

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



Agenda of:	June 20, 2018
Item No.:	4.a.
Staff:	Mark Millard

PARCEL MAP CORRECTION

FILE NUMBER: P77-0477-C/Curtis

APPLICANT/OWNER: Juanita Mathis/Frank & Jill Curtis

REQUEST: Amend Parcel Map 17-69 to remove the cul-de-sac radius portion of an twenty-five foot access road & public utility easement (P77-0477).

LOCATION: On the north eastern side of Burkett Lane, approximately one-mile north of the intersection with Rattlesnake Bar Road, in the Pilot Hill area, Supervisorial District 4. (Exhibit A)

APN: 104-100-24 (Exhibit B)

ACREAGE: 5.03 acres

GENERAL PLAN: Rural Residential (RR) (Exhibit C)

ZONING: Rural Lands Ten-Acres (RL-10) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Minor Alterations in Land Use Limitations)

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

1. Certify that Parcel Map Amendment P77-0477-C to be Categorically Exempt from the requirements of CEQA pursuant to Section 15305; and
2. Approve Parcel Map Amendment P77-0477-C amending Parcel Map 17-69, based on the Findings and subject to the Conditions of Approval as presented.

BACKGROUND

Tentative Parcel Map P77-0477 was the re-subdivision of Parcel A of Parcel Map 15-61 (Tentative Parcel Map P77-0121(Exhibit E)). Tentative Parcel Map P77-0477 resulted in the recording of Parcel Map 17-69 on September 27, 1977 (Exhibit F). Parcel Map 17-69 created four parcels identified as Parcel 1, Parcel 2, Parcel 3 and Parcel 4.

Access to the four parcels created by Tentative Parcel Map P77-0477 tiered off a fifty-foot road & public utility easement which served the four parcels of Parcel Map 15-61. Parcels 2, 3, 4 of Parcel Map P77-0477 were each granted access via road & public utility easements which included fifty-foot cul-de-sac turn arounds, in whole or in part. The applicant's parcel (Parcel 4 of Parcel Map 17-69) received only a 25-foot road & public utility easement which terminates in a "half cul-de sac" with a fifty-foot radius. This 25-foot road & public utility easement and associated cul-de-sac does not encumber the parcel to the south; it provides stand-alone access to the applicant's parcel only.

The project site was developed with a single family dwelling of approximately 2,067 square feet in December of 1994 (Building Permits 94-08871 and 94-089574). In January of 2000, a garage permit was withdrawn but finalized as a "slab only" permit (94-088072). As a slab only permit, no location in terms of setbacks or other spatial development standards are vested.

During the review of Building Permit 250430 (accessory structure; garage, submitted August 08, 2016), the cul-de-sac portion of the road & public utility easement was determined to be in conflict with the required zoning setback of thirty-feet (30'), and its removal/amendment was offered as a possible solution to facilitate the construction of the garage.

Should the applicant proceed with the finaling of this Map Correction/Amendment, compliance to all applicable building permit processes, applications and standards, including but not limited to the reapplication/reactivation of Building Permit Application No. 250430 would be required.

ANALYSIS:

Project Description: A request to amend Parcel Map 17-69 by removing the "half cul-de-sac" portion of the road & public utility along the southeastern portion of the parcel 4 of said parcel map. Removal of the cul-de-sac portion of the easement will allow for the garage to meet or exceed the required front yard setback of thirty-feet (Exhibit G).

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 are presented in the finding section of this staff report that follows.

Agency and Public Comment: Full distribution of the project proposal was initially done (Exhibit H). Of those agencies distributed, only the County Surveyor's comments resulted in conditions of approval. Planning has coordinated with the Building Department in order to keep alive, an extension for Building Permit No. 250430. None of the other Agencies had issue with the proposed project.

Consistency: As discussed in the Findings, staff has determined that the proposed project, as conditioned, is consistent with the Rural Residential (RR) land use designation and other applicable policies in the El Dorado County General Plan, as well as the provisions and standards of the Rural Lands Ten-Acres (RL-10) zone and other Zoning Ordinance requirements.

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.

A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption. The filing of the Notice of Exemption is optional; however not filing the Notice extends the stature of limitations for legal challenges to the project from 35 days to 180 days.

SUPPORT INFORMATION

Findings
Conditions of Approval

Exhibit A.....Vicinity Map
Exhibit B.....Assessor's Parcel Page
Exhibit C.....General Plan Designations
Exhibit D.....Zoning Designations
Exhibit E.....Parcel Map 15-61
Exhibit F.....Parcel Map 17-69
Exhibit G.....Site Plan/Proposed Map Correction
Exhibit H.....J-30 Distribution List

FINDINGS

Parcel Map Correction P77-0477-C/Curtis Zoning Administrator/June 20, 2018

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 subject easement extends easterly and provides access to the subject parcel only. The removal of the “half cul-de-sac” portion of the road & public utility along the southern portion of the subject parcel (Parcel 4 of Parcel Map 17-69) would not negatively impede the property owner’s access nor the ability of emergency responders to arrive on site, given a new driveway will be constructed as part of the Building Permit 250430. The removal of this “half cul-de-sac” will actually increase the use and value of the applicant’s property through greater convenience and facilities (new garage)

- 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 more fully develop the site. Removal of the “half cul-de-sac” portion of the easement would allow the owners to more fully utilize their parcel thorough the construction of an accessory structure (garage) that could demonstration of compliant setbacks to the remaining road & public utility easement. The removal of this portion of the easement would not negatively impact the adjacent parcel to the south; that parcel’s access is not tied to the easement and/or easement modifications proposed by the amendment/correction.

- 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 road easement, and associated “half cul-de-sac” portion of the easement was created solely for the benefit of parcel 4 of Parcel Map 17-69. The modification of said easement does not impact or impede access to any other parcels in the vicinity. As such, the modification to the map will not alter any right, title, or interest in the real property reflected on the map.

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 parcel map was approved as P77-0477 by the El Dorado County on September 27, 1977. Approval of this parcel map correction will require that a Certificate of Correction be filed with the El Dorado County Surveyor’s Office and potentially El Dorado County Recorder’s Office.

- 3.2 *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 that are inconsistent with ministerial development, and the Parcel Map remains consistent with the General Plan.

CONDITIONS OF APPROVAL

Parcel Map Correction P77-0477-C/Curtis Zoning Administrator/July 20, 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-G (Exhibit G dated September 13, 2017), 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 17-69 to remove the “half cul-de-sac” portion of the road & public utility along the southern portion of the subject parcel (Parcel 4 of Parcel Map 17-69), 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 development standards and processes of the El Dorado County Zoning Ordinance and General Plan, including but not limited to the El Dorado County Oak Resources Conservation Ordinance (adopted October 24, 2017).

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 12-143. 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.