



COMMUNITY DEVELOPMENT AGENCY

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TO: Zoning Administrator

FROM: Evan Mattes, Project Planner

DATE: January 4, 2017

RE: P88-0014-C/Reuss Parcel Map Correction

PARCEL MAP AMENDMENT

FILE NUMBER: P88-0014-C/Reuss Parcel Map Correction

APPLICANT: Mary Lynne Reuss

REQUEST: Amend Parcel Map 39-145 to remove an existing exclusive road easement (P88-0014-C).

LOCATION: West side of Highway 49 approximately .5 miles south of the intersection with Highway 193 in the Cool area, Supervisorial District 4. (Exhibits A and D)

APN: 071-390-10 (Exhibit C)

ACREAGE: 5 acres

GENERAL PLAN: Medium Density Residential (MDR) (Exhibit G)

ZONING: Residential Two-Acre (R2A) (Exhibit H)

ENVIRONMENTAL DOCUMENT: Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305.

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

1. Certify that Parcel Map Amendment P88-0014-C amending Parcel Map 39-145 is Categorically Exempt from the requirements of CEQA pursuant to Section 15305; and
2. Approve Parcel Map Amendment P88-0014-C amending Parcel Map 39-145, based on the Findings and subject to the Conditions of Approval as presented.

BACKGROUND: The approval of Tentative Parcel Map P88-0014 resulted in the recording of Parcel Map 39-145 on November 29, 1988 (Exhibit E). Parcel Map 39-145 created two parcels identified as, Parcel 1 and Parcel 2. Parcel 2 contains a PG&E Pole Line Easement and an “Existing Dirt Road” easement. The road easement crosses Parcel 2 and ends at the parcel to the west, labeled as U.S.A, which is owned by the United States Bureau of Reclamation (USBR). A driveway serving the single residential unit on Parcel 2 now exists approximately where the dirt road was; however the dirt road no longer connects to the USBR parcel. Cave Valley Road, which is approximately .3 mile to the south of Parcel 2, now provides access to the USBR parcel. This access is noted as an easement on Parcel Map 33-20 dated August 15, 1984 (Exhibit F).

STAFF ANALYSIS

Project Description: A request to amend Parcel Map 39-145 to remove an existing exclusive road easement labeled as “Existing Dirt Road” (Exhibits E and B). The easement to be removed is found on Parcel 2 of said map. A driveway serving the single residential unit on Parcel 2 now exists approximately where the dirt road was. As discussed above, an alternative easement and access road have been developed as part of Parcel Map 33-20, which provides access to the USBR parcel, removing the need for the road easement on Parcel 2. Removal of the easement will allow the property owner to fully develop their parcel.

Amending of Parcel Maps: Chapter 120.72 of the El Dorado County Code and Section 66472.1 of the Subdivision Map Act allow for amending of parcel maps by either filing a Certificate of Correction or amending the map. Should the Zoning Administrator approve the amendment, a Certificate of Correction would be required by the County Surveyor’s Office to effect the removal of the easement.

In order to approve the map amendment, the County must find that the amended map complies with the Government Code and make specific findings pursuant to Section 120.72.040 of the County’s Subdivision Ordinance. These findings have been presented below.

Agency and Public Comment: Affected Agencies including, the Georgetown Divide Public Utilities District, the El Dorado County Transportation Division, the El Dorado County Surveyor’s Office, the El Dorado County’s Assessor’s Office, the El Dorado County Fire Protection District, Comcast, PG&E, CalTrans District 3, California Department of Fire, AT&T, the Cool/Pilot Hill Advisory Committee, and the USBR were consulted regarding the parcel map amendment.

The El Dorado County Surveyor's Office reviewed the project, and requested conditions of approval, which have been added accordingly. Signed letters from effected property owners supporting the map amendment have been provided. None of the other Agencies, including the Transportation Division and the USBR had issue with the proposed project.

ENVIRONMENTAL REVIEW

The map amendment project has been found to be Categorically 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. A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Memo:

- Findings
- Conditions of Approval

- Exhibit A.....Location Map
- Exhibit B.....Proposed Map Correction
- Exhibit C.....Assessor's Parcel Map
- Exhibit D.....Aerial Photo
- Exhibit E.....Parcel Map 39-145
- Exhibit F.....Parcel Map 33-20
- Exhibit G.....Land Use Map
- Exhibit H.....Zoning Map

FINDINGS

Parcel Map Amendment P88-0014-C/Reuss Parcel Map Correction Zoning Administrator/January 4, 2017

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

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 which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services Division-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 road easement crosses the subject parcel, Parcel 2, and ends at the parcel to the west, labeled as U.S.A, which is owned by the United States Bureau of Reclamation (USBR). A driveway serving the single residential unit on Parcel 2 now exists approximately where the dirt road was; however the dirt road no longer connects to the USBR parcel. Cave Valley Road, which is approximately .3 mile to the south of Parcel 2, now provides access to the USBR parcel. This access is noted as an easement on Parcel Map 33-20 dated August 15, 1984 (Exhibit F). USBR takes no exception to the removal of the road easement.

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

The removal of the road easement would benefit, and not burden, the current owners of the property. The existing road easement impedes the owner's ability to develop the site. Removal of the easement would allow the owners to more fully utilize their parcel.

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

The 50-foot road easement was for the benefit of parcels identified by Parcel Map 39-145 as U.S.A. Bureau of Reclamation. Cave Valley Road, which is approximately .3 mile to the south of Parcel 2, now provides access to the USBR parcel. This access is noted as an

easement on Parcel Map 33-20 dated August 15, 1984 (Exhibit F). USBR takes no exception to the removal of the road easement. As such, the modification to the map will not alter any right, title, or interest in the real property reflected on the 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 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 easement does not affect any of the provisions of findings for approval of the Parcel Map. The amended Parcel Map remains suitable for the type and density of development, no physical change to the environment will occur, and the Parcel Map remains consistent with the General Plan.

CONDITIONS OF APPROVAL

Parcel Map Amendment P88-0014-C/Reuss Parcel Map Correction Zoning Administrator/January 4, 2017

Planning Services

1. The subject map amendment is based upon and limited to compliance with the project description, the Zoning Administrator Hearing exhibits marked Exhibits B-E dated January 4, 2016, 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:

Amend Parcel Map 39-145 to remove a recorded road easement from Parcel 2, as shown in Exhibit B.

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.

County of El Dorado Office of the County Surveyor

4. The property owners shall submit a “Certificate of Correction” amending Parcel Map 39-145. 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, a copy of which shall be provided to Planning Services. The property owners are responsible for all associated processing and recording fees.