

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



Agenda of: December 17, 2008
Item No.: 4.b.
Staff: Tom Dougherty

PARCEL MAP AMENDMENT

FILE NUMBER: P77-0503C

APPLICANT: Phil and Cathleen Fischbach, Nicholas and Christine Meyer

REQUEST: Request to amend Parcel Map 21 - 73 to remove a 225-foot section of the existing easement and relocate the cul-de-sac at the new location of a 50-foot non-exclusive road and public utility easement.

LOCATION: At the western terminus of Broken Branch Road approximately 1,000 feet southwest of the intersection with Dragon Springs Road in the Rescue area, Supervisorial District IV. (Exhibit A)

APNS: 317-240-24 (Fischbach) and 317-240-25 (Meyer) (Exhibit B)

ACREAGE: 317-240-24 is 5.005 acres and 317-240-25 is 8.125 acres

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

ZONING: Estate Residential Five – Acre (RE-5) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically Exempt from the requirements of CEQA pursuant to Section 15305 (a).

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

1. Certify that map amendment P77-0503C is Categorically Exempt from the requirements of CEQA pursuant to Section 15305 (a).
2. Approve map amendment P77-0503C amending Parcel Map 21 - 73 based on the Conditions of Approval contained in Attachment 1 and the Findings contained in Attachment 2.

BACKGROUND: The approval of Tentative Parcel Map P77-0503 resulted in Parcel Map 21 - 73, recorded September 19, 1978 creating three parcels. The parcels subject of this amendment are Parcels 2 and 3. The Parcel Map included a 50-foot wide road and public utility easement that enters the three Parcels where they intersect and terminates at a 50-foot radius cul-de-sac approximately 400 feet west of the point where it enters.

The applicants submitted Boundary Line Adjustment BLA08-0041 on August 5, 2008. It proposes to adjust the current boundary line between Parcels 2 and 3 to follow the current southernmost line of the existing road and public utility easement. It will change the current acreage of Parcel 2 from 5.001 acres to 5.131 acres and Parcel 3 from 8.125 acres to 7.9992 acres. It has been reviewed and determined to meet with Planning Services approval. It will be recorded at the same time as the Certificate of Correction.

STAFF ANALYSIS

Project Description: Request to amend the recorded Parcel Map PM 21 - 73 to remove approximately 225 feet of the existing 50-foot wide road and public utility easement that enters the three Parcels where they intersect and terminates at a 50-foot radius cul-de-sac approximately 400 feet west of the point where it enters. The cul-de-sac of the same size would then be located at the terminus of the new location within Parcels 2 and 3.

Site Description: The two parcels totaling 13.13 acres are located at approximately 1,400 feet above sea level. The parcel is covered with mature oak trees and a few conifers spaced apart with very little under story. There are existing graded and graveled driveways starting where the proposed new location of the cul-de-sac is proposed that enter both parcels.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-5	LDR	Residential. Vacant.
North	RE-5	LDR	Residential. Single-family residences.
South	R3A	MDR	Residential. Single-family residence.
East	RE-5	LDR	Residential. Single-family residence.
West	RE-5	LDR	Residential. Single-family residence.

Discussion: The subject portion of the easement has not been improved or used by any of the utility companies associated with that original map easement designation and no surrounding parcels use the easement for their public utility connections. The road easement is currently graded and graveled to driveway standards.

General Plan: The project area is designated on the General Plan land use map as Low-Density Residential (LDR). This designation is suitable for single-family residences with accessory structures.

Policy 6.2.3.2 directs that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area. The proposed reduction in the length of the easement will shorten the dead end road and actually improve the emergency response capabilities.

Conclusion: Staff finds that the proposed project, as conditioned, is consistent with the requirements of the 2004 General Plan.

Zoning: The project site is zoned estate Residential Five-Acre (RE - 5). No new conflicts with setbacks or easements relative to potential residential development, or any other development standards or requirements of the Zoning Code, will be created by the reduction in the length of the easement and relocation of the cul-de-sac.

2004 Subdivision Map Act: Pursuant to Section 66472.1 of the California Government Code (Subdivision Map Act), the map amendment can be approved because the removal of a 225-foot section of a 50-foot non-exclusive road and public utility easement, and relocation the cul-de-sac at the new location, would not adversely impact any public agency or any party with interest in this easement. The amendment, as proposed, conforms to Section 66474 and a certificate of correction would be filed to effect the relocation of the road and public utility easement.

Amending of Parcel Maps: Chapter 16.72 of the El Dorado County Code and Section 66472.1 of the Subdivision Map Act allows the 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 is recommended by the County Surveyor's Office to effect the relocation of the road and public utility easement.

Section 16.72.040 of the County Code requires the approving authority make specific findings as set forth in Attachment 3.

Discussion: In order to approve the map amendment, the County must find that the amended map complies with the Government Code. An alternative easement exists for all affected parcel owners and utility companies. El Dorado Irrigation District (EID), American Telephone and Telegraph (AT&T) and Pacific Gas and Electric (PG&E) have had the project proposal distributed to their staff and have responded that they do not have any concerns with the reduction of the 50-foot road and public utility easement. The applicant has supplied signed letters from the other two parcel owners, (APNs 317-240-23 and 28) with deeded rights to the Broken Branch Road easement that state they have no opposition to the map amendment

The following agencies responded that they had no concerns with the map amendment:

El Dorado County Department of Transportation
El Dorado County Office of the County Surveyor
Garden Valley Fire Protection District

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 variance and map amendment project have been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15305 (a) of the CEQA Guidelines which states that minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel are exempt. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibits B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E1	Subject Parcel Map PM 21 – 73
Exhibit E2	Neighboring Parcel Map PM 40 - 78
Exhibits F1 to F3	Site plans dated March 12, 2008, two pages each.
Exhibits G1, G2	Site photos
Exhibit H	Aerial Photo

ATTACHMENT 1
CONDITIONS OF APPROVAL

File Number P77-00503C, Fischbach - Meyer Parcel Map Amendment
Zoning Administrator Hearing December 17, 2008

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-H dated December 17, 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:

Amend Parcel Map 21 - 73 to remove a 205-foot section and relocate the cul-de-sac at the new location of a 50-foot non-exclusive road and public utility easement located at the western terminus of Broken Branch Trail as shown in Exhibits F1, F2, and F3.

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 (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. All Planning Services fees shall be paid in full prior to recording of the Certificate of Correction.
4. The final approval of Boundary Line Adjustment BLA08-0041 is subject to the approval of map amendment file P77-00503C by the Zoning Administrator. The Certificate of Correction for P77-0503C shall be recorded either prior to or concurrently with the final approval and recording of the map for Boundary Line Adjustment BLA08-0041.

County of El Dorado Office of the County Surveyor

5. The property owners shall submit a “Certificate of Correction” amending PM 19-136. The certificate shall be prepared 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 Records Office, a copy of which shall be provided to Planning Services. The property owners are responsible for all associated processing and recording fees.

ATTACHMENT 2 FINDINGS

File Number P77-0503C – Fischbach – Meyer Parcel Map Correction Zoning Administrator Hearing December 17, 2008

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 (a) of the CEQA Guidelines which states that minor lot line adjustments, side yard, and set back variances 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 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.* All three parcels created by PM19 - 136 will have access easements from the point that they all join. The subject easement was never used or developed by any affected utility companies and all responded that they did not oppose the subject map amendment. All parcel owners with deeded rights to the easement also did not oppose the project as well. Therefore, the subject easement is not needed.
- 2.2 *That the modifications proposed do not impose any additional burden on the present fee owner of the property.* The reduction in the length of the road and public utility easement being requested would benefit, and not burden, the current owners.
- 2.3 *That the modifications proposed do not alter any right, title or interest in the real property reflected in the recorded map.* The full 50-foot easement for road and public utilities was for the benefit of the parcels identified by Assessor's Parcel Numbers 317-24-23, 24, 25 and 28. The subject portion included in the recording of Parcel Map 21 - 73 was for the benefit of the Parcels 1, 2, and 3 and El Dorado Irrigation District (EID), American Telephone and Telegraph (AT&T) and Pacific Gas and Electric (PG&E), all of whom have interest in the easement, and all of whom approve of the request. Therefore, the map may 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 applicable portion of Section 66474(g) requires that the County find the reduction of the road and public utility easement will not conflict with easements for access through or use of, property within the parcel map. No utility company, public agency, or parcel owner with interest in the easement, objected to the reduction in the length of the 50 - foot non-exclusive road and public utility easement subject of this permit request.