

P-C21-0002/Levi Parcel Map Correction - As approved by the Zoning Administrator on November 16, 2022

Findings

Based on the review and analysis of this project by staff and affected agencies and supported by discussion in the staff report 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 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

- 1.1 The Parcel Map Amendment project have been found to be Categorical Exempt from the requirements of 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 Planning and Building Department, Planning Services Division, at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.5.2.

This policy requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Staff has analyzed the project proposal for consistency with applicable General Plan policies as discussed in the General Plan discussion in the staff report. The project is consistent with the policies of the General Plan.

2.2 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, shall be provided for with discretionary development.

Rationale: This policy is not applicable as the project does not include any development.

2.3 The project is consistent with General Plan Policy 7.4.4.4.

Policy 7.4.4.4 requires all development projects or actions resulting in impacts to oak woodlands and/or individual native oak trees, including Heritage Trees, mitigate for those impacts as outlined in the County Oak Resources Management Plan (ORMP).

Rationale: This policy is not applicable as the project does not propose to remove any trees. Any impacts to oak trees from any future development would be

addressed as part of related discretionary actions or building and/or grading permit review.

3.0 ZONING FINDINGS

3.1 No Zoning Ordinance findings are applicable for this map amendment

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.

4.2 **The proposed Parcel Map conforms to the applicable standards and requirements of the County zoning regulations and Minor Land Division Ordinance.**

Rationale: The parcel has been analyzed and conditioned in accordance with the Community Commercial (CC) Zone and will comply with all applicable development standards for new lots in the zone. As proposed and conditioned, the Tentative Parcel Map conforms to the Minor Land Division Ordinance.

4.3 **The proposed Parcel Map conforms to Subdivision Ordinance Section 120.44.030.**

Rationale: Section 120.44.030 *Findings requiring disapproval*. The approving authority shall not approve a tentative map of the approving authority makes any of the following findings:

- A. That the design of the division or the improvements are not suitable to allow for compliance of the requirements of Public Resources Code § 4291;
- B. That the map as modified conforms to the provisions of Section 66474 of the Government Code.

The provisions of Section 66474 of the Government Code (Subdivision Map Act) list the findings for approval or denial of a parcel map. The findings include consistency with the General Plan, suitability of the site for the type and density of development, significant environmental effects or public health problems, and conflicts with public access easements. The proposed removal of the road and public utilities easement will not affect any of the provisions of findings for approval/denial of a Final Map since there exists an adequate road and public utilities easement to serve the parcels, no physical change to the environment will occur, and there are no General Plan requirements for the easement. The

Parcel Map Amendment maintains the same density as the original map and is consistent with the original project approval.

Conclusion: The proposed Tentative Parcel Map does not conflict with any of the findings listed above and therefore the proposed project is consistent with Section 120.44.030.

Conditions of Approval

Planning Division

1. The subject map amendment is based upon and limited to compliance with the project description, the Zoning Administrator Hearing exhibit marked Exhibit G (Parcel Map Amendment Request), and Conditions of Approval set forth below. Any deviations from the project description, exhibits, or conditions must 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:

Amendment to Parcel Map 33/51/C to remove a recorded 30-foot non-buildable El Dorado Irrigation District (EID) easement from Parcel C, as shown in Exhibit G. The project shall comply with the documentation of the amendment and revisions herein presented in (Exhibits G, Exhibit H)

2. **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, as provided in Section 66474.9(b) of the California Government Code.
3. The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or processing against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a map amendment, which action is brought within the time period provided for in Section 66499.37.
4. County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.
5. **Notice of Exemption Fee:** A \$50.00 administrative processing fee is required by the County Recorder to file the California Environmental Quality Act (CEQA) Notice of Exemption. This fee must be delivered to the El Dorado County Planning Division prior to the issuance of any development permit on the project parcel.

6. **Recorded Certificate of Correction:** Prior to issuance of building permits for new structures or permits to expand the footprint of existing structures, the applicant shall submit a copy of a recorded Certificate of Correction to the Planning Division documenting that the above-described 30-foot wide non-building EID ditch easement has been abandoned.

El Dorado County Surveyor's Office

7. **Certificate of Correction:** The property owners shall submit a "Certificate of Correction" amending recorded Parcel Map 33/51/C (Exhibit G and Exhibit I). The certificate shall be prepared by an appropriately licensed professional and submitted to the County Surveyor for review in compliance with the Subdivision Map Act and County Code. Upon approval by the County Surveyor, the "Certificate of Correction" shall be recorded in the County Recorder's Office. The property owner shall be responsible for all associated processing and recording fees.