

**COUNTY OF EL DORADO PLANNING AND BUILDING  
DEPARTMENT  
ZONING ADMINISTRATOR  
STAFF REPORT**



**Agenda of:** May 16, 2018

**Item No.:** 4. a.

**Staff:** Isaac Wolf

**TENTATIVE PARCEL MAP CORRECTION**

- FILE NUMBER:** P91-0050-C/Hasper
- APPLICANT/OWNER:** Frank William Hasper
- ENGINEER:** Ruth and Jim Willson
- REQUEST:** Correction to a recorded parcel map reducing a drainage channel setback line from 100-foot to a 50-foot setback.
- LOCATION:** East side of China Camp Drive, approximately 700 feet east of the intersection with Quarry Road and Cedar Ravine Road, in the Placerville Area, Supervisorial District 3. (Exhibit A)
- APN:** 099-051-53 (Exhibit B)
- ACREAGE:** 5 acres
- GENERAL PLAN:** Low Density Residential (LDR) (Exhibit C)
- ZONING:** Residential Estates—Five Acres (RE-5) (Exhibit D)
- ENVIRONMENTAL DOCUMENT:** Categorical Exempt pursuant to Section 15305 of the California Environmental Quality Act (CEQA) Guidelines (Minor Alterations in Land Use Limitations)
- RECOMMENDATION:** Staff recommends the Zoning Administrator take the following actions:
1. Find Tentative Parcel Map P91-0050-C is exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15305; and

2. Approve Parcel Map Amendment P91-0050-C amending Parcel Map PM46-100, based on the Findings and subject to the Conditions of Approval as presented.

## **EXECUTIVE SUMMARY**

Approval of this Parcel Map correction would allow a revision of a 100-foot setback line for an ephemeral ditch running through the middle of the property to 50 feet (Exhibit G). This reduction is necessary in order to allow for the construction of a single family residence on the parcel. The parcel is 5 acres in size, zoned Residential Estates, 5 Acres (RE-5) and contains a General Plan designation of Low Density Residential (LDR). Staff has determined that the proposed project is consistent with the LDR land use designation and RE-5 zone, as well as other applicable El Dorado County General Plan policies, and Zoning Ordinance requirements.

## **ANALYSIS:**

**Site Description:** The project site consists of 5 acres is located at approximately 2,600 feet above mean sea level (Exhibit E). The primary on-site biological communities include annual grasses and shrubs. The site is surrounded by other residential parcels similar to the development on-site. A single-family dwelling unit exists on the adjacent Parcels 1 and 3. The project is situated upon improved roads and would require connection to El Dorado Irrigation District water services.

**Project Description:** This project is a request to amend Parcel Map PM46-100, modifying a 100-foot setback for an ephemeral ditch running through the middle of the property (Exhibit F). The ditch is found on Parcel 2 of said map. Modification of the ditch easement will allow the property owners to fully develop their parcel. Moreover, a biologist report concludes that reduction of the drainage ditch easement would not negatively affect any of the existing flora and fauna on site. (Exhibit H)

**Consistency:** As discussed in the Findings, staff has determined that the proposed project, as conditioned, is consistent with the Low Density Residential (LDR) land use designation and other applicable policies in the El Dorado County General Plan, as well as the provisions of the Residential Estates—Five Acres (RE-5) zone, and Zoning Ordinance requirements.

## **ENVIRONMENTAL REVIEW:**

As the project is a minor easement variance not creating any new parcels, staff has determined that the proposed project would not have a significant effect on the environment and the project is exempt pursuant to CEQA Guidelines Categorical Exempt Section 15305, Minor Alterations in Land Use Limitations, that exempts minor lot line adjustments, side yard and setback variances with an average gradient of under 20% not resulting in the creation of any new parcels, from CEQA. Per the biologist report, the average gradient on the parcel is approximately 18%, thus making the parcel exempt from CEQA (Exhibit H).

Filing of a Notice of Exemption is required in accordance with CEQA Guidelines Section 15062 to initiate a 35-day statute of limitations on legal challenges to the County's decision that the

project is exempt from CEQA. A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

**SUPPORT INFORMATION**

Findings  
Conditions of Approval

- Exhibit A.....Location Map
- Exhibit B.....Assessors Map
- Exhibit C.....General Plan Map
- Exhibit D.....Zoning Map
- Exhibit E.....Aerial Map
- Exhibit F.....Current Parcel Map
- Exhibit G.....Proposed Map Correction
- Exhibit H.....Biological Resources Site Assessment Report

## FINDINGS

### **Parcel Map Correction P91-0050-C/Hasper Zoning Administrator/May 16, 2018**

#### **1.0 CEQA FINDINGS**

- 1.1 This project has been found to be Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the CEQA Guidelines Minor Alterations in Land Use Limitations not creating any new parcels, from CEQA.

Rationale: Staff recommends that the Zoning Administrator find that the project is exempt from CEQA pursuant to Section 15305 of the CEQA Guidelines as the project is a minor easement variance not creating any new parcels.

- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department, at 2850 Fairlane Court, Placerville, California 95667

#### **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 drainage ditch easement was not improved. Moreover, a biologist report concludes that reduction of the drainage ditch easement would not negatively affect any of the existing flora and fauna on site.

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

The reduction of the drainage easement would benefit, and not burden, the current owners because the subject drainage ditch was not improved.

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

The 100-foot drainage ditch was for the benefit of parcels identified by Parcel Map PM46-100 as Parcel 2. The property owner (applicant) and utility companies with rights to the easement have no objection to its modification. As such, the modification to the map will not alter any right, title, or interest in the real property reflected on the map. Therefore, the map can be amended to reflect the project request.

- 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 reduction of the drainage ditch will not affect any of the provisions of findings for approval or denial of a Final Map since no physical change to the environment will occur, and there are no General Plan requirements for the easement. The Parcel Map Amendment maintains the same density as the original map and is consistent with the original approval.

### **3.0 SUBDIVISION MAP ACT FINDINGS**

- 3.1 *The amending map or certificate of correction certified by the county surveyor shall be filed or recorded in the office of the county recorder in which the original map was filed.*

The tentative parcel map was approved as P91-0050 by the County of El Dorado on December 5, 1992 and recorded on March 12, 1998. Approval of this parcel map correction will require that the amended map be filed with the El Dorado County Recorder's Office.

- 3.2 *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 reduction of the drainage 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 Correction P91-0050-C/Hasper Zoning Administrator/May 16, 2018**

### **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 A-H dated May 16, 2018, 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:

Correction to a recorded parcel map, PM 46-100, reducing a drainage channel setback line from 100-foot to a 50-foot setback, as shown in Exhibit G.

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. It is hereby directed that the property owners shall submit a “Certificate of Correction” affecting PM46-100. The certificate shall be prepared 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.