



## Legislation Details (With Text)

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**On agenda:** 12/15/2015      **Final action:** 12/15/2015

**Title:** HEARING - Consider the recommendation of the Planning Commission on the Dryden project [Rezone Z15-0001/Parcel Map P15-0001] for a rezone request, Tentative Parcel Map to create four parcels, and Design Waivers of the El Dorado County Design and Improvement Standard Manual (DISM) road standards on property identified by Assessor's Parcel Number 016-410-10, consisting of 16.63 acres, located in the Meeks Bay area, submitted by John and Kirsten Dryden; and to take the following actions:

- 1) Adopt the Negative Declaration, based on the Initial Study prepared by staff;
- 2) Approve Z15-0001 rezoning Assessor's Parcel Number 016-410-10 from Tahoe One-Family Residential (TR1)-7.49 acres and Tahoe Commercial (CT)-9.14 acres to Tahoe One-Family Residential (TR1)-15.41 acres and Tahoe Commercial (CT)-1.22 acres based on the Findings (Attachment 2B) presented;
- 3) Approve Tentative Parcel Map P15-0001 based on the Findings (Attachment 2B) and subject to the Conditions of Approval (Attachment 2C) presented;
- 4) Approve the following Design Waivers from the Design and Improvement Standards Manual (DISM) as the Findings (Attachment 2B) could be made:
  - a) Roadway width minimum of 18 feet per Standard Plan 101C to be reduced to 12 feet for connecting road to proposed Lots 1, 2, and 4;
  - b) Right of way width minimum of 50 feet per Standard Plan 101C to be reduced to 20 feet for connecting road to proposed Lots 1, 2, and 4; and
  - c) Roadway structural requirement of 2.5 inches of hot mix asphalt over 6 inches of class 2 aggregate base per Standard Plan 101C to be waived;
- 5) Deny the Design Waiver requesting the requirement for a fire turnout on Lot 4 per El Dorado County Standard Plan to be waived; and
- 6) Adopt Ordinance 5031 for said rezone. (Est. Time: 15 Min.) (Supervisorial District 5)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2A - Planning Commission Minutes 11-12-15 BOS 12-15-15, 2. 2B - Findings BOS 12-15-15, 3. 2C - Conditions of Approval BOS 12-15-15, 4. 2D - Board Hearing Letter BOS 12-15-15, 5. 2E - Proof of Publication BOS 12-15-15, 6. Executed Ordinance 5031 (12-15-15), 7. Ordinance 5031-Proof of Publication.pdf, 8. FINAL Findings.pdf, 9. FINAL Conditions of Approval.pdf, 10. APPROVED STAMPED Exhibits.pdf, 11. APPROVED STAMPED Map.pdf, 12. ADOPTED Negative Declaration.pdf, 13. RECEIPT-Notice of Determination.pdf, 14. A - Staff Report PC 11-12-15, 15. B - Findings PC 11-12-15, 16. C - Conditions of Approval PC 11-12-15, 17. D - Staff Report Exhibits A-H PC 11-12-15, 18. E - Staff Report Exhibit I - Proposed Negative Declaration and Initial Study PC 11-12-15, 19. F - Proof of Publication-Tahoe Tribune PC 11-12-15, 20. G - Proof of Publication-Mountain Democrat PC 11-12-15

Date	Ver.	Action By	Action	Result
12/15/2015	2	Board of Supervisors	Approved	Pass
11/12/2015	1	Planning Commission	Approved	Pass

HEARING - Consider the recommendation of the Planning Commission on the Dryden project [Rezone Z15-0001/Parcel Map P15-0001] for a rezone request, Tentative Parcel Map to create four

parcels, and Design Waivers of the El Dorado County Design and Improvement Standard Manual (DISM) road standards on property identified by Assessor's Parcel Number 016-410-10, consisting of 16.63 acres, located in the Meeks Bay area, submitted by John and Kirsten Dryden; and to take the following actions:

- 1) Adopt the Negative Declaration, based on the Initial Study prepared by staff;
- 2) Approve Z15-0001 rezoning Assessor's Parcel Number 016-410-10 from Tahoe One-Family Residential (TR1)-7.49 acres and Tahoe Commercial (CT)-9.14 acres to Tahoe One-Family Residential (TR1)-15.41 acres and Tahoe Commercial (CT)-1.22 acres based on the Findings (Attachment 2B) presented;
- 3) Approve Tentative Parcel Map P15-0001 based on the Findings (Attachment 2B) and subject to the Conditions of Approval (Attachment 2C) presented;
- 4) Approve the following Design Waivers from the Design and Improvement Standards Manual (DISM) as the Findings (Attachment 2B) could be made:
  - a) Roadway width minimum of 18 feet per Standard Plan 101C to be reduced to 12 feet for connecting road to proposed Lots 1, 2, and 4;
  - b) Right of way width minimum of 50 feet per Standard Plan 101C to be reduced to 20 feet for connecting road to proposed Lots 1, 2, and 4; and
  - c) Roadway structural requirement of 2.5 inches of hot mix asphalt over 6 inches of class 2 aggregate base per Standard Plan 101C to be waived;
- 5) Deny the Design Waiver requesting the requirement for a fire turnout on Lot 4 per El Dorado County Standard Plan to be waived; and
- 6) Adopt Ordinance **5031** for said rezone. (Est. Time: 15 Min.) (Supervisory District 5)

### **Background**

Request to consider Rezone Z15-0001/Parcel Map P15-0001/Dryden submitted by JOHN AND KIRSTEN DRYDEN (Agent: Ogilvy Consulting/Ed Lupyak) to request the following: 1) Rezone from Tahoe One-Family Residential (TR1)-7.49 acres and Tahoe Commercial (CT)-9.14 acres to Tahoe One-Family Residential (TR1)-15.41 acres and Tahoe Commercial (CT)-1.22 acres to align with the TRPA's Plan Area Statements 148 and 150 boundaries and proposed property boundaries; 2) Tentative Parcel Map to create four parcels, three commercial lots (Lot 1 is 0.34 acre, Lot 2 is 0.42 acre, and Lot 3 is 0.45 acre) and one single-family residential lot (Lot 4 is 15.42 acres), from a 16.63 acre parcel; and 3) Design Waivers of the following El Dorado County Design and Improvement Standard Manual (DISM) road standards: a) Roadway width minimum of 18 feet per Standard Plan 101C to be reduced to 12 feet for connecting road to proposed Lots 1, 2, and 4; b) Right of way width minimum of 50 feet per Standard Plan 101C to be reduced to 20 feet for connecting road to proposed Lots 1, 2, and 4; c) Roadway structural requirement of 2.5 inches of hot mix asphalt over 6 inches of class 2 aggregate base per Standard Plan 101C to be waived; and d) The requirement for a fire turnout on Lot 4 per El Dorado County Standard Plan to be waived. The property, identified by Assessor's Parcel Number 016-410-10, consisting of 16.63 acres, is located on the west side of Highway 89, approximately .5 mile north of Bayview Drive, in the Meeks Bay area of Lake Tahoe, Supervisory District 5. [County Planner: Joe Prutch] (Negative Declaration prepared)

These applications were considered by the Planning Commission on November 12, 2015 and were recommended for approval but with a recommendation for the denial of the Design Waiver requesting the requirement for a fire turnout on Lot 4 to be waived (4-0). The minutes from the meeting are attached.

The recommended denial of the design waiver request was based on the following: 1) Fire safety accessibility - the road should have fire turn outs as needed; 2) Future developments should not be bound by this waiver restriction; 3) Concern over the road leading from commercial properties to the

back of the residential lot; 4) Whether the road was public or private; 5) What easements existed for the road; and 6) Did the public have access to this road. Below are the staff's responses to the Planning Commission's concerns.

#### Response to #1

The site has several driveways off the main access road, generally located at each existing property that can function as turn-arounds. Further, there are three fire hydrants located along this stretch of access road that provide for additional fire safety. The Fire District did not comment on the proposed project, and was assumed to take no exceptions. The applicant will be required to comply with the provisions of the California Fire Code for any future building permits.

#### Response to #2

A design waiver is utilized for the specific creation of the lots proposed with the parcel map. Once a final map is recorded the design waivers are completed. Future development on the property would be reviewed by the County, Fire District, and the Tahoe Regional Planning Agency (TRPA), and improvements to the site could be warranted at that time.

#### Response to #3 - #6

Since the Planning Commission Hearing, further research was provided by the applicant that identifies the nature and purpose of the existing roadway. Based on the information contained in Document number 032390, recorded at Book 4945, Page 729 of the Official Records of the County of El Dorado, an easement was granted "for the reconstruction, maintenance, and full, free and quiet use and enjoyment of a road for the purpose of hauling National Forest products and for the protection, administration and management of National Forest Lands..." Additional easement rights were granted to the benefit of three separate private interests, and various utility companies. The lands beyond the project parcel where the road continues are U.S. Forest Service lands that are not anticipated to be further developed. The road is not maintained by the County, and based on the evidence in the various easements, it would appear that public access was not specifically granted.

#### **Clerk of the Board Follow-up Actions**

Clerk to send copies of Minute Order, Ordinance and correspondence to Development Services Division.

#### **Contact**

Roger Trout  
Development Services Division Director  
Community Development Agency