

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



Agenda of: April 15, 2009
Item No.: 4.a.
Staff: Tom Dougherty

**Lot Line Adjustment Revision
(Parcel Map Amendment)**

FILE NUMBER: BLA94-0048 R

APPLICANT: El Dorado County (Department of Transportation)

PROPERTY OWNERS: Mark Milligan and Maki Ganno, Elmer and Donnette Stapp

REQUEST: Revision to Boundary Line Adjustment BLA94-0048 amending Parcel Map PM45-31 to abandon the 50-foot wide Road and Public Utility Easements on Parcels 1 and 2 and re-locate along the southern parcel boundaries of Parcels 1 and 2 on said map.

LOCATION: The two parcels are located on the north side of Red Hook Trail approximately 200 feet north of the intersection with Sanders Drive in the Pollock Pines area, Supervisorial District II. (Exhibit A)

APNS: 101-220-17 (Stapp) and -18 (Milligan) (Exhibit B)

ACREAGE: 101-220-17 (2.99) and -18 (6.02)

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

ZONING: One-Family Residential (R1) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Exempt pursuant to Section 15305 of the CEQA Guidelines.

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

1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15305 of the CEQA Guidelines and;

2. Approve Boundary Line Adjustment BLA94-0048 R subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

BACKGROUND: The Pollock Pines (County) Park parcel, APN 101-220-19, has access through the subject parcels via a road and PUE dedicated by Grant Deed 1678 OR 490. The deed does not call out a specific a specific location, only giving a general description of the Road and Public Utility Easement (PUE) location with the note that the exact location of the described easement to be determined by the Grantor at a later date. The approval of BLA94-0048 was effected by the recording of PM45-31 which showed the road and PUE in its present location.

STAFF ANALYSIS

Project Description: Revision to Boundary Line Adjustment BLA94-0048 amending PM45-31 to abandon the 50-foot wide Road and Public Utility Easements shown on Parcels 1 and 2 and re-locate along the southern parcel boundaries of said Parcels. The existing location of the easement transverses difficult topography, providing inadequate access to the park site. The County desires to relocate the easement to a more suitable location. The two adjoining property owners have agreed to the BLA revision and have signed an application for a Certificate of Correction. The property owners will issue a new Road Right-of-Way and PUE easement to the County in return for the County to proceed with the correction and then quitclaim any rights they may have as currently shown on Parcel Map PM45-31, and as granted by Grant Deed 1678 OR 490.

Site Description: The two sites total approximately 9 acres and are located at the 3,960-foot elevation above the mean sea level. The two parcels have relatively flat topography and contain mature conifers. Both parcels contain single family dwellings and associated accessory structures and supporting infrastructure.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Both Sites	R1	MDR	Residential / single family residences.
North	R1A	MDR	Residential (approved subdivision) / vacant.
South	C/R1	HDR/C	Residential / single family residences.
East	R1	MDR	Residential / single family residence.
West	RE-10	LDR	Future Pollock Pines County Park / vacant.

Discussion: The surrounding parcels to the north, east and south have residential uses or are designated for residential uses by the General Plan. One parcel to the south is designated for commercial uses. The proposed relocation of the road and public utility easement would have minimal impacts on the neighborhood and can be found to be compatible with the surrounding

development for an area planned for residential and commercial land uses and location in a Community Region.

General Plan: The General Plan designates the subject parcel as Medium Density Residential (MDR). The purpose of this land use category is to provide areas for detached single-family detached residences with larger lot sizes and a maximum density of one dwelling unit per 1.0 acre. Both parcels contain single-family dwellings and supporting infrastructure on 2.99 and 6.02 acres of land and the residential use and parcel sizes use could be found to comply with General Plan policies.

Conclusion: As discussed above, staff finds that the request to revise to BLA94-0048 to amend PM45-31 to abandon the 50-foot wide Road and Public Utility Easements shown on Parcel Map PM45-31, and re-locate them along the southern parcel boundaries of Parcels 1 and 2, could be found to be in compliance with the 2004 General Plan policies. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning: The project site is zoned One-Family Residential (R1). The re-location of the easement along the southern parcel boundaries of Parcels 1 and 2 and is not subject to zoning regulations. However, any new structures placed on the subject parcels would need to meet current zoning development standards.

Access: Access to both parcels is obtained from Red Hook Trail which connects to the south with Sanders Drive. Sanders Drive the directly encroaches onto Pony Express Trail.

ENVIRONMENTAL REVIEW

Boundary Line Adjustments are regarded as ministerial per CEQA Guidelines and fall under Categorical Exemption pursuant to Section 15305 of the CEQA Guidelines Sections. The relocation of the 50-foot road and utility easement would not create significant environmental impacts. 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
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use map
Exhibit D	Zoning designations map
Exhibit E	Parcel Map 45-31
Exhibit F1.....	Proposed Certificate of Correction
Exhibit F2.....	Proposed Certificate of Correction, "Exhibit A"
Exhibit F3.....	Proposed Certificate of Correction, "Exhibit B"
Exhibit G.....	Aerial photo

ATTACHMENT 1
CONDITIONS OF APPROVAL

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CONDITIONS OF APPROVAL

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-G dated April 15, 2009, 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:

Revise Boundary Line Adjustment BLA94-0048 and amend Parcel Map PM45-31 to abandon the 50-foot wide Road and Public Utility Easements shown on Parcels 1 and 2 and re-locate along the southern parcel boundaries of Parcels 1 and 2 as shown in Exhibits F1, F2, and F3.

2. All Planning Services fees shall be paid in full prior to recording of the Certificate of Correction.
3. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be made payable to El Dorado County and must be submitted to Planning Services after the end of the appeal period of a final project decision.

County of El Dorado Office of the County Surveyor

4. The property owners shall submit a "Certificate of Correction" amending PM45-31. 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 Recorders 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

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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:

1.0 CEQA Findings

- 1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15305 of the CEQA Guidelines Sections. Section 15305 stating that minor alterations to land use limitations such as this easement relocation, does not result in changes in land use or density.
- 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 General Plan designates the subject parcel as Medium Density Residential (MDR). The purpose of this land use category is to provide areas for detached single-family detached residences with larger lot sizes and a maximum density of one dwelling unit per 1.0 acre. Both parcels contain single-family dwellings and supporting infrastructure on 2.99 and 6.02 acres of land and the residential use and parcel sizes use could be found to comply with General Plan policies.

3.0 Zoning Findings

- 3.1 The project is zoned One-Family Residential (R1). The request is to abandon the 50-foot wide Road and Public Utility Easements shown on Parcel Map PM45-31 and re-locate along the southern parcel boundaries of Parcels 1 and 2 and is not subject to zoning regulations.

4.0 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.* The two parcels subject of PM45-31 will have access easements from the point that they join the cul-de-sac on Red Hook Trail. 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. Therefore, the subject easement is not needed at the current location but would provide more adequate access to the County-owned parcel adjoining to the west.

- 4.2** *That the modifications proposed do not impose any additional burden on the present fee owner of the property.* The relocation of the easement being requested would benefit, and not burden, the current owners.
- 4.3** *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 101-220-17, 101-220-18 and 101-220-19. All three parcel owners that have interest in the easement approve of the request. Therefore, the map may be amended to reflect the project request.
- 4.4** *That the map as modified conforms to the provisions of Section 66474 of the Government Code.* Section 66474(g) requires the County to find that the changes to the parcel map will not conflict with easements for access through or use of property within the map area. The map correction re-aligns the 50-foot wide nonexclusive road and public utility easement to a safer road alignment that that would be more adequately used by the affected and adjacent property owners.