

FINDINGS

Subdivision Map Amendment TM-C23-0001/Whitehouse Board of Supervisors/October 24, 2023

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the Staff Memo and evidence in the record, the following Findings can be made pursuant to El Dorado County Ordinance Code 120.72 and Government Code § 66472.1.

1.0 CEQA FINDINGS

- 1.1 The 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 that constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department-Planning Services 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 for this Subdivision Map Amendment. Administrative Permit ADM23-0003 to reduce the 20-foot front setback to ten (10) feet for this site was approved on July 19, 2023.

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: An additional setback line is common on many of the Tahoe Paradise subdivision maps, which were all recorded in the 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. For this proposed project, the TRPA development standard makes meeting the 20-foot subdivision setback line impossible, given the constraints arising from the location of the existing residence, developed in 1974, combined with the land coverage limitations for the parcel.

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, benefitting the owner by allowing the existing parking pad to be partially relocated and covered by a garage.

- 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.