

FINDINGS

Parcel Map Amendment P-C19-0001/Silva Parcel Map Amendment Board of Supervisors/June 4, 2019

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

FINDINGS

1.0 CEQA FINDINGS

- 1.1 The map amendment project has been found to be Categorical Exempt from the requirements of the California Environmental Quality Act (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 that constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 MAP AMENDMENT FINDINGS

- 2.1 *That there are changes in circumstances which make any and all of the conditions of such a map no longer appropriate or necessary.*

The subject non-buildable easement was imposed through condition of approval 13 on parcel map P92-0041 (Exhibit F). The staff report and findings from P92-0041 do not indicate how a size of 50 feet was determined for the easement. The applicant has submitted a Biological Resources Site Assessment Report that determines that a 25 foot non-buildable easement would be sufficient to protect the intermittent stream (Exhibit G). Additionally, when P92-0041 was first processed setbacks for water resources were not specified in the El Dorado County zoning ordinance and were determined individually for each project or ministerial development. In 2015 El Dorado County adopted a comprehensive zoning ordinance update which included setback requirements for water resources. The current zoning ordinance specifies a 25 foot non-building setback for intermittent streams. The proposed map amendment to change the non-buildable easement from 50 feet to 25 feet would be consistent with the 25 foot setback specified by the current zoning ordinance.

- 2.2 *That the modifications proposed do not impose any additional burden on the present fee owner of the property.*

The applicant who submitted the amendment request is the present fee owner of the property. The reduction of the subject easement would benefit the owner by allowing the parcel to be fully utilized.

- 2.3 *That the modifications proposed do not alter any right, title or interest in the real property reflected in the recorded map.*

All potentially impacted agencies were included in consultation on this project. None have submitted comments or concerns that the proposed amendment would alter any right, title or interest in the real property reflected in the recorded map.

- 2.4 *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 section include consistency with the General Plan, suitability of the site for the type and density of development, no significant environmental effects, or public health problems, and does not conflict with public access easements. The proposed easement reduction does not affect any of the provisions of findings for approval of the parcel map amendment. The amended parcel map would remain suitable for the type and density of development, no physical change to the environment would occur, and the parcel map would remain consistent with the General Plan.

CONDITIONS OF APPROVAL

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Planning Services

1. The subject map amendment is based upon and limited to compliance with the project description, exhibits A-F, and the 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:

Amend recorded Parcel Map 046-074 to reduce an existing non-buildable easement from 50 feet to 25 feet.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and Conditions of Approval herein. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and Conditions of Approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. 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*.

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*.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

3. A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to the El Dorado County Planning Services prior to the issuance of any development permit being issued on the project parcel.

Surveyor

4. The property shall submit a “Certificate of Correction” effecting PM46-74. The certificate shall be prepared and submitted by an appropriately licensed professional, to the County Surveyor, pursuant to the subdivision map Act and County code, for review. Then upon approval by the County Surveyor the “Certificate of Correction shall be recorded in the County Recorder’s Office. The property owners are responsible for all associated processing and recording fees.

Environmental Management

5. The proposed setback reduction for the non-buildable easement will not impact the septic system on the property. Proposed buildings on the property will be required to meet setbacks from the septic system installed on the property. Future septic system leach lines will be required to meet all setbacks listed in the El Dorado County local Agency Management Plan and Onsite Wastewater treatment System Design Manual. Reduction in the non-buildable easement will not affect required septic system setbacks from seasonal drainages and streams.
6. The proposed setback reduction for the non-buildable easement will not violate any solid waste regulations. Any future building will be required to comply with State law on construction and demolition debris recycling and the El Dorado County construction and demolition debris recycling ordinance program.