

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



Agenda of:	January 20, 2021
Item No.:	5.a.
Staff:	Matthew Aselage

PARCEL MAP CORRECTION

FILE NUMBER: P-C20-0003/Dewater

APPLICANT: Alan Carlton

PROPERTY OWNER: Mack Dewater

REQUEST: Amend Parcel Map 11-87 to remove an existing 50-foot wide road and public utilities easement and replace with a 30-foot wide public utilities easement with the existing overhead lines forming the center line, providing additional area for development of residential accessory structures and landscaping.

LOCATION: The property is located on the east side of Whispering Pines Lane, approximately a half-mile north of the intersection with Many Oaks and Wild Chaparral Road, in the Shingle Springs area, Supervisorial District 4. (Exhibit A)

APN: 070-250-062 (Exhibit B)

ACREAGE: 1.48 acres

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

ZONING: One-acre Residential (R1A) (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. Find that Parcel Map Amendment P-C20-0003 amending Parcel Map 11-87 is Categorically Exempt from the requirements of CEQA pursuant to Section 15305-Minor Alterations to Land use Limitations; and
2. Approve Parcel Map Amendment P-C20-0003 amending Parcel Map 11-87, based on the Findings and subject to the Conditions of Approval as presented.

BACKGROUND

The subject parcel was created by Parcel Map 11-87 (Exhibit F) recorded in 1976 after being approved by the Board of Supervisors on May 17, 1976 under Tentative Parcel Map project P-76-154. The recorded map created a 50-foot wide road and public utilities easement on the parcel (lot 4). The northern property line creates the centerline of the current easement and extends 25 feet from each side of the centerline. The subject easement acted as an access point for an adjacent property as well as for electric utility lines. The adjacent property has since gained site access from Consolation Court (Exhibit E).

STAFF ANALYSIS

Site Description: The property is located on the east side of Whispering Pines Lane approximately a half-mile north of the intersection with Many Oaks and Wild Chaparral Road in the Shingle Springs area. The property is accessed from Consolation Court. The property currently contains one single family dwelling which was built in 1993. The subject parcel is surrounded by developed one-acre residential (R1A) properties (Exhibit C).

Project Description: The applicant is requesting an amendment to recorded Parcel Map 11-87 to remove an existing 50 foot wide road and public utilities easement and replace it with a 30 foot wide public utilities easement. Since approval of the current parcel map, Consolation Court- a new access point to adjacent properties- was developed per the county's roadway development standards. Due to this new access point, a road easement is no longer needed along the northern property boundary. Removal and replacement of the current easement will provide additional area for residential accessory structures and landscaping (Exhibit D).

Amending of Parcel Maps: Chapter 120.72 of the El Dorado County Ordinance Code and Government Code § 66472.1 allows for amending parcel maps by filing a certificate of correction or by amending the map. Should the Board of Supervisors approve the amendment, a Certificate of Correction is 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.

Summary of Findings: In order to approve the map amendment, the County must find that the amended map complies with Government Code and make specific findings pursuant to Section

120.72.040 of the County's Subdivision Ordinance. Staff found that these findings could be made to show that this project adheres to and is within the standards as set forth. These and the applicable General Plan and Zoning Ordinance findings are presented below.

Agency Review, Public Comment, and Conditions of Approval: Potentially affected agencies including the El Dorado County Surveyor's Office, El Dorado County Department of Transportation, and the El Dorado County Fire Protection District were consulted regarding the map amendment.

The El Dorado County Surveyor's Office reviewed the project and requested a condition of approval, which has been included. The El Dorado County Department of Transportation reviewed the project and had no comments or concerns. No other agencies provided comments, conditions, or concerns.

The owners of the three adjacent parcels (Assessor's Parcel Nos. 070-250-033, 070-250-034, and 070-250-035) which will be impacted by the removal of the 50 foot roadway easement have provided authorization for Alan Carlton, the agent on this project, to represent them through the parcel map correction process. Additionally, two of the entities which benefit from the current 50-foot easement- AT&T and Pacific Gas & Electric- have provided "Vacation (Abandonment) Release of Interest" forms alongside conditional no objection letters confirming their consent to the project (Exhibit G).

ENVIRONMENTAL REVIEW

The map amendment project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15305-Minor Alterations in Land Use Limitations 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 Report:

Findings

Conditions of Approval

Exhibit A.....Location/Vicinity Map

Exhibit B.....Assessor's Parcel Map

Exhibit C.....General Plan Land Use Designation Map

Exhibit D.....Zoning Map

Exhibit E.....Proposed Map Amendment

Exhibit F.....Parcel Maps 11-87, 24-16, and 45-35

Exhibit G.....Vacation (Abandonment) Release of Interest Forms

FINDINGS

Parcel Map Amendment P-C20-0003/Dewater Zoning Administrator/January 20, 2021

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 El Dorado County Ordinance Code 120.72 and Government Code § 66472.1

FINDINGS

1.0 CEQA FINDINGS

- 1.1 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.
- 1.2 The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department-Planning Services Division at 2850 Fairlane Court, Placerville, CA, 95667.

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 determine consistency with the policies of the General Plan.

3.0 ZONING FINDINGS

- 3.1 No Zoning Ordinance findings are applicable for this map amendment.

4.0 SUBDIVISION ORDINANCE (MAP AMENDMENT) FINDINGS

- 4.1 *That there are changes in circumstances which make any and all of the conditions of such a map no longer appropriate or necessary.*

Rationale: The subject road and public utilities easement was imposed on parcel map P-76-154 (Exhibit F). The staff report and findings from P-76-154 do not indicate how a size of 50 feet was determined for the easement. However, the reason for the easement was to provide access to the adjacent parcel to the south. Since approval of P-76-154, a new permanent access, Consolation Court, to the adjacent parcel to the south was developed. The overhead utility lines remain. There is no continued need for a 50-foot wide road easement, but the need for a public utility easement remains. As

such, a new 30-foot wide public utilities easement will be recorded. The centerline of the proposed easement will be based upon the existing location of the electric utility lines. This will provide additional area for residential accessory structures and landscaping.

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

Rationale: The applicant who submitted the amendment request is the present fee owner of the property. The reduction of the subject easement would benefit the owner by allowing the parcel to be developed with additional residential accessory structures and landscaping.

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

Rationale: All potentially impacted agencies were included in consultation on this project. None have submitted comments or concerns that the proposed amendment would alter any right, title or interest in the real property reflected in the recorded map.

- 4.4 *That the map as modified conforms to the provisions of Section 66474 of the Government Code.*

Rationale: 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 section includes consistency with the General Plan, suitability of the site for the type and density of development, no significant environmental effects, or public health problems, and does not conflict with public access easements. The proposed easement replacement does not affect any of the provisions of findings for approval of the parcel map amendment. The amended parcel map would remain suitable for the type and density of development, no physical change to the environment would occur, and the parcel map would remain consistent with the General Plan.

CONDITIONS OF APPROVAL

Parcel Map Amendment P-C20-0003/Dewater Zoning Administrator/January 20, 2021

Planning Services

1. The subject map amendment is based upon and limited to compliance with the project description, exhibits A-F, and the 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 11-87 to remove an existing 50-foot wide road and public utilities easement and replace with a 30-foot wide public utilities easement with the existing overhead lines forming the center line, providing additional area for development of residential accessory structures and landscaping.

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. **Indemnity:** 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. **Notice of Exemption Fee:** 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 Division prior to the issuance of any development permit being issued on the project parcel.

Surveyor

4. The property shall submit a “Certificate of Correction” effecting PM11-87, PM24-16, and PM45-35. The certificate shall be prepared and submitted 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.