



## Legislation Text

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**File #:** 07-1724, **Version:** 1

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Hearing to consider correction to Final Map TM75-0001C for Rancho Cumbre to remove a 100-foot scenic easement on Lots 1 through 6, 8, and 9 on properties identified as APNs 061-751-01, -02, -03, -04, -05; 061-752-01, -08, and -09, in the Greenwood area. Applicants: Ed Gillespie, Danny Payton, Larry Moelter, Sandra Hall, Steve Naillon, Ron Proschold, Dick DiSalvo, and Steven Lenheim.

**RECOMMENDED ACTION:** Staff recommends the Board take the following action: 1. Find that the project is exempt from CEQA review pursuant to Section 15061(b)3; and 2. Approve TM75-0001, subject to the conditions in Attachment 1, based on the findings listed in Attachment 2.

**Background:** The final tentative subdivision map was approved by the Board of Supervisors on July 22, 1975. The recorded map created 19 lots and 1 open space lot for emergency water retention. Research of the historical files and a site inspection does not identify the purpose of the 100 foot scenic easement provided along lots 1 through 9 on the recorded map. Based on analysis and a site inspection, the existing 100-foot wide scenic easement may have been recorded with the subdivision map in order to ensure that no vehicular access would be allowed from Sliger Mine Road and buffer homes from potential noise and traffic. However, the area is a rural residential area with minimal noise and traffic along Sliger Mine Road. There does not appear to be any hindrance to removing the easement, and a vehicle access restriction would remain in effect on the map. Each of the subdivision lots has a single family dwelling. Removal of the scenic easement would allow a reduction in building setbacks for second dwellings, garages, barns, pools, and other accessory structures.

**Project Description:** This map correction would remove the 100 foot scenic easement on Lots 1 through 6, 8, and 9 of the recorded subdivision map excluding lot 7. A non-vehicular access restriction would remain on the subdivision map. The property owner for lot 7 did not want to participate in the proposed map amendment.

**Amending of Final Maps:** *Chapter 16.72* of the *El Dorado County Code* and *Section 66472.1* of the Subdivision Map Act allows the amending of final maps by either the filing a Certificate of Correction or amending the map. Should the County determine that the amendment be approved, a Certificate of Correction is recommended to affect the removal of the 100 foot scenic easement.

*Section 16.72.040* of the *County Code* requires the decision makers make findings for an amended map that there are changes in circumstances which make any and all of the conditions of such a map no longer appropriate or necessary and that the changes do not impose any additional burden on the present fee owner of the properties. Further, the modifications proposed should not alter any right, title or interest in the real property reflected in the recorded map, and that map as modified shall conform to the provisions of *Section 66474* of the *Government Code*.

The findings for approving the subdivision map correction are discussed in more detail within

## Attachment 2.

### GENERAL PLAN

The General Plan designates the subject site as Medium-Density Residential (MDR) which establishes that the maximum allowable density shall be one dwelling unit per acre. Parcel sizes shall range from one to five acres. The lots within the Rancho Cumbre subdivision were established as approximately three-acre parcels and, thus, are consistent with the Medium Density Residential General Plan Land Use Designation. The Rancho Cumbre subdivision is located within the Important Biological Corridor (IBC) where General Plan Policy 7.4.2.9 requires that the Important Biological Corridor (-IBC) overlay applies to lands identified as having high wildlife habitat values because of the extent of habitat function, connectivity, and other factors. The proposed map amendment would not cause fragmentation of oak woodland, affect wildlife connectivity, or habitat function. The parcels that make up the Rancho Cumbre subdivision are within the County Platted Lands (PL) overlay designation. General Plan Policy 2.2.2.3 outlines the purpose of the Platted Lands (-PL) overlay designation which identifies isolated areas consisting of contiguous existing smaller parcels in the Rural Regions where the existing density level of the parcels would be an inappropriate land use designation for the area based on capability constraints and/or based on the existence of important natural resources. The proposed map amendment would not have an affect on the sizes of the parcels within the Rancho Cumbre subdivision, as the lot sizes would be retained.

### ZONING

The map correction is consistent with the regulations established for the underlying Single-Family Three-Acre Residential (R3A) Zone District and the general provisions outlined by the Zoning Ordinance. No conflicts with the development standards of the Zone District or Zoning Ordinance exist, and no conflicts would be created with this action. Any future development must observe the requirements of the underlying zone district and the general development provisions outlined by the County Ordinance.

Amending Final Parcel Maps: Chapter 16.72 of the El Dorado County Subdivision Ordinance allows the process of a map amendment to correct minor changes on a recorded final map. This project is a request to remove a 100-foot scenic easement. There would be no improvements required under this map action, and the findings necessary to support this proposal are included as Attachment 2.

Agency and Public Comments: The following agencies provided conditions of approval noted in Attachment 1: El Dorado County Surveyor; and El Dorado County Department of Transportation.

### ENVIRONMENTAL REVIEW

This project is exempt from the requirements of *CEQA* pursuant to *Section 15061(b)3*, because it can be determined with certainty that this map correction would have no effects on the environment. The road to which the re-alignment is being shifted exists and was previously created to accommodate

prior logging activities. No improvements are necessary in order to process this map correction, and the project is exempt from CEQA review.

Pursuant to Resolution No. 240-93, a \$50.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption.

## CONCLUSION

Analysis of the historical background of the subdivision did not provide reason for the protection of any visual resource, therefore the map correction can be approved.

## RECOMMENDATION

Staff recommends that the Board of Supervisors take the following action: 1. Find that the project is exempt from CEQA review based on Section 15061(b)3; and 2. Approve TM75-0001C subject to the conditions in Attachment 1 based on the findings in Attachment 2.

## Attachments to Staff Report

Attachment 1 - Conditions of Approval

Attachment 2 - Findings

Exhibit A - Vicinity Map

Exhibit B - General Plan Land Use Map

Exhibit C - Important Biological Corridor

Exhibit D - Platted Lands

Exhibit E - Zoning Map

Exhibit F - Rancho Cumbre Subdivision Map

Exhibit G - Signed Agreement by Property Owners

Exhibit H - Assessor's Map

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