

**COUNTY OF EL DORADO
PLANNING AND BUILDING DEPARTMENT
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: November 16, 2022

Staff: Amelia Pedri

PARCEL MAP AMENDMENT

FILE NUMBER: P-C21-0002/Levi Parcel Map Amendment

APPLICANT: Mark Thiessen

OWNER: Levi Thiessen and Daniel Thiessen

REQUEST: Amend recorded Parcel Map 33/51/C to remove an existing El Dorado Irrigation (EID) non-buildable 30-foot easement from an EID ditch that is no longer in use.

LOCATION: The property is located on the northeast side of Highway 50 and approximately 1200 feet southwest of the intersection with Carson Road, in the Camino area, Supervisorial District 3. (Exhibit A, B)

APN: 043-030-032 (Exhibit A)

ACREAGE: 2.77 acres

GENERAL PLAN: Commercial Land Use (Exhibit D)

ZONING: Community Commercial (CC) within a Rural Center Design Review-Scenic Corridor (-DS) Combining (CC-DS) (Exhibit E).

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Find Parcel Map Amendment P-C21-0002 exempt from the CEQA pursuant to Section 15305 (Minor Alterations in Land use Limitations); and

2. Approve Parcel Map Amendment P-C21-0002 based on the Findings and subject to the Conditions of Approval as presented.

BACKGROUND

Approval of Parcel Map Amendment P-C21-0002 would amend subdivision map 33/51/C to remove an existing non-buildable EID ditch easement of 30 feet wide. Chapter 120.72 of the El Dorado County Ordinance Code and Section 66472.1 of the Subdivision Map Act allows for amending parcel maps by a Certificate of Correction. Should the Zoning Administrator approve the requested amendment, a parcel map correction is required by the County Surveyor's Office to effectuate removal of the easement.

EXISTING CONDITIONS/SITE CHARACTERISTICS

The project site is 2.77 acres and is currently undeveloped. The site elevation ranges from 2,958 to 2,990 feet above mean sea level. The parcel is not located within a Rare Plant Mitigation area. The parcel contains a mixed coniferous forest. Surrounding properties include developed CC and undeveloped Commercial Limited (CL) zoned lots. Neighboring parcels in the outlying surroundings are developed agricultural parcels zoned Rural Lands-20 Acres (RL-20) and Planned Agricultural-20 Acres (PA-20) (Exhibits B and E).

PROJECT DESCRIPTION

The applicant is requesting an amendment to recorded Parcel Map 31/55/C to remove an existing non-buildable EID ditch easement 30 feet in width, which runs east-west through the project parcel and continuing outside of the parcel boundaries. Chapter 120.72 of the El Dorado County Ordinance Code and Government Code 66472.1 allows for amending parcel maps by filing a Certificate of Correction. Should the Zoning Administrator approve the amendment, a parcel map correction is required by the County Surveyor's Office to effectuate removal of the easement. The EID Lower Main Ditch was constructed in the mid 1920's to convey raw water from Forebay Reservoir in Pollock Pines to a treatment plant in Placerville. The ditch was subsequently abandoned by EID and the water was piped from the Gilmore Road Treatment Plant instead of to the open ditch. The ditch has continued to remain in place in several locations from Placerville to the Gilmore Road Plant. The ditch no longer carries raw water intended for potable use, but still collects surface runoff waters and conveys those waters downstream. The EID ditch easement was quitclaimed on January 11, 2017, Document 2017-0001546 (Exhibit H).

In order to approve the requested map amendment, the County must find that the amended map complies with Government Code. Carson Court is a private non-County maintained road within a 50-foot road and public utilities easement proposed to serve several parcel owners on and utility companies. Signed Quitclaim Deeds from affected property owners and El Dorado Irrigation District EID utility company (Exhibit H) supporting abandonment of the unused portion of the EID ditch across the project parcel have been provided.

Environmental Review: The Parcel Map Amendment project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, which states that minor alterations in land use limitations not resulting in the creation of any new parcel are exempt. A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption.

Agency and Public Comment: The project was distributed to all applicable local, County, and state agencies for review and comment. Comments were received from the County Department of Transportation, County Surveyor's Office, and the El Dorado Irrigation District. All agencies that recommended conditions have been incorporated into the project as applicable.

PUBLIC OUTREACH

No formal public outreach was conducted as a public outreach plan is not required for the project pursuant to the County Subdivision Ordinance. The project was duly noticed for a Zoning Administrator public hearing with a public notification range of 1,000 feet and legal advertisement was published in applicable local newspapers. In addition, project notification was sent to the County Zoning Administrator email subscription list and posted on the Planning Services Zoning Administrator webpage.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....Location Map

Exhibit B.....Aerial Photo Map

Exhibit C.....Assessor's Parcel Map Map

Exhibit D.....General Plan Land Use Map Page

Exhibit E.....Zoning Map

Exhibit F.....Parcel Map

Exhibit G.....Parcel Map Amendment Request

Exhibit H.....Owner Quitclaim Deeds and Public Utility
Easement Abandonment Letters

Exhibit I.....Comments, Surveyor

Exhibit J.....Comments, Department of Transportation

FINDINGS

Parcel Map Amendment P-C21-0002/Levi Parcel Map Zoning Administrator/November 16, 2022

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

Parcel Map Amendment P21-0002/Levi Parcel Map Amendment Zoning Administrator/November 16, 2022

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.