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TO: Zoning Administrator

FROM: Aaron Mount, Project Planner

DATE: August 11, 2015

RE: P77-0306-C/Nemenman Parcel Map Correction

PARCEL MAP AMENDMENT

FILE NUMBER: P77-0306-C/Nemenman Parcel Map Correction

APPLICANT: Matvey and Eugenia Nemenman

REQUEST: A request to amend Parcel Map P18-34, removing an existing 50-foot wide non-exclusive road and public utilities easement from Parcels 2 and 3.

LOCATION: The east side of Sierra Pines Road approximately 250 feet south of the intersection with Tori Way in the Mount Ralston area, Supervisorial District 5. (Exhibit A)

APNs: 038-050-34 and 038-050-35 (Exhibit C)

ACREAGE: 2.0 acres

GENERAL PLAN: High Density Residential (HDR)

ZONING: Estate Residential Ten-Acre (RE-10)

ENVIRONMENTAL DOCUMENT: Categorically Exempt from the requirements of CEQA pursuant to Section 15305.

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

1. Certify that Parcel Map Amendment P77-0306-C is Categorically Exempt from the requirements of CEQA pursuant to Section 15305.
2. Approve Parcel Map Amendment P77-0306-C amending Parcel Map P18-34, based on the Findings and subject to the Conditions of Approval as presented.

BACKGROUND: The approval of Tentative Parcel Map P77-0306 resulted in the recording of Parcel Map P18-34, creating four parcels (Exhibit D). The Parcel Map included a 50-foot wide road and public utility easement for access to Parcels 2, 3, and 4. The required road was not constructed within this easement. Subsequent to the map approval an alternate access was created in 1988 by the recording of an easement and development of a road, Tori Road (Exhibit E), that crosses Parcels 1, 2, and 3 and terminates at Parcel 4. Parcels 1, 3, and 4 have been developed with single family residences utilizing this existing developed road.

STAFF ANALYSIS

Project Description: A request to amend Parcel Map P18-34, removing an existing 50-foot wide non-exclusive road and public utilities easement (Exhibit B). The easement to be removed is found on Parcel 2 and 3 of said map. As discussed above, an alternative easement and access road have been developed removing the need for the easement shown on the map. Removal of the easement will allow the property owners to fully development their parcels.

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 recommended by the County Surveyor's Office to effect the removal of the easement.

Section 120.72.040 of the County Code requires the approving authority make specific findings as set forth in Attachment 2.

Discussion: In order to approve the map amendment, the County must find that the amended map complies with the Government Code. An improved road and public utility easement exists, Tori Way, for all affected parcel owners and utility companies. Signed letters from effected property owners and all utilities supporting the map amendment have been provided.

Agency and Public Comment: The El Dorado County Surveyor's Office reviewed the project, and has conditioned the project accordingly. The Transportation Division has no concern with the project. El Dorado Irrigation District (EID), AT&T, Comcast, and Pacific Gas & Electric (PG&E) provided letters stating they have no concerns with removal of the 50-foot wide road and public utilities easement.

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:

Conditions of Approval
Findings

Exhibit A.....Location Map
Exhibit BProposed Map Correction
Exhibit CAssessor’s Parcel Map
Exhibit D.....Parcel Map P18-34
Exhibit ERecord of Survey 32-41
Exhibit F.....Aerial Photo

CONDITIONS OF APPROVAL

Parcel Map Amendment P77-0306-C/Nemenman Parcel Map Correction Zoning Administrator/September 16, 2015

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 September 16, 2015, 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 P18-34 to remove a recorded 50-foot non-exclusive road and public utilities easement from Parcels 2 and 3, 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.
4. All Planning Services fees shall be paid in full prior to recording the Certificate of Correction.

County of El Dorado Office of the County Surveyor

5. The property owners shall submit a “Certificate of Correction” amending Parcel Map P18-34. 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.

FINDINGS

Parcel Map Amendment P77-0306-C/Nemenman Parcel Map Correction Zoning Administrator/September 16, 2015

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 amendment project have 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.
- 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 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 recorded road easement was not improved. An alternate road and utility easement, Tori Way, has been developed as shown on Exhibit D and has been found to be acceptable for access and infrastructure needs.
- 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 and utility easement would benefit, and not burden, the current owners because the road has been fully improved in its current location.
- 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 easement for road and public utilities was for the benefit of parcels identified by Parcel Map P18-34 as Parcels 2, 3, and 4. The subject easement was also for the benefit of El Dorado Irrigation District (EID), AT&T, Comcast, and Pacific Gas & Electric (PG&E) all of whom have interest in the easement. All property owners and utility companies with rights to the easement have no objection to its removal. 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 removal of the road and public utility easement will not affect any of the provisions of findings for approval/denial of a Final Map since there exists an adequate road and public utility easement to serve the parcels, 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