

**EL DORADO COUNTY DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: July 2, 2008
Item No.: 6.b
Staff: Thomas A. Lloyd

PARCEL MAP AMENDMENT

FILE NUMBER: P 75-0265-C-1

APPLICANT: Sean Carr

AGENT: Carl Nober

REQUEST: A request to amend Parcel Map 9-45, removing a portion of a 50-foot non-exclusive road and public utilities easement from said map. The portion to be removed is found on existing Parcel C only of subsequent recorded Parcel Map 22-24.

LOCATION: On the east side of Greenstone Road, two miles south of the intersection with U.S. Highway 50 in the Placerville area, Supervisorial District III (Exhibit A).

APN: 319-070-77 (Exhibit D)

ACREAGE: 8.01 Acres

GENERAL PLAN: Low Density Residential (LDR) (Exhibit B)

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

ENVIRONMENTAL DOCUMENT: Statutorily Exempt pursuant to Section 15268(b)(3) of the CEQA Guidelines.

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: The subject parcel map, with the easement in question, was recorded on October 28, 1975 in Book 9 on Page 45 of parcel maps. On June 1, 1976, a subsequent parcel map was filed in Book 11, Page 15 which reflected a division of Parcel A into three lots, hereafter referred to as Parcels 1, 2, and 3. Finally, in November 13, 1978 in book 22 of Parcel

Maps on Page 24, a parcel map was recorded to reflect a boundary line adjustment between Parcels B and C. This parcel map created the current parcel configuration. The subject road and public utilities easement is 50 feet wide and currently terminates in a cul-de-sac located entirely within the boundaries of Parcel C. Originally, the project description included the relocation of this cul-de-sac to Parcel A of Parcel Map 22-24 (Exhibit F) and Parcel B of Parcel Map 9-45 (Exhibit H). Since the time of project submittal and distribution, the applicant modified the plan, effectively removing this cul-de-sac. The Department of Transportation and the El Dorado/Diamond Springs Fire District reviewed the new proposal, and have conditioned the project accordingly.

The subject parcel has been developed with a number of structures including a permitted house, a second residential unit, a temporary mobile home, and a shed. If the current county policy of enforcing 30-foot setbacks from the edge of recorded road easement is utilized, all but the shed would be located within that setback. The need for this map correction was discovered during the Planning Department's review of building permit #187381. This permit is for a pump house to locate a storage tank. The proposed site plan shows the location of the structure, along with the aforementioned structures, within the required front yard setback. As such, the applicant was notified of the need to abandon the easement, thus subjecting the parcel only to the zone district's development standard of 30-foot setbacks from the property lines. Permit #187381 is currently on hold, pending the outcome of this map correction.

El Dorado Irrigation District (EID) American Telephone and Telegraph (AT&T), and Pacific Gas & Electric (PG&E) have had the project proposal distributed to their staff. None have expressed concerns with removal of the easement. No parcels beyond the subject parcel are served by this easement.

STAFF ANALYSIS

Project Description: A request to amend Parcel Map 9-45, removing a portion of an existing 50-foot non-exclusive road and public utilities easement from said map. The portion to be removed is found on Parcel C only of subsequent recorded Parcel Map 22-24.

Amending of Final Maps: Chapter 16.72 of the El Dorado County Code and Section 66472.1 of the Subdivision Map Act allows the amending of final 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 to remove the easement from the recorded map.

Section 16.72.040 of the County Code requires the approving authority make specific findings as set forth in Attachment 2.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR-IBC	Single-family residence, second dwelling, hardship mobile home
North	A	LDR	Undeveloped
South	RE-5	LDR-IBC	Single-family residence
East	A	LDR	Undeveloped
West	RE-5	LDR-IBC	Single-family residence

General Plan: The General Plan designates the subject site as Low Density Residential with an Important Biological Corridor overlay (LDR-IBC). This land use designation establishes areas for single-family residential development in a rural setting. In Rural Regions, this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available. The maximum allowable density shall be one dwelling unit per 5.0 acres. Parcel size shall range from 5.0 to 10.0 acres. At 5 acres, this land use designation is considered appropriate.

Conclusion: Staff finds that the proposed project, as conditioned, is consistent with the above requirements of the 2004 General Plan and Section 66472.1 of the California Government Code, (Subdivision Map Act) because the amendment of the subject parcel map, and the subsequent removal of the recorded 50-foot easement, would not adversely impact any public agency or any party with interest in this easement.

Zoning: The project site is zoned Estate Residential Five-acre (RE-5). The setbacks required by Zoning Code Section 17.28.210 are 30 feet for front and rear yards and 30 feet on the sides with one additional foot required for each additional foot required for each additional foot of building height in excess of 25 feet. These setbacks distances are applied from the respective property lines or the edge of any recorded road easement. The subject parcel has been developed with a number of legally permitted structures which, by current standards, would be inconsistent with this provision. Approval of this map correction would subject future building permits to the 30 foot standards of the zone district measured from the property lines, as no recorded road easement would be located on the parcel. This would effectively bring the previously built structures into compliance. As such, staff finds the proposed map correction request, as conditioned, consistent with all applicable provisions of County Zoning Ordinance Title 17.

Subdivision Map Act Section 66474, a legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Amended by Stats. 1982, Ch. 518.)

Discussion: In order to approve the map correction/amendment, the County must find that the corrected map complies with the Government Code. Accordingly, based on comments received from public agencies, and the analysis contained within this report, staff finds that the project would not be detrimental to the public health, safety and welfare and nor be injurious to the neighborhood.

ENVIRONMENTAL REVIEW

The map correction project has been found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15268 (b) (3) stating that the approval of final subdivision maps is presumed to be ministerial and is exempt from further environmental review. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

Staff recommends the Zoning Administrator take the following actions:

1. Certify that Parcel Map Amendment P 75-0265-C-1, amending Parcel Map 9-45, is Statutorily Exempt from the requirements of CEQA pursuant to Section 15268(b)(3).
2. Approve Parcel Map Amendment P 75-0265-C-1, amending Parcel Map 9-45, based on the Conditions of Approval contained in Attachment 1 and the Findings contained in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Proposed Abandonment
Exhibit E	Assessor's Parcel Map
Exhibit F	Parcel Map 22-24
Exhibit G	Parcel Map 11-15
Exhibit H	Parcel Map 9-45

ATTACHMENT 1

CONDITIONS OF APPROVAL

PARCEL MAP AMENDMENT **FILE NUMBER P 75-0265C-1**

Planning Services Site Specific and Standard Conditions

1. The subject Certificate of Correction is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibits A-H dated July 2, 2008, 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:

An amendment to Parcel Map 9-45, removing a portion of an existing 50-foot non-exclusive road and public utilities easement from said map. The portion to be removed is found on Parcel C only of subsequent recorded Parcel Map 22-24.

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 below. 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 (such as Landscape and Tree Protection 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 subdivision, 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. The map amendment project has been found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15268(b)(3) stating that the approval of final subdivision maps is presumed to be ministerial and is exempt from further environmental review. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.
4. Prior to recordation, the applicant shall provide to Planning Services proof of a quit claim deed, or other such necessary title instrument, sufficiently demonstrating that all interests in said easement have been vacated, and that the easement has been removed from title.
5. All Planning Services fees shall be paid in full prior to recording of the Certificate of Correction.

Department of Transportation

6. The applicant shall provide a non-exclusive road and public utility easement to accommodate a turnaround at the end of the roadway to the provisions of County Standard Plan 114 or approved equivalent, prior to the filing of the parcel map. This easement shall be maintained between the subject parcel and the adjoining parcel, identified by Assessor's Parcel Number 319-070-36.

County of El Dorado Office of the County Surveyor

7. Pursuant to the Subdivision Map Act and County Code, the property owner shall submit a Certificate of Correction affecting Parcel Map 22-24 to the County Surveyor for review. The certificate shall be prepared by a licensed professional. Upon approval by the County Surveyor, the Certificate of Correction shall be recorded in the County Recorder's office. The property owner is responsible for all associated processing and recording fees.

Air Quality Management District

8. The project construction will involve grading and excavation operations, which result in a temporary negative impact on air quality with regard to the release of particulate matter (PM₁₀) in the form of dust. Current county records indicate this project is not located within the Asbestos Review area. District Rules 223 and 223.1, which address the regulations and mitigation measures for fugitive dust emissions shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.1. In addition, a Fugitive Dust Plan (FDP) Application with appropriate fees shall be submitted to and approved by the District prior to start of project construction.
9. Project construction may involve road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

10. Burning of wastes that result from “Land Development Clearing” must be permitted through the District. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).

Diamond Springs/El Dorado Fire Protection District

11. All driveways shall provide a minimum 12-foot traffic lane, with unobstructed horizontal clearance of 14 feet, and unobstructed vertical clearance of 15 feet along its entire length and be capable of supporting a 40,000 pound load.
12. Driveway grades exceeding 16 percent shall be of an all-weather surface (Pavement of asphalt).
13. Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
14. A turnaround shall be provided to all building sites with driveways over 300 feet in length. Turnarounds shall be within 50 feet of the building with a minimum turning radius of 40 feet from the center line of the road. Applicant may use a hammerhead “T”, a modified “T”, or a modified “Y” in lieu of a circular type turnaround, as per El Dorado County Department of Transportation standards.
15. Any gates require Fire District approval and must meet current El Dorado County standards.
16. All roadways and driveways shall adhere to El Dorado County Department of Transportation requirements.
17. Cul-de-sacs shall not be longer than 500 feet, with a turnaround having an outside roadway radius of 40 feet and a right-of-way radius of 50 feet. A short, pear-shaped, one-way loop with a central island may be provided with an outside roadway radius of 60 feet and an inside radius of 40 feet, and the right-of-way shall be 10 feet from the roadway. A hammerhead shaped turnaround may be provided with the stubbed ends forming a T or Y, extending 50 feet from their point of intersection, having a surface width equal to the width of the incoming street and the right-of-way shall be 10 feet from the roadway, except in extreme fire hazard areas where the outside road radius shall be 60 feet and the right-of-way radius 70 feet.
18. All addresses shall be clearly marked at the ends of driveways.

ATTACHMENT 2
FINDINGS

PARCEL MAP AMENDMENT
FILE NUMBER P 75-0265C-1

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 is Statutorily Exempt from the requirements of CEQA pursuant to Section 15268 (b) (3).
- 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 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 easement was originally placed on the parcel in 1975, coinciding with the original Parcel Map 9-45. Subsequently, other parcel maps reflecting divisions and boundary line adjustments have been filed. The subject easement no longer serves any useful purpose as the affected road portion of the easement does not serve an adjoining parcel. Further, the easement does not provide improved traffic circulation as it currently terminates in a cul-de-sac on the subject parcel.

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

Amending Parcel Map 9-45 by removing a 50-foot non-exclusive road and public utilities easement found only on Parcel C of Parcel Map 22-24 would benefit, not burden, the current owner.

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

As a condition of approval, the applicant will provide Planning Services with proof of quit claim or other sufficient device illustrating that all interest in the easement has been dissolved. As such, the modification to the map will not alter any right, title, or interest

in the real property reflected on the map.

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

The applicable portion of Section 66474(g) requires that the County find the amendment to Parcel Map 9-45, removing a portion of an existing 50-foot non-exclusive road and public utilities easement from said map and found specifically on Parcel C only of subsequent recorded Parcel Map 22-24, will not conflict with easements for access through or use of property adjacent or adjoining to said parcel. No utility company, public agency, or parcel owner with interest in the easement areas within the subject easement objected to its removal.