

ATTACHMENT 1

CONDITIONS OF APPROVAL

FILE NUMBER TM68-0058 - C

Planning Services Site Specific and Standard Conditions

1. The subject Certificate of Correction is based upon and limited to compliance with the project description, the Board of Supervisors hearing exhibits marked Attachments 1 - 8 dated October 30, 2007, 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:

Certificate of Correction to amend recorded Subdivision Map E-18, Tahoe Paradise, Unit 58 to abandon the recorded 25-foot Front Setback Line for Lots 57 and 59, as shown in Attachment 7 for the subject parcel, (Assessor's Parcel Number 036-612-19).

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 below. 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 (such as Landscape and Tree Protection 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 subdivision, 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. The map correction project has been found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15268 (b) (3) stating that the approval of final subdivision maps is presumed to be ministerial and is exempt from further environmental review. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.
4. All Planning Services fees shall be paid in full prior to recording of the Certificate of Correction.

El Dorado County Department of Transportation

5. Prior to recording of the Certificate of Correction, the applicant shall execute a hold harmless and indemnification agreement protecting the County from liability arising as a result of the approval of this setback line removal. The form of said document shall be reviewed and approved by the County Counsel, and once approved, shall be recorded with the El Dorado County Recorder's Office. An official copy shall be sent to the Department of Transportation, South Lake Tahoe office.

County of El Dorado Office of the County Surveyor

6. The applicant shall file a Certificate of Correction, prepared by an appropriately licensed professional with the El Dorado County Surveyor's Office 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 Records Office. The property owners are responsible for all associated processing and recording fees.

ATTACHMENT 2
FINDINGS

FILE NUMBER TM68-0058C

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 *Section 66472.1* of the *California Government Code*:

FINDINGS FOR APPROVAL

1.0 CEQA Findings

- 1.1 The map correction project is Statutorily Exempt from the requirements of CEQA pursuant to Section 15268 (b) (3).
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 Map Correction 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 changes in circumstances are resultant of the Tahoe Paradise Unit 58 subdivision being developed in 1968, prior to the existence and requirements of the Tahoe Regional Planning Agency (TRPA). The inherent conflict between potential structures located at the 25-foot front building setback line recorded on Subdivision Map E-18 in 1968, and the later evolving coverage and driveway requirements of TRPA, make the parcel difficult to develop as is allowed by right under the current zone district (TR1) and the 2004 General Plan designation of Adopted Plan (AP).
- 2.2 *That the modifications proposed do not impose any additional burden on the present fee owner of the property.* Amend recorded Subdivision Map E-18 for Lots 57 and 59 within Tahoe Paradise Unit 58 subdivision to remove the recorded 25-foot front yard setback line for the subject parcel, (Assessor's Parcel Number 036-612-19), would benefit, and not burden, the current owner.
- 2.3 *That the modifications proposed do not alter any right, title or interest in the real property reflected in the recorded map.* The 25-foot front setback line was established in 1968 to match the setback required by the zoning regulations. Sierra Pacific Power Company (SPPC), South Tahoe Public Utility District (STPUD), American Telephone and Telegraph (AT&T, formerly SBC), all of whom have easements on the subject lots, have had the project proposal distributed to their staff and none responded with any concerns with the removal of the 25-foot front yard setback line.

- 2.4.1** *That the map as modified conforms to the provisions of Section 66474 of the Government Code.* The applicable portion of Section 66474(g) requires that the County find the removal of the 25-foot front yard setback line from Subdivision Map E-18 will not conflict with easements for access through or use of, property within Tahoe Paradise Unit 58 subdivision. No utility company, public agency, or parcel owner with interest in the easement areas within the subject setback line for Lots 57 and 59, objected to the removal of the 25-foot front setback line.