

Location:

The site is situated north of U.S. Highway 50, along the eastern portion of the 6200 block of Pony Express Trail. The block is bound by Pony Express Trail on the north, Spruce Street on the south, Bonanza Street on the east, and Manzanita Street on the west in the Camino/Pollock Pine plan area. The two parcels affected under the current determination include only the Pollock Pines Library (Assessor’s Parcel Number 101-282-09) and Sorbello (Assessor’s Parcel Number 101-282-13) parcels.

Analysis of General Plan Consistency:

Pursuant to Government Code §65402, the acquisition or sale of property by a public agency must be reviewed by the planning agency for consistency with the General Plan. The planning agency for El Dorado County is the Planning Commission. The Commission must make a determination of whether the proposed action is consistent with the plan.

The subject properties are flat and developed comprising of existing structures and tree canopy within an established neighborhood of the Pollock Pines area. The surrounding area is reflective of a large percentage of existing residential development along with some commercial uses. The present use for the affected parcels is single-family residential and public library. The present land use designation for both parcels is Commercial (C), located in a Commercial (C) Zone District. Surrounding Land Use and Zoning is as follows (see Exhibits C and D):

	Zoning	General Plan	Existing Land Use
Site	Commercial (C)	Commercial (C)	Pollock Pines County Library/single-family residential
North	Commercial (C)	Commercial (C)	Residential
East	Commercial (C)	Commercial (C)	Residential
South	Limited Multifamily Residential (R2)	Multi-Family Residential (MFR)	Residential
West	Commercial (C)	Commercial (C)	Residential

In determining General Plan consistency, the plan states that ‘absence of a specific policy enabling a peculiar aspect of a project (exclusive of basic density consistency) is not to be grounds for a finding of General Plan inconsistency.’ The plan goes on to identify that it is inherent for projects to raise policy issues and determining consistency is the task of the decision maker that is given the authority to weigh merits of a specific project and the benefits and consequences of such a project to determine consistency.

There is no one General Plan policy that addresses elements of legal non-conforming status or redistribution of publicly owned property for private use. For this project, references to the most relevant sections of the General Plan, its policies, as well as the regulations of the Zoning Ordinance shall be made to weigh merits or the proposed action and establish consistency.

Land Use Element *Policy 2.2.1.2* identifies that the primary use for commercially designated land shall be commercial. For consistency, the existing on-site residential unit factors in the General Plan references to the Zoning Ordinance. Chapter 17.20 of the ordinance addresses 'Nonconforming Uses'. That section allows for the establishment of the legal non-conforming status of the residential unit on the commercially designated lot. As such, the consistency determination allowing a residential structure does meet the intent of policies outlined in the General Plan and Zoning Ordinance.

Two other policies, *2.2.5.1* and *2.2.5.5*, are also referenced in this determination as relevant. *Policy 2.2.5.1* allows existing legal lots of record with a lot size less than the minimum area required by the land use designation to develop at a density of at least one dwelling unit. This policy references existing legal lots of record, minimum lot size, and density. The request to redistribute lot area from public land to private ownership will not affect any of these three elements and further validates the allowed legal non-conforming use and density of the on-site residential building.

Policy 2.2.5.5 refers to density and identifies development standards for the creation of new parcels. The policy is specific to parcels created by action of the government agency and/or public or private utilities, and although it does not precisely address the current action, it is the most relevant as part of the pending redistribution of public property to a private individual.

Under the policy, minimum standards for parcels created by a government agency and/or for public or private utilities are not required. Therefore, the library parcel is not required to but does meet minimum lot standards. However, when a private donor parcel is created, that donor parcel is required to meet density and all development standards of both the General Plan and Zoning Ordinance. The reference of donor parcel for this project is most closely associated to the new lot configuration approved as part of the boundary line adjustment for the Kevin Sorbello parcel once the sale and acquisition of real property is complete.

By adding lot area to the Sorbello parcel, the project site will meet the minimum lot standards required for a legal non-conforming single-family residential unit in the Commercial Zone. The Sorbello donor parcel shall meet all development standards, including minimum lot area of 5,000 square feet, maximum lot coverage of 60 percent, minimum lot width of 50 feet, and all minimum yard setbacks including the 5-foot side yard setback. As intended, the new orientation of the parcel will allow for a more effective placement of the existing structures on-site, and the action considered is determined to be consistent with the policies outlined in the adopted 2004 General Plan.

Exhibits:

- A. Vicinity Map
- B. General Site Plan
- C. General Plan Land Use Map
- D. Zoning Map