

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



Agenda of: August 19, 2009
Item No.: 5.a.
Staff: Jonathan Fong

PARCEL MAP AMENDMENT

FILE NUMBER: P76-0614-C Perez/ Malia Parcel Map Amendment

APPLICANT: Pedro Perez and John Malia

REQUEST: Request to amend Parcel Map 14-12 to remove and replace the existing 50 foot wide road and public utilities easement (RPUE) with three easements. The replacement easements would be as follows:

1. Easement No.1 would be an approximately 525 foot long RPUE extending from the western edge of Parcel 2 of PM 14-12 to an existing gate along the southern boundary of Parcel 1 of PM14-12;
2. Easement No.2 would be an approximately 325 foot long RPUE extending from the terminus of Easement No. 3 east to an existing gate along the southern boundary of Parcel 1 of PM 14-12;
3. Easement No.3 would be an approximately 300 foot long RPUE extending from the terminus of Deer Canyon Road east from the western boundary of Parcel 2 of PM 14-12.

LOCATION: At the eastern terminus of Deer Canyon Road, $\frac{3}{4}$ mile southeast of the intersection with Weber Road in the Newtown Area, Supervisorial District 2. (Exhibit A)

APNS: 077-011-12 (Perez) 077-011-11 (Malia) (Exhibit B)

ACREAGE: 077-011-12 (10.33 acres) 077-011-11 (18.1 acres)

GENERAL PLAN: Rural Residential (RR) (Exhibit C)

ZONING: Estate Residential Ten-Acre (RE-10) (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 P76-0614-C is Categorically Exempt from the requirements of CEQA pursuant to Section 15305 (a).
2. Approve map amendment P76-0614-C amending Parcel Map 14-12 based on the Conditions of Approval contained in Attachment 1 and the Findings contained in Attachment 2.

BACKGROUND: The proposed Parcel Map Amendment would affect Parcel 1(Malia) and Parcel 2 (Perez) as shown on recorded Parcel Map PM14-12. The current 50 foot wide Road and Public Utilities Easement (RPUE) provides access to Parcel 1 and 2 and extends Deer Canyon Road to its terminus at a cul-de-sac on Parcel 1. The RPUE is currently an unimproved dirt trail on Parcel 1. The Perez Parcel (Parcel 1) is currently accessible via the existing RPUE and an improved PG&E road north of the recorded RPUE.

STAFF ANALYSIS

Project Description: Request to amend Parcel Map PM 14-12 to extinguish a recorded 50 foot RPUE and replace with three new 50 foot RPUEs. The new RPUE would located the existing improved PG&E road within a 50 foot RPUE. An additional second RPUE would be dedicated to provide a second point of access to the Malia Parcel.

Site Description: The project parcels have been developed with residential uses and accessory structures. The parcels are located at the terminus of Deer Canyon Road which is approximately two-miles long and privately maintained.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	RR	Single family residence
North	RE-10	RR	Weber Creek
South	RE-10	LDR	Single family residence
East	RE-10	RR	Single-family residence

	Zoning	General Plan	Land Use/Improvements
West	RE-10	RR	Single-family residence

Discussion: The Perez and Malia easement ends at a 50 foot radius cul-de-sac. No other parcels are accessible beyond the project parcels. The adjoining parcels to the east are located within the Goldstrike Subdivision (G-48) and have not been granted access to Deer Canyon Road (Exhibit G). The proposed Map Amendment would not affect access or interest to Deer Canyon Road.

General Plan: The project area is designated on the General Plan land use map as Rural Residential (RR). The project would not alter the parcel sizes. Each of the parcels would be consistent with the parcel size range of the RR land use designation. Additionally, the following General Plan policies would be applicable to the project:

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 Map Amendment would remove the existing Road and Public Utilities Easement and would relocate the easement elsewhere on the Perez parcel.

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

Zoning: The project site is zoned estate Residential Ten-Acres (RE-10). The proposed Map Amendment would not alter the size or orientation of the project parcels. The proposed removal and relocation of a Road and Public Utilities Easement would be consistent with the RE-10 Zone District.

Subdivision Ordinance: Chapter 16.72 of the El Dorado County Subdivision Ordinance permits the amending of recorded parcel maps through either an amendment to the Parcel Map or the filing of a Certificate of Correction.

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 removal and relocation of the Road and Public Utilities Easement.

Section 16.72.040 of the County Code requires the approving authority make specific Findings prior to approval of the Map Amendment. The required Findings have been made and are included in Attachment 2 of the Staff Report.

ENVIRONMENTAL REVIEW

The Map Amendment project has 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. 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	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Assessor's Parcel Map Page
Exhibit E	Proposed Map Amendment
Exhibit F.....	Recorded Parcel Map PM 14-12
Exhibit G.....	Goldstrike Subdivision G-4B

ATTACHMENT 1
CONDITIONS OF APPROVAL

P76-0614-C/ Perez and Malia Parcel Map Amendment
Zoning Administrator/August 19, 2009

Project Description:

1. The subject map amendment is based upon and limited to compliance with the project description, the Zoning Administrator Hearing Staff Report Exhibit marked Exhibit D 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 14-12 to remove the existing 50 foot wide Road and Public Utilities Easement and replace three new 50 foot wide Road and Public Utilities Easements as shown on Exhibit E. The replacement easements would be as follows:

1. Easement No.1 would be an approximately 525 foot long RPUE extending from the western edge of Parcel 2 of PM 14-12 to an existing gate along the southern boundary of Parcel 1 of PM14-12;
2. Easement No.2 would be an approximately 325 foot long RPUE extending from the terminus of Easement No. 3 east to an existing gate along the southern boundary of Parcel 1 of PM 14-12;
3. Easement No.3 would be an approximately 300 foot long RPUE extending from the terminus of Deer Canyon Road east from the western boundary of Parcel 2 of PM 14-12.

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.

Planning Services:

2. **Hold Harmless Agreement:** 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. **Payment of Fees:** All Development Services processing fees and recording fees shall be paid in full prior to recording of the Certificate of Correction.

County Surveyor:

4. **Certificate of Correction:** The property owners shall submit a “Certificate of Correction” amending PM 14-12. 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

P76-0614-C/ Perez and Malia Map Amendment **Zoning Administrator/August 19, 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 two parcels created by PM14-12 were granted access through a 50 foot wide Road and Public Utilities Easement which is designated as Deer Canyon Road. Parcel 1 (Malia) is currently accessible via an existing PG&E road which is located outside of the recorded easement. The proposed map amendment would locate the PG&E road within a new 50 foot Road and Public Utilities Easement as well as provide a second point of access within a new easement extending the east of the Perez parcel. Due to the existing road location outside of the recorded easement, the proposed amendment would clarify the existing access as well as provide a secondary point of access to the Malia Parcel.

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

The map amendment would locate existing accesses to the Malia parcel within recorded Road and Public Utilities Easements. The proposed abandonment of the existing easement would allow for additional developable area within the Perez parcel.

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

The existing 50-foot easement was for the benefit of the Perez and Malia parcels. No other parcels would be accessed via the existing easement. The proposed modification would provide a secondary point of access to the Malia parcel and would located the existing access within a RPUE.

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

Section 6674(g) of the Government Code authorizes a governing body to approve a map if it finds that alternative easements, for access of for use, will be provided, and that these easements will be substantially equivalent to the ones previously acquired by the public.

The proposed Parcel Map Amendment would remove the existing 50 foot wide Road and Public Utilities Easement and replace the easement with three new 50 foot wide Road and Public Utilities Easements. The proposed alternative easements will provide equivalent access to the affected parcels.