

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: April 5, 2006

Item No.: 6.a.

Staff: Aaron Mount

PARCEL MAP CORRECTION

FILE NUMBER: P86-0157-C/Parcel Map Correction

APPLICANT: Eric Leafstone

REQUEST: Parcel map correction removing a 200 foot non-building setback on Parcel 1 of Parcel Map 39-95. (Exhibit E).

LOCATION: On the north side of Char Mar Circle, approximately 300 feet north of the intersection with Barnett Ranch Road in the Shingle Springs area. (Exhibit A)

APN: 109-311-01

ACREAGE: 5 acres

GENERAL PLAN: Low Density Residential-Important Biological Corridor-West (LDR-IBC-W) (Exhibit C)

ZONING: Estate Residential Five-acre (RE-5) (Exhibit B)

ENVIRONMENTAL DOCUMENT: Statutorily Exempt pursuant to Section 15268 of the CEQA Guidelines

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: Tentative Parcel Map P86-0157 was approved on February 25, 1987 and was recorded on September 21, 1988 (Parcel Map 39-95).

P86-0157 was approved with a 200 foot non-building setback as required by the Barnett Ranch Area Plan as the subject parcel is adjacent to the Southern Pacific Railroad right-of-way (Assessor's Parcel Number 109-311-50). The policy was as follows:

A non-building residential setback of 200 feet on either side shall be established along the Southern Pacific Railroad tracks and the El Dorado Lime tracks spur. It is expressly desired that a hiking and equestrian trails be created within this 200 foot setback.

Several policies within the Barnett Ranch Area Plan concerning setbacks were internally inconsistent referring to "buffers", "non-building setbacks", and "no-building easements". On November 29, 1988, the Board of Supervisors adopted Resolution No. 405-88 that amended the Barnett Ranch Area Plan by "eliminating the 200 foot buffer in the residential areas of the Barnett Ranch Area Plan."

The 1996 General Plan superseded all of the adopted Area Plans, and in this case, the above policy contained in the Barnett Ranch Area Plan. The 1996 General Plan did not contain any specific setback or buffering requirements.

The El Dorado County Board of Supervisors adopted the Sacramento-Placerville Transportation Corridor Master Plan by Resolution No. 040-2003 on February 25, 2003. In July 1991, the Sacramento-Placerville Transportation Corridor Joint Powers Authority (SPTC-JPA) was formed to purchase the Sacramento-Placerville railroad corridor from Southern Pacific Railway Corporation. Twenty-eight of the 53 miles of the Sacramento-Placerville Transportation Corridor purchased by the SPTC-JPA are within El Dorado County. The master plan identifies multiple uses, including excursion trains, trails, and utility easements.

All development proposals located adjacent to the corridor shall be reviewed to ensure consistency with the Sacramento-Placerville Transportation Corridor Master Plan. The design guidelines for residential development are as follows:

Any residential subdivision shall at a minimum provide for an irrevocable offer of dedication for trail easement 100 feet measured from centerline from right-of-way. Additional non-building setbacks may be established as deemed appropriate as part of project approval to ensure sensitive uses would be located an adequate distance from the corridor. Additional requirements for fencing and landscaping may be imposed as determined appropriate for project approval.

The property owner submitted Building Permit Number 170073 for a second residence within the recorded 200 foot non-building setback. Revision of the site plan now shows the residence at 109 feet from the property line adjacent to the transportation corridor. Due to the distance from the property line, staff recommends that no additional setbacks are required other than the 100 feet measured from the centerline of the right-of-way. There is a drop in topography from the proposed building site to the transportation corridor and it is staff's determination that no fencing or additional landscaping is required.

STAFF ANALYSIS

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR	Single-family Residence
North	RE-5/MR	LDR	Single-family Residence/Quarry/Transportation Corridor
South	RE-5	LDR	Single-family Residence
East	RE-5	LDR	Single-family Residence
West	MR	RR	Quarry/Transportation Corridor

Amending of Final Maps: Chapter 16.72 of the El Dorado County Code and Section 66472.1 of the Subdivision Map Act allow the amending of final maps by either filing a certificate of correction or amending the map. The County Surveyor recommends that a Certificate Of Correction be used to effect the change to the 200 foot non-building setback.

Section 16.72.040 of the County Code requires the decision makers to make all of the following findings:

- A. *That there are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary.*
- B. *That the modifications proposed did not impose any additional burden on the present fee owner of the property.*
- C. *That the modifications proposed do not alter any right, title or interest in the real property reflected in the recorded map.*
- D. *That the map as modified conforms to the provisions of Section 66474 of the Government Code.*

Discussion:

Finding A: Finding A requires a determination that there has been a “change in circumstances” regarding the 200 non-building setback. There have been no physical changes to the property since the parcel map was recorded that constitutes a change in circumstances. However, the requirement for a 200 non-building setback has been removed and later instituted as a 100 foot easement from the centerline of the adjacent transportation corridor, as discussed above. Therefore, the finding that there is a “change in circumstances” can be made since the Barnett Ranch Area Plan is no longer in

effect and any current development must be consistent with the Sacramento-Placerville Transportation Corridor Master Plan.

Findings B and C: Findings B and C can be made since the removal of the 200 non-building setback is being requested by and would benefit the current property owners and the change does not affect right, title, or interest in the property.

Finding D: Finding D requires that there would be no affect on the map regarding the findings for approval/denial of a parcel map pursuant to Section 66474 of the Subdivision Map Act. Section 66474 includes requirements for consistency with general plan, site suitability, environmental protection, public health and public easement protection.

The proposed removal of the 200 foot non-building setback will not affect any of the provisions for findings for approval/denial of a parcel map since no physical change to the environment will occur and there are no general plan requirements for 200 foot non-building setback.

Finding D can be made since the removal of the 200 foot non-building setback is consistent with 2004 General Policy TC-6a which states:

The County shall support improvements and uses on the former Southern Pacific right-of-way and track within the county, now known as the Sacramento-Placerville Transportation Corridor (SPTC) that maintain its viability as a potential freight and passenger hauling rail facility.

In summary, the setback removal and subsequent addition of an easement 100 feet from the centerline of the transportation corridor would be approved if the parcel map were being reviewed for current approval.

Comments from Agencies: As of the drafting of this report, the Planning Department has received comments from County Surveyor and the Department of Transportation and the commenting agencies did not have any concerns regarding the removal of the 200 foot non-building setback. The Department of General Services, Airports Parks and Grounds Division, were concerned with the future development of the Sacramento-Placerville Transportation Corridor. They stated that the specific use for this area within the corridor has not been addressed at this time but that the guidelines within the Sacramento-Placerville Transportation Corridor Master Plan would be sufficient to mitigate any use conflicts that may be encountered by the removal of the 200 foot non-building setback.

Affected Properties: The project parcel (APN 109-311-01) and the Sacramento-Placerville Transportation Corridor (APN 109-311-50) are the only parcels affected by this project. The easement will be entirely on the project parcel and will not require approval of any adjacent property owners nor will it affect access to any adjacent parcels.

ENVIRONMENTAL REVIEW

Staff recommends the project be found to be Statutorily Exempt from further environmental review pursuant to Section 15268 of the California Environmental Quality Act (CEQA) Guidelines, that states: *In the absence of any discretionary provision contained in the local ordinance or other law establishing the requirements for the permit, license, or other entitlement for use, the following actions shall be presumed to be ministerial: (3) Approval of final subdivision maps.*

RECOMMENDATION

Planning Services is forwarding parcel map correction and amendment requests to the Zoning Administrator for final action. The Zoning Administrator action may be appealed to the Board of Supervisors within ten working days.

Staff recommends the Zoning Administrator:

1. Find the map amendment is statutorily exempt from CEQA pursuant to Section 15268(b3) of the CEQA Guidelines, and
2. Approve map amendment to remove the 200-foot non-building setback for Parcel 1 of Parcel Map 39-95, based on the conditions in Attachment 1 and findings in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval
Attachment 2Findings
Exhibit AVicinity Map
Exhibit BGeneral Plan Land Use Map
Exhibit CGeneral Plan Important Biological Corridor Map
Exhibit DZoning Map
Exhibit EParcel Map 39-95
Exhibit FAssessor’s Map Book 109 Page 31
Exhibit G1-2Building Permit 170073 Site/Plot Plans

ATTACHMENT 1

CONDITIONS OF APPROVAL

FILE NUMBER P86-0157-C

1. It is hereby directed that the property owner shall submit a Certificate of Correction, prepared by an appropriate 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 Recorders Office. The property owners are responsible for all associated processing and recording fees. The Certificate of Correction shall reference the required trail easement, measured 100 feet from the centerline of the Sacramento-Placerville Transportation Corridor right-of-way.

An Irrevocable Offer of Dedication for trail easement 100 feet measured from centerline from the Sacramento-Placerville Transportation Corridor right-of-way shall be provided. Applicant shall submit a complete application to the Right-of-Way Unit of the El Dorado County Department of Transportation. Building permits may be obtained when a complete application is accepted by the Department of Transportation.

ATTACHMENT 2

FINDINGS

FILE NUMBER P86-0157-C

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:

FINDINGS FOR APPROVAL

All Required Findings (A, B, C and D) must be made in order for approval

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

Finding A: Finding A requires a determination that there has been a “change in circumstances” regarding the 200 non-building setback. There have been no physical changes to the property since the parcel map was recorded that constitutes a change in circumstances. However, the requirement for a 200 non-building setback has been removed and later instituted as a 100 foot easement from the centerline of the adjacent transportation corridor, as discussed above. Therefore, the finding that there is a “change in circumstances” can be made since the Barnett Ranch Area Plan is no longer in effect and any current development must be consistent with the Sacramento-Placerville Transportation Corridor Master Plan.

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

Finding B: The removal of the 200 foot non-building setback benefits the present fee owner by allowing additional flexibility in developing the property with uses permitted in the RE-5 zone district by right and does not impose any additional burden on the present fee owner of the property.

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

Finding C: The modification has no other effect on the property.

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

Finding D: The provisions of Section 66474 of the Government Code (Subdivision Map Act) list the findings for approval or denial of a subdivision map. The findings include

consistency with the General Plan; suitability of the site for the type and density of development; causing environmental effects; public health problems; and conflicts with public access easements. The removal of the 200 foot non-building setback on Parcel 1 of Parcel Map 39-95 does not create any additional environmental impacts or change any of the required consistency findings.

CEQA Finding:

The project has been found to be Statutorily Exempt from CEQA pursuant to Section 15268 stating that corrections to final maps are exempt from CEQA.