

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



<b>Agenda of:</b>	December 16, 2020
<b>Item No.:</b>	6.a.
<b>Staff:</b>	Tom Purciel

**PARCEL MAP AMENDMENT**

**FILE NUMBER:** P-C20-0005/Pullin

**APPLICANTS:** Mike Fowler/Toni Pullin

**REQUEST:** Amendment to Parcel Map 25-63, removing an existing 50-foot wide non-exclusive road and public utilities easement to allow for development of an accessory dwelling unit (ADU) and residential accessory structures.

**LOCATION:** Located on the north side of Furlong Lane, approximately 0.25 mile north of the intersection with Green Valley Road, in the Placerville area, Supervisorial District 3 (Exhibits A, B, C).

**APN:** 325-100-027 (Exhibit D)

**ACREAGE:** 10.01 acres

**GENERAL PLAN:** Low Density Residential, Important Biological Corridor Overlay (LDR-IBC) (Exhibit E)

**ZONING:** Residential Estate, 10-Acre (RE-10) (Exhibit F)

**ENVIRONMENTAL DOCUMENT:** Categorically 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)

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

1. Certify that Parcel Map Amendment P-C20-0005 is Categorically Exempt from the requirements of CEQA pursuant to Section 15305 of the CEQA Guidelines.

2. Approve Parcel Map Amendment P-C20-0005 amending Parcel Map 25-63 based on the Findings and subject to the Conditions of Approval as presented.

**BACKGROUND:** The approval of Tentative Parcel Map P78-302 resulted in the recording of Parcel Map 25-63 on October 3, 1979, creating two parcels (Exhibit G). The Parcel Map included a 50-foot wide nonexclusive road and public utilities easement created for the benefit of two separate parcels, identified as Parcel A and Parcel B. The shape of Parcel B created by Parcel Map 25-63 was slightly modified in 1997 by Record of Survey 22-77 as a result of a lot line adjustment (Exhibit I). However, this Record of Survey did not change the location or purpose of the original easement. This easement was never used and has served as a private driveway for the sole use of the current property owner (Exhibit C). All parties proposed to be served by this easement, including five adjacent property owners and four local utility providers, have formally abandoned their access rights to this easement. Easement abandonment documents submitted by the property owner, including Quitclaim Deeds from adjacent property owners to the east, northwest and west, as well as easement abandonment letters from local utility providers, are attached as Exhibit H. In consultation with title company staff, the County Surveyor reviewed the above documents and determined they legally represent abandonment of all interests involved in this easement and that removal of said easement would not alter any right, title, or interest in the real property reflected on the map. The parcel is currently developed with a single family residence and residential accessory structures utilizing the existing end of the developed portion of Furlong Lane for access (Exhibit C).

## ANALYSIS

**Project Description:** The project consists of a request to amend Parcel Map 25-63, removing an existing 50-foot wide non-exclusive road and public utilities easement (Exhibit G). The easement to be removed is found entirely within Parcel B of said map. As discussed above, the non-exclusive road easement has been used as a private driveway for the sole use of the current property owner and has never been developed as proposed. The easement is completely encompassed by a single parcel and does not, and has not, ever served any adjacent parcels, thus removing the need for the easement shown on the map. Removal of the easement would allow the property owners to develop approximately 7,500 additional square feet of their property which is currently encumbered by this easement.

**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 processed 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. Furlong Lane is a private non-County maintained road within a 50 foot road and public utilities easement proposed to serve several parcel owners

and utility companies. Signed Quitclaim Deeds and Abandonment of Easement letters from affected property owners and utility companies (Exhibit H) supporting abandonment of the unused portion of Furlong Lane across the project parcel have been provided.

**Agency and Public Comments:** The project was distributed to the County Department of Transportation, County Surveyor's office and applicable public utility companies, including AT&T, PG&E, Comcast and El Dorado Irrigation District (EID). None of these companies/agencies had any issues or concerns and recommended the easement be abandoned as proposed. To ensure compliance with the County Subdivision Ordinance (Title 120) and the state Subdivision Map Act, the Surveyor's office recommended a standard condition of approval which has been incorporated into the project (Condition No. 5 regarding submittal of a Certificate of Correction to the Surveyor's office).

### **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.....	Vicinity Map
Exhibit C.....	Site Aerial Photo
Exhibit D.....	Assessor's Parcel Map
Exhibit E.....	General Plan Land Use Map
Exhibit F.....	Zoning Map
Exhibit G.....	Parcel Map Amendment Request
Exhibit H.....	Adjacent Owner Quitclaim Deeds and Public Utility Easement Abandonment Letters
Exhibit I.....	Record of Survey No. 22-77 (January 1997)

## **FINDINGS**

### **Parcel Map Amendment P-C20-0005/Pullin Zoning Administrator/December 16, 2020**

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 Categorical 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 GENERAL PLAN FINDINGS**

###### **2.1 The project is consistent with General Plan Policy 2.2.5.2.**

This policy requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Staff has prepared this section on General Plan findings to document the project's consistency with Policy 2.2.5.2. Removal of the previously discussed easement would not affect land use, density or existing land use limitations under General Plan policy and therefore would not require findings of consistency with the General Plan. The existing parcel map had previously been reviewed for General Plan consistency and all subsequent residential development has been allowed and permitted by right (non-discretionary) as allowed under the Zoning Ordinance. Therefore, the project is consistent with the intent of Policy 2.2.5.2 and no further review is required for this project.

##### **3.0 SUBDIVISION ORDINANCE (MAP AMENDMENT) FINDINGS**

- 3.1 *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 and is completely within a single parcel making the need for a non-exclusive road easement unnecessary.

- 3.2 *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, not burden, the current owners as the road easement is not needed to access any property.

- 3.3 *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 25-63 as Parcels A and B (Exhibit G). All property owners and utility companies with rights to this 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.

- 3.4 *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 utilities 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 utilities 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 project approval.

# **CONDITIONS OF APPROVAL**

## **Parcel Map Amendment P-C20-0005/Pullin Zoning Administrator/December 16, 2020**

### **Planning Division**

1. The subject map amendment is based upon and limited to compliance with the project description, the Zoning Administrator Hearing exhibit marked Exhibit G (Parcel Map Amendment Request), 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 25-63 to remove a recorded 50-foot non-exclusive road and public utilities easement from Parcel B, 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 CEQA Notice of Exemption. This fee must be delivered to the El Dorado County Planning Division prior to the issuance of any development permit on the project parcel.

4. Prior to issuance of building permits for new structures or permits to expand the footprint of existing structures, the applicant shall submit a copy of a recorded Certificate of Correction to the Planning Division documenting that the above-described 50-foot wide non-exclusive road and public utilities easement has been abandoned.

**El Dorado County Surveyor's Office**

5. The property owners shall submit a "Certificate of Correction" amending recorded Parcel Map 25-63 (Exhibit G). 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. The property owner shall be responsible for all associated processing and recording fees.