

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

Agenda of:	July 18, 2007
Item No.:	5.a.
Staff:	Tom Dougherty

PARCEL MAP CORRECTION

FILE NUMBER: P72-0343 C

APPLICANT: Jack Adams

REQUEST: Request to amend Parcel Map 3-105 to abandon the existing forty-foot wide non-exclusive road and public utilities easement and add a new one to replace it at a different location.

LOCATION: On the west side of Sliger Mine Road, just west of the intersection with Sliger Mine Road in the Greenwood area, Supervisorial District IV. (Exhibit A).

APN: 061-080-08

ACREAGE: 3.02 acres

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

ZONING: Single-family Two-acre Residential (R2A) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Statutorily Exempt pursuant to Section 15268 (b) (3) of the CEQA Guidelines.

RECOMMENDATION: Conditional Approval

Staff recommends the Zoning Administrator take the following actions:

1. Certify the Certificate of Map Correction is Statutorily Exempt from the requirements of CEQA pursuant to Section 15268 (b) (3).
2. Approve P72-0343C based on the Conditions of Approval contained in Attachment 1 and the Findings contained in Attachment 2.

BACKGROUND: Parcel Map 3-105, recorded May 18, 1973, was created by the approval of Tentative Parcel Map P72-0343. This map created the 40-foot wide road and public utilities easement that begins at the northeast corner of Parcel 2 and runs along the east boundary until it abuts Parcel 1 (See Exhibit E1). Presently all four (4) parcels created by PM 3-105 each use their own direct encroachments onto Sliger Mine Road. Exhibits F1 and F2 show neighboring parcel owners have agreed to the removal of the intent of the subject application.

There is a parcel to the east of Parcels 1 and 2, not associated with the subject Parcel Map 3-105 that is currently 3.30 acres and is identified by Assessor's Parcel number 061-600-05. This parcel is involved with the subject parcel in a Boundary Line Adjustment file number BLA 06-0001 that adds 0.56 acres to the east side of Parcel 2 and will increase the size of the subject 3.02-acre parcel to 3.58 acres in size. That parcel is not however, part of the original parcel map. BLA06-0001 has been approved by Planning Services and is currently under review by the County Surveyor's Office. (See Exhibits B1 and B2).

The subject parcel currently has an issued encroachment Permit #179080 for an entrance onto Sliger Mine Road to the north of the newly proposed subject encroachment/easement. There is also an issued Building Permit #175062 for a 2,927 square-foot single-family dwelling, garage and covered porch. Both were issued February 2, 2007. The encroachment crosses the subject easement and the building is set back 30 feet from the edge of it. (See Exhibit G)

Pacific Gas and Electric (PG&E), Georgetown Divide Public Utility District (GDPUD), American Telephone and Telegraph (AT&T, formerly SBC) have had the project proposal distributed to their staff and none have responded with any concerns with the relocation of above mentioned road and public utility easement.

STAFF ANALYSIS

Project Description: The request for a map correction is for the purpose of removing the existing forty-foot wide road and public utility easement along the eastern boundary of Parcel 2 of PM 3-105. Said easement has never been improved nor used by anyone, including private parties as well as public utilities. A new forty-foot wide road and public utility easement is proposed to be located on the south boundary of Parcel 2 as proposed to be adjusted by BLA 06-0001 entering from Sliger Mine Road. The easement would be entirely within Parcel 2 and would be approximately 140-feet long running east to west.

Amending of Final Maps: Chapter 16.72 of the El Dorado County Code and *Section 66472.1* of the *Subdivision Map Act* allows the amending of final maps by either the filing a certificate of correction or amending the map. Should the Zoning Administrator approve the amendment, a certificate of correction is recommended to affect 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 2.

Site Description: The 3.02-acre site has an improved access driveway that begins at Sliger Mine Road and travels northwest towards the single-family residence currently under construction. This is a separate driveway from that which would utilize the relocated easement serving Parcel 1 of PM 03-105. The existing trees include black oaks (*Quercus kelloggii*), interior live oaks (*Quercus wislizenii*), blue oaks (*Quercus douglasii*) and ponderosa pines (*Pinus ponderosa*).

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R2A	MDR	Single-family residence
North	R2A	MDR	Single-family residence
South	R2A	MDR	Single-family residence southeast, vacant southwest.
East	R2A	MDR	Single-family residence
West	R2A	MDR	Single-family residence

Discussion: All four (4) parcels which were party to the original Parcel Map that created the easement have access and public utilities via Sliger Mine Road such that this proposed map correction will not affect any of the surrounding parcels. The subject easement has not been improved or used by any of the four (4) parcel owners associated with the map. The map correction will simply update and legitimize the current access to each parcel.

General Plan: The project area is designated on the General Plan land use map as medium-Density Residential (MDR). This designation is suitable for single-family residences, and the approved Parcel Map 3-105 is consistent with this designation as well.

Policy 6.2.3.2 requires that the applicant must 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. Parcel 1 of PM3-105 is not yet developed and the new access easement will provide it with adequate access and turn around capabilities. Georgetown Fire Protection District and El Dorado County Department of Transportation were asked for comments and both responded with no concerns with the abandonment of easement.

Conclusion: Staff finds that the proposed project, as conditioned, is consistent with the above requirements of the 2004 General Plan and Section 66472.1 of the California Government Code, (Subdivision Map Act) because the relocation of the forty-foot wide road and public utility easement would not adversely impact any public agency or any party with interest in this easement.

Zoning: The project site is zoned Single-family Two-acre Residential (R2A). No new conflicts with setbacks or easements relative to structures under construction, or any other development standards or requirements of the Zoning Code will be created by the elimination of the easement or the addition of the newly proposed easement.

2004 Subdivision Map Act: 66474. A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

“(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Amended by Stats. 1982, Ch. 518.)”

Discussion: In order to approve the map correction, the County must find that the corrected map complies with the Government Code. An alternative easement would be provided for all affected parcel owners and utility companies.

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

This project has been found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15268 (b) (3) stating that the approval of final subdivision maps is presumed to be ministerial and is exempt from further environmental review. 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 B1 and B2	Assessor's Parcel Pages
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E1	Parcel Map 3-105
Exhibit E2	Applicant's Proposed Map Correction Amending PM 3-105
Exhibits F1, F2	Letters from neighbors agreeing to abandonment of easement
Exhibit G	Site plan for issued Building Permit #175062 received September 29, 2006
Exhibits H1, H2, H3	Site visit photos from March 22, 2007.
Exhibits I1 and I2	Aerial Photos

ATTACHMENT 1
CONDITIONS OF APPROVAL

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Planning Services

1. All Development Services fees shall be paid prior to recording of the Certificate of Correction.

County of El Dorado Office of the County Surveyor

2. The applicant shall file a Certificate of Correction, prepared by an appropriately licensed professional with the El Dorado County Surveyor's Office 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. The property owners are responsible for all associated processing and recording fees.
3. This project shall record concurrently with BLA06-0001.

El Dorado Country Department of Transportation

4. The applicant shall designate a 30 foot wide road and public utility easement along the southern boundary of Tract 2, as shown in Exhibit E2, beginning at Sliger Mine Road traveling westerly 145.46 feet to the western limit of the existing 40 foot R & PUE concurrently with to the recordation of the parcel map correction.
5. The applicant shall provide a vehicular access restriction along the north and south boundary of this proposed road & public utility easement, concurrently with the recordation of the parcel map correction. This easement is for exclusive access to APN 061-080-07.

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 pursuant to *Section 66472.1* of the *California Government Code*:

FINDINGS FOR APPROVAL

1.0 CEQA Findings

- 1.1 The project is Statutorily Exempt from the requirements of CEQA pursuant to Section 15268 (b) (3).
- 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 Correction 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 crated by PM 3-105 will have alternative access easements. The subject easement was never used or developed by any affected parcel owners or utility companies. Alternate access has been developed for each of the parcels. 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 removal of the road and public utility easement being requested would benefit, and not burden, the current owner.
- 2.3 *That the modifications proposed do not alter any right, title or interest in the real property reflected in the recorded map.* The easement for road and public utilities was dedicated for the benefit of the parcels created by Parcel Map 3-105 and PG&E, AT&T, and Georgetown Divide Public Utility District all of whom have interest in the easement, and all of whom approve of the 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 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 abandonment of the forty-foot non-exclusive road and public utility easement subject of this permit request.