

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 CEQA FINDINGS

- 1.1 The map amendment project has been found to be Categorically 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.