

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: November 1, 1002

Item No.: 6.a

Staff: Michael Baron

**PARCEL MAP CORRECTION
STAFF REPORT**

FILE NUMBER: P89-0120C (Correction to recorded parcel map)

APPLICANT: David and Sally Needham

REQUEST: Request to relocate the road and public utility easement shown on Parcel 1 and 2 of Parcel Map 43-48 and Parcel A of Parcel Map 24-97.

LOCATION: At the end of Livingston Lane, approximately 2,000 feet southwest of the intersection with Hanks Exchange Road in the Pleasant Valley area. (Exhibit A)

APN: 046-510-58

ACREAGE: 5.00 acres

GENERAL PLAN: Rural Residential (RR)

ZONING: Estate Residential Ten-acre (RE-10))

ENVIRONMENTAL DOCUMENT: Statutorily exempt pursuant to Section 15268(b3) of the CEQA Guidelines

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: Tentative Parcel Map P89-120 was approved at the Planning Department on November 02, 1989. The Map was recorded on December 31, 1991 (Parcel Map 43-48).

Parcel 2 is served by a road and public utilities easement through Parcel 1 of Parcel Map 43-48 (Exhibit D), and the parcel map established a circular cul-de-sac with a 50-foot radius easement on the shared property line. The access was constructed outside of the road easement more onto parcel

1 (Exhibit D). This map correction will move the easement to the west to align with the existing road. Parcel A of Parcel Map 24-97 (Exhibit E) established a circular cul-de-sac with a 50-foot radius easement on the shared property line with Parcel 1 (Parcel Map 43-48) (Exhibit D).

The owners of the subject parcel have an accessory structure, under Code Enforcement Case #144528, in which the site plan locates the structure within the cul-de-sac easement as shown on Parcel 1 of Parcel Map 43-48 (Exhibit D) and Parcel A of Parcel Map 24-97 (Exhibit E). The property owners were instructed that a parcel map correction was required to re-align the public road and utility easement to match the existing access. The adjoining property owners, with an interest in the easement, provided documentation supporting the application to process the parcel map correction where the 50 foot radius cul-de-sac from parcel A (Parcel Map 24-97) (Exhibit E) would become a 50 foot wide non-exclusive road and public utilities easement as shown on the proposed easement realignment as shown on Exhibit F.

STAFF ANALYSIS

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	RR	Single-family Residence
North	RE-10	RR	Single-family Residence
South	RE-10	RR	Single-family Residences
East	RE-10	RR	Single-family Residence
West	RE-10	RR	Single-family Residences

Amending of Final Maps: Chapter 16.72 of the *El Dorado County Code* and Section 66472.1 of the *Subdivision Map Act* allow the amending of final maps by either filing a certificate of correction or amending the map. The County Surveyor recommends that a certificate of correction be used to effect the change to the cul-de-sac easement.

Section 16.72.040 of the *County Code* requires the decision makers to make all of the following findings:

- A. *That there are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary.*

Discussion: There have been no physical changes to the property since the parcel map was recorded that constitutes a change in circumstances. However, the road easement and circular cul-de-sac were constructed outside of the boundaries of the parcel map. Today, the adjustment of the road and public utilities easement and cul-de-sac easement would fulfill requirements for a turnaround just as well as the existing cul-de-sac easement. Therefore,

the finding that there is a “change in circumstances” can be made since the access easement was relocated, making the circular cul-de-sac necessary.

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

Discussion: Finding B can be made since the relocation of the road and public utilities easement and cul-de-sac easement is being requested by and would benefit the current property owners.

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

Discussion: Finding C can be made since the relocation of the road and public utilities easement and cul-de-sac easement is being requested by and would benefit the current property owners and the change does not affect right, title or interest in the property.

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

Discussion: Finding D requires that there would be no affect on the map regarding the findings for approval/denial of a parcel map pursuant to Section 66474 of the Subdivision Map Act. Section 66474 includes requirements for consistency with general plan, site suitability, environmental protection, public health and public easement protection.

The proposed relocation of the road and public utilities easement and cul-de-sac easement will not affect any of the provisions for findings for approval/denial of a parcel map since no physical change to the environment will occur and there are no general plan requirements for a cul-de-sac.

Finding D can be made since the road and public utilities easement and cul-de-sac are also acceptable to County DOT and El Dorado County Fire Protection District for the particular parcel map. In summary, the road and public utilities easement and cul-de-sac would be approved if the parcel map were being reviewed for current compliance with County standards as they relate to road and public utility easements and cul-de-sacs.

Comments from Agencies: As of the drafting of this report, the Planning Services has received comments from County Surveyor and the Department of Transportation and the commenting agencies did not have any concerns regarding the relocation of the cul-de-sac. The El Dorado County Fire Protection District stated that the Road and public utilities easement and cul-de-sac shall meet California Fire Safe Regulations and no gates will be allowed on Livingston Lane (Exhibit F).

Affected Properties: The property owner of the parcel to the south (APN 046-510-58) has submitted a signed agreement stating that they have no objection to the proposed changes to the cul-de-sac easement. Also, the property owner to the northeast (APN 0465-10-19) has submitted a

signed agreement stating that they have no objection to the change to the road and public utilities easement. Since the affected parcels gain access from the road easement and cul-de-sac, the final legal documents (Certificate of Correction) will include changing the easement on parcel A as well as Parcel 2. There are no other properties that would be affected by this proposed map correction.

ENVIRONMENTAL REVIEW

Staff recommends that the project be found to be Statutorily Exempt from further environmental review pursuant to Section 15268(b3) of the California Environmental Quality Act (CEQA) Guidelines, that states; In the absence of any discretionary provision contained in the local ordinance or other law establishing the requirements for the permit, license, or other entitlement for use, the following actions shall be presumed to be ministerial: (3) Approval of final subdivision maps.

RECOMMENDATION

Planning Services was the approving authority for the parcel map. At this time Planning Services is forwarding parcel map correction and amendment requests to the Zoning Administrator for final action. The Zoning Administrator action may be appealed to the Board of Supervisors within ten working days.

Staff recommends that the Zoning Administrator:

1. Find that the map correction is statutorily exempt from CEQA pursuant to Section 15268(b3) of the CEQA Guidelines, and
2. Approve the map correction to relocate the 50-foot radius cul-de-sac for Parcel 1 and 2 of Parcel Map 43-48, based on the conditions in Attachment 1 and the findings 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	Assessor's Map
Exhibit E	Parcel Map 43-48
Exhibit F	Parcel Map 24-97
Exhibit G	Proposed Map Correction
Exhibit H	Signed Agreement from Parcel 2 Property Owner
Exhibit I	Signed Agreement from Parcel A Property Owner

ATTACHMENT 1
CONDITIONS OF APPROVAL

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David and Sally Needham

1. The property owner shall submit a Certificate of Correction, prepared by an appropriate licensed professional, to the County Surveyor pursuant to the Subdivision Map Act and County Code for review. Upon approval by the County Surveyor the Certificate of Correction shall be recorded in the County recorders Office. The property owners are responsible for all associated processing and recording fees. The Certificate of Correction shall show the relocation of the cul-de-sac easement.

ATTACHMENT 2
FINDINGS

File Number P89-0120C
David and Sally Needham

1.0 CEQA Finding:

The project has been found to be statutorily exempt pursuant to Section 15268(b3) stating that corrections to final maps are exempt from CEQA.

2.0 Administrative Findings:

All Required Findings (A, B, C and D) must be made in order for approval

A. *That there are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary.*

Discussion: There have been no physical changes to the property since the parcel map was recorded that constitutes a change in circumstances. However, the road easement and circular cul-de-sac were constructed outside of the boundaries of the parcel map. Today, the adjustment of the road and public utilities easement and cul-de-sac easement would fulfill requirements for a turnaround just as well as the existing cul-de-sac easement. Therefore, the finding that there is a “change in circumstances” can be made since the access easement was relocated, making the circular cul-de-sac necessary.

B. *That the modifications proposed did not impose any additional burden on the present fee owner of the property.*

Discussion: Finding B can be made since the relocation of the road and public utilities easement and cul-de-sac easement is being requested by and would benefit the current property owners and the change does not affect right, title or interest in the property.

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

Discussion: The modification has no other effect on the property.

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

Discussion: The provisions of Section 66474 of the Government Code (Subdivision Map Act) list the findings for approval or denial of a subdivision map. The findings include consistency with the General Plan; suitability of the site for the type and density of development; causing environmental effects; public health problems; and conflicts with public access easements. The relocation of the cul-de-sac on Parcel 1 and 2 of Parcel Map 43-48 does not create any additional environmental impacts or change any of the required consistency findings.