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 subject parcel is in the Tahoe Regional Plan, Tahoe Paradise Meadowvale, Plan Area Statement 120, and residential structures are a permissible use. This use also complies with the General Plan. Staff finds the project is consistent with the General Plan and Adopted Plan.

3.0 ZONING FINDINGS

- 3.1 No Zoning Ordinance Findings are applicable. An application was also submitted requesting a reduction to the 20-foot setback required by the Zoning Ordinance. This matter was heard by the El Dorado County Zoning Administrator on August 16, 2023 and was approved.

4.0 SUBDIVISION ORDINANCE (MAP AMENDMENT) FINDINGS

- 4.1 *That there are changes in circumstances which make any and all of the conditions of such a map no longer appropriate or necessary.*

Rationale: The 25-foot setback line is common on many of the Tahoe Paradise subdivision maps which were all recorded in the late 1960's. However, after the recording of this map the Tahoe Regional Planning Agency (TRPA) was created in 1972 and by 1987 was regulating the land coverage and depth of excavation on every lot in the Tahoe Basin. These two (2) TRPA development standards make meeting the 25-foot subdivision setback line, while leaving enough development rights to build a single-family residence, extremely difficult.

Covered parking is a reasonable use of the land in the Tahoe Basin due to the winter snow load and has been the subject of numerous setback reductions granted in the Tahoe Basin. This request enables submittal of a garage project that complies with TRPA's land coverage regulations, reduces the overall grading requirements of the site, and conforms to the requirements of the utility companies that serve the property.

Staff has determined that the Subdivision Map Amendment is necessary for the reasonable use of the land as there are no other suitable locations on the subject parcel outside of the front yard setback that would allow for a garage to be developed consistent with TRPA's land coverage requirements.

4.2 *That the modifications proposed do not impose any additional burden on the present fee owner of the property.*

Rationale: The applicant is the present fee owner of the property. The proposed Subdivision Map Amendment would result in the reduction of the subject easement in benefit the owner by allowing more of the lot to be utilized.

4.3 *That the modifications proposed do not alter any right, title or interest in the real property reflected in the recorded map.*

Rationale: All potentially impacted agencies were included in consultation on this project. None have submitted comments or concerns that the proposed amendment would alter any right, title, or interest in the real property reflected in the recorded map.

4.4 *That the map as modified conforms to the provisions of Section 66474 of the Government Code.*

Rationale: The provisions of Section 66474 of the Government Code (Subdivision Map Act) list the Findings for approval or denial of a Subdivision Map. The Findings section include consistency with the General Plan, suitability of the site for the type and density of development, no significant environmental effects, or public health problems, and does not conflict with

public access easements. The proposed easement reduction does not affect any of the provisions of Findings for approval of the Subdivision Map Amendment. The amended Subdivision Map would remain suitable for the type and density of development, no physical change to the environment would occur, and the Subdivision Map would remain consistent with the General Plan.

CONDITIONS OF APPROVAL

Subdivision Map Amendment TM-C22-0002/Willsey Board of Supervisors/October 24, 2023

Planning Services

1. This Subdivision Map Amendment approval is based upon and limited to compliance with the project description and following exhibits:

Exhibit BAmended Subdivision Map

Any deviations from the project description, exhibits, or Conditions of Approval (COA) set forth below shall 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:

Amend recorded Subdivision Map E-072B to reduce an existing setback line from 25 feet to 0 (zero) feet.

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 COA 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 COA hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. **Project Modifications:** Building design and building placement shall be completed in conformance with the plans submitted and in conformance with the COA herein. Minor variations are allowed, however, any major changes in the location of buildings shall require Planning Services review and approval.
3. **Condition Compliance:** Prior to issuance of certificate of occupancy of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.
4. **Notice of Exemption Fee:** A \$50.00 administration fee is required by the El Dorado County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services upon project approval.
5. **Permit Implementation:** Pursuant to Zoning Ordinance Section 130.54.060 (Time Limits, Extensions, and Permit Expiration), implementation of the project must

occur within 24 months of approval of this project, otherwise this permit shall become null and void. The applicant may request a time extension with the Planning and Building Department at least 30 days prior to permit expiration. If a timely request is filed, the County may, at its discretion, extend this time limit by not more than 36 months. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.

6. **Legal Indemnity/Hold Harmless Agreement:** 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.

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 by El Dorado County.

Surveyor

7. It is hereby directed that the property owners shall submit a “Certificate of Correction” effecting Subdivision E-72. The certificate shall be prepared and submitted by an appropriately licensed professional, to the County Surveyor, pursuant to the Subdivision Map Act and County Code, for review. Then upon approval by the El Dorado County Surveyor the “Certificate of Correction” shall be recorded in the El Dorado County Recorder’s Office. The property owners are responsible for all associated processing and recording fees.

Department of Transportation

8. Prior to Issuance of building permits, the applicant shall execute a hold harmless and indemnification agreement protecting the County from liability arising as a result of the approval of this setback Variance. The form of said document shall be reviewed and approved by the County Counsel, and once approved, shall be recorded with the El Dorado County Recorder’s Office. An official copy shall be sent to the Department of Transportation, South Lake Tahoe office.