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DATE: October 24, 2017

TO: Board of Supervisors

FROM: Evan Mattes, Assistant Planner

RE: Z15-0003/TM15-1527/Granite Creek Subdivision; Findings for Denial

Discussion:

The Granite Creek Tentative Subdivision Map and Rezone (TM15-1527/Z15-0003), "Project", came before the El Dorado County Planning Commission at a duly noticed public hearing on October 12, 2017. Upon conclusion of the public hearing, the Planning Commission voted, 3-2 (Hansen, Shinault), to recommend denial of the Project, subject to the adoption of Findings. The Planning Commission made the following Findings of Fact in support of its action to recommend denial of the Project:

GENERAL PLAN FINDINGS

1. The Project was found by Planning Commission to be inconsistent with Policy 8.1.3.2 which states that, "agriculturally zoned lands including Williamson Act Contract properties shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands. Those parcels used to buffer agriculturally zoned lands shall have the same width to length ration of other parcels."
2. The Project proposes a 200-foot buffer and 20-acre minimum parcel size for parcels located along the southern boundary, which was determined to intensify the conflicts between residential and agricultural uses and would be incompatible with agricultural activities both on- and off-site.
3. The Project consists of one legislative act, a rezone. Legislative acts do not require Findings for Denial unless a statute or local ordinance requires Findings. In the case of El Dorado County and the Project, there is no state or local requirements that would compel the Board to make Findings of Denial for the legislative act.
4. Adjudicatory acts require Findings. However, the denial of the associated legislative acts subsequently results in the denial of the adjudicatory acts. The adjudicatory acts required the approval of the Rezone in order to make the statutory and local ordinance required Findings of General Plan consistency.

TENTATIVE MAP FINDINGS

1. The Tentative Map is required to comply with the General Plan pursuant to the Subdivision Map Act Section 66474(a): “A legislative body of a city or county shall deny approval of a tentative map, or a parcel map, for which a tentative map was not required, if it makes any of the following findings: (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.”
2. The Planning Commission recommended denial of the Rezone (Z15-0003) to rezone six of the proposed parcels to the Estate Residential zoning designation. Consequently, the Project’s proposed tentative map would not be consistent with the minimum parcel sizes with the denial of the rezone.
3. Therefore, the Tentative Map is denied based on inconsistency with the adopted General Plan.