

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



Agenda of: August 5, 2009
Item No.: 4.b.
Staff: Tom Dougherty

PARCEL MAP AMENDMENT

FILE NUMBER: P80-0280-C

AGENT: Bill Dalton

APPLICANT/PROPERTY OWNER: Roger Musso

SURVEYOR: David Waddell

REQUEST: Request to amend Parcel Maps PM 30-71 and PM 50-7 to relocate a 50-foot radius turnaround easement within a non-exclusive road and public utility easement, as constructed.

LOCATION: East side of State Route 49 approximately 500 feet north of the intersection with State Route 193 in the Cool area, Supervisorial District IV. (Exhibit A)

APNS: 071-500-34, 37, 38, 44 and 45 (Exhibit B)

ACREAGE: 9.7 total acres, all five parcels combined.

GENERAL PLAN: Commercial (C) (Exhibit D)

ZONING: General Commercial - Design Control (CG - DC) (Exhibit E)

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 P80-0280-C is Categorically Exempt from the requirements of CEQA pursuant to Section 15305 (a).

2. Approve Map Amendment P80-0280-C amending Parcel Maps PM 30-71 and PM 50-7 based on the Conditions of Approval contained in Attachment 1 and the Findings contained in Attachment 2.

BACKGROUND: The approval of Tentative Parcel Map P80-0280 resulted in Parcel Map PM 30-71, recorded January 5, 1982 creating three parcels (Exhibit E1). The Parcel Map included a 50-foot wide road and public utility easement for access to the three parcels off of State Route 49. The easement terminates approximately 520 feet east of the State Route 49 access point. The required turnaround was not constructed with this easement. A turnaround was constructed approximately 770 feet to the east. That easement extension was created during the Boundary Line Adjustment process for BLA93-0073 and BLA07-0025. Certificates of Compliance COC88-0049, 50 and 51 found there were two existing parcels within the area shown on PM 30-71. Therefore, five parcels currently exist in the map area today.

Boundary Line Adjustment BLA93-0073 adjusted the lines for three parcels which resulted in the configuration shown in Record of Survey RS 21-42 (Exhibit E2).

Boundary Line Adjustment BLA07-0025 adjusted the lines to the current configuration as shown on Parcel Map PM 50-7 (Exhibit E3).

The Conditions of Approval for Special Use Permit S08-0024 (Cool Boat, RV and Self-Storage) approved by the Planning Commission on May 14, 2009, required the submittal of the map amendment. The following is the required condition:

8. *The existing turnaround easement shown on Parcel Map PM 30–71 shall be abandoned through the Map Amendment process with Planning Services. The location of the existing turnaround at the eastern edge of the subject parcel shall be accurately located on the map submitted with the Certificate of Correction request. No development permits shall be issued until Planning Services receives a copy of the recorded Certificate of Correction.*

That approval also resulted in the following Conditions of Approval which pertain to road access improvements for Northside Drive:

12. *Access Road Improvements: The applicant shall construct and/or verify the project access road (Northside Drive) is consistent with Design Standard Plan 101B modified, a 24-ft wide roadway without curb, gutter, and sidewalk, from its connection at SR 49 to the project site. The improvements shall be completed to the satisfaction of the Department of Transportation prior to issuance of a building permit for Phase II (construction of a second building at the site).*
13. *Turnaround: The applicant shall construct and/or verify a turnaround at the end of Northside Drive to the provisions of County Standard Plan 114 or approved equivalent.*

The improvements shall be completed to the satisfaction of the Department of Transportation prior to issuance of a building permit.

STAFF ANALYSIS

Project Description: Request to amend Parcel Maps PM 30-71 and PM 50-7 to relocate a 50-foot radius turnaround easement within a 50-foot non-exclusive road and public utility easement, as constructed.

Site Description: The site is located at a 1,620-foot elevation above the mean sea level. Northside Drive is improved and has an asphalted surface and terminates at a cul-de-sac at the easternmost portion of the project area. There are existing asphalted, graveled or dirt driveways entering each parcel off of Northside Drive.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	CG	C	Commercial. Vacant
North	CP	C	Planned commercial. Vacant.
South	CG	C	Commercial. Vacant and cellular communications facility.
East	CG	C	Commercial. Mini – storage units.
West	CG	C	Commercial. Post office, cellular communications facility.

Discussion: The recorded turnaround within the road easement has not been improved or used by the utility companies and the surrounding parcels do not use more than the 50-foot wide road easement area the easement for their public utility connections. The road easement has been improved however; the improved turnaround has been located outside the recorded easement.

General Plan: The General Plan designates the subject parcels as Commercial. The purpose of this land use category is to *provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.*

Adequate Access for Emergencies: **Policy 6.2.3.2** directs the applicant to demonstrate that adequate access exists, or can be provided for emergency vehicles and private vehicles to access and evacuate the area.

Consistent: Special Use Permit S08-0024 required improvements, or verification of improvements, to Northside Drive to minimum Fire Safe standards in accordance with El Dorado County Fire Protection District and DOT. The fulfillment of the conditions of approval for the subject application is also a Condition of Approval for S08-0024. Upon fulfillment of the

Conditions of Approval, the project would be in compliance with the General Plan Policy.

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

Zoning: The project parcels are zoned General Commercial - Design Control (CG - DC). No new conflicts with setbacks or easements relative to potential commercial development, or any other development standards or requirements of the Zoning Code, would be created by the relocation of the turnaround easement.

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 relocation of the recorded turnaround easement would not adversely impact any public agency or any party with interest in the easement. The amendment, as proposed, conforms to Section 66474 and a Certificate of Correction would be filed to effect the relocation of the 50-foot radius turnaround easement.

Amending of Parcel Maps: Chapter 16.72 of the El Dorado County Code and Section 66472.1 of the Subdivision Map Act allow for 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 would be recommended by the County Surveyor's Office to effect the relocation of the turnaround easement.

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

Discussion: In order to approve the map amendment, the County must find that the amended map complies with the Government Code. An improved 50-foot turnaround easement exists for all affected parcel owners and utility companies at the easternmost terminus of Northside Drive (Exhibit F). Georgetown Divide Public Utility District (GDPUD), American Telephone and Telegraph (AT&T), Comcast and Pacific Gas and Electric (PG&E) have had the project proposal distributed to their staff and have responded that they do not have concerns with the relocation of the 50-foot turnaround easement. Signed letters from effected property owners supporting the map amendment have been provided.

The following agencies were contacted for comments and had no concerns with the map amendment:

El Dorado County Department of Transportation
El Dorado County Office of the County Surveyor
El Dorado County 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 nor be injurious to the neighborhood.

ENVIRONMENTAL REVIEW

The map amendment project has 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. A \$50.00 administrative 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 Map
Exhibit E1	Subject Parcel Map PM 30-71
Exhibit E2	Record of Survey RS 21-42.
Exhibit E3	Parcel Map PM 50-7
Exhibit F	Site plan dated June 11, 2009
Exhibits G1, G2	Site photos
Exhibit H	Aerial Photo

ATTACHMENT 1
CONDITIONS OF APPROVAL

File Number P80-0280-C/Musso
Zoning Administrator Hearing August 5, 2009

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 August 5, 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:

Amend Parcel Maps PM 30-71 and PM 50-07 to relocate a recorded 50-foot radius turnaround easement to the eastern terminus of Northside Drive, as shown in Exhibit F.

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 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. 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 prior to the issuance of any development permit being issued on the project parcel.
4. All Planning Services fees shall be paid in full prior to recording of the Certificate of Correction.

County of El Dorado Office of the County Surveyor

5. The property owners shall submit a “Certificate of Correction” amending PM 30-071 and PM 50-007. 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 P80-0280-C/Musso Zoning Administrator Hearing August 5, 2009

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.* The subject recorded turnaround easement was not improved. Therefore, the improved turnaround as shown on Exhibit F has been found to be acceptable for access and infrastructure needs.
- 2.2 *That the modifications proposed do not impose any additional burden on the present fee owner of the property.* The relocation of the 50-foot radius turnaround easement being requested would benefit, and not burden, the current owners because the turnaround has been fully improved in its current location.
- 2.3 *That the modifications proposed do not alter any right, title or interest in the real property reflected in the recorded map.* The 50-foot radius turnaround easement for road and public utilities was for the benefit of the parcels identified by Assessor's Parcel Numbers 071-500-34, 37, 38, 44 and 45. The subject easement was also for the benefit of Georgetown Divide Public Utility District (GDPUD), American Telephone and Telegraph (AT&T), Comcast and Pacific Gas and Electric (PG&E), all of whom have interest in the easement. All property owners and utility companies with rights to the easement have no objection to the relocation. As such, the modification to the map will not alter any right, title, or interest in the real property reflected on the map. Therefore, the map can be amended to reflect the project request.

- 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 removal of the 50-foot turnaround easement as shown on PM 30-71 and PM 50-7 and the relocation of said easement as shown in Exhibit F, will not conflict with easements for access through or use of, property within the Parcel Map. The relocation of the turnaround will provide access and infrastructure needs along Northside Drive, as determined by the El Dorado County Fire Protection District and DOT.