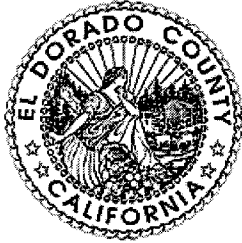


**COUNTY OF EL DORADO DEVELOPMENT SERVICES  
BOARD OF SUPERVISORS  
STAFF REPORT**



**Agenda of:** January 10, 2012

**Staff:** Tom Purciel

**FINAL MAP AMENDMENT**

**FILE NUMBER:** TM60-0001-C/Bird

**APPLICANT:** Dennis Bird

**AGENT:** Mike Dill, Aspen Environmental Services

**REQUEST:** Request to amend Recorded Map C-83 for Lot 62 to reduce a 15-foot front yard Public Utilities/Light and Air Easement to 10 feet.

**LOCATION:** On the east side of Pinewood Drive, approximately 250 feet south of the intersection with Mulberry Drive, in the Meyers area, Supervisorial District 5. (Exhibit A)

**APN:** 035-142-05

**LOT SIZE:** 10,000 square feet

**GENERAL PLAN:** Adopted Plan (AP), Tahoe Regional Planning Agency (TRPA) Regional Plan, Tahoe Paradise-Mandan Plan Area Statement 122, Residential (Exhibit B)

**ZONING:** Tahoe One-family Residential (TR1) (Exhibit C)

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

## RECOMMENDATION

Staff recommends the Board of Supervisors take the following actions:

1. Find that TM60-0001-C is Statutorily Exempt from the requirements of CEQA pursuant to Section 15268(b)(3); and
2. Approve TM60-0001-C amending recorded map C-83 for Lot 62, subject to the Conditions of Approval in Attachment 1 and based on the Findings in Attachment 2.

**BACKGROUND:** Sierra Park, Unit 2, Subdivision Map C-83 was recorded on October 13, 1961. There is 15-foot front yard Light and Air/Public Utilities Easement ("Set Back Line") that was recorded on the map for all lots (Exhibit E). This 15-foot front yard setback on the final map had been implemented in order to provide for front yard public utility access and to create uniform building setbacks consistent with the development standards of the zoning designation at that time. This subdivision map amendment is for consideration of reducing the public utilities/light and air easement from 15 feet to 10 feet to allow a front yard setback reduction.

Sierra Pacific Power Company (SPPC), South Tahoe Public Utility District (STPUD), American Telephone and Telegraph (AT&T, formerly SBC) have had the project proposal distributed to their staff and none have responded with any comments or concerns with removal of the rear five feet of the 15-foot front set back line.

**Other Parcel Issues:** Due to reliance upon an erroneous parcel survey, the existing detached garage was permitted by the County in its current location in 1976 (Building Permit No. 15719), entirely inside the 15-foot front yard public utilities/light and air easement and also encroaching 6.8 feet into the County right-of-way (See Site Plan, Exhibit D). As a result of unique issues raised by the location and permitting of the existing garage, the proposed setback encroachment would need to be reviewed for potential negative impact(s) on public health, safety and welfare, as well as potential liability to public utility companies, the property owner and the County. To resolve these issues, a Variance will be required pursuant to Section 17.22.630 of County Code. Accordingly, Variance V07-0010 is being processed concurrent with this map amendment request.

## STAFF ANALYSIS

**Project Description:** Request to amend the recorded final map for the Sierra Park Unit 2 subdivision to reduce from 15 feet to 10 feet a front yard Public Utilities/Light and Air Easement, as recorded on Subdivision Map C-83 for Lot 62 only. Subject to approval of a Variance (V07-0010), this subdivision map amendment would allow the expansion of an existing single-family residence to no less than 10 feet from the front property line.

**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 filing a certificate of correction

or amending the map. Should the Board of Supervisors approve the amendment, a certificate of correction is recommended to effect the reduction of the light and air / 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 10,000 square-foot subject lot is located in the Meyers area on the east side of Pinewood Drive at an approximate elevation of 6,300 feet above mean sea level. Existing improvements at the subject site include a primary residence and detached single-story garage.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
Site	TR1	TRPA Regional Plan (PAS 122*)	Residential/single family residence, single story detached garage
North	TR1	PAS 122	Residential/ single family residence
South	TR1	PAS 122	Residential/undeveloped
East	TR1	PAS 122	Residential/undeveloped
West	TR1	PAS 122	Residential/single family residence

\*Plan Area Statement 122, Tahoe Paradise-Mandan, which is primarily residential use.

**Discussion:** Covered structures for cars are typical on the parcels in the surrounding subdivision because of the snowy conditions of Tahoe Basin winters. It is typical that garages encroach into required setbacks, as many were built either prior to building permit requirements or with building permits but with less regard for encroachment into front setbacks required by both the Zoning Ordinance and recorded Subdivision Maps. Due to the location of existing structures already within the front yard setback, the removal of the rear five feet of the above-discussed light and air easement would have no significant affect on light and air in the vicinity of the project parcel.

**General Plan:** The County General Plan designates the subject parcel as Adopted Plan, which refers to the Tahoe Regional Planning Agency’s Regional Plan. The parcel is located within TRPA Plan Area Statement (PAS) 122, Tahoe Paradise-Mandan, with a land use designation of Residential (Exhibit B). This land use designation allows both single-family residences and associated residential accessory structures. The granting of this Subdivision Map Amendment, therefore, conforms to the Plan Area Statement.

The County General Plan provides broad deference to the TRPA Regional Plan, for the implementation of related General Plan policies and for the review of County discretionary projects. With regard to the Tahoe Basin, the primary goal of the County General Plan is to integrate the County’s regulations with those of TRPA, to eliminate inconsistencies with the Regional Plan and to

simplify the regulatory environment in the Tahoe Basin, as articulated in *Goal 2.10* of the *County General Plan* and its associated policies.

**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 removal of the rear five feet of the recorded 15-foot subdivision setback line would not adversely impact any public agency or any party with interest in this easement.

**Zoning:** The project site is zoned Tahoe One-family Residential (TR1). The setbacks required by Zoning Code Section 17.56.040 are 20 feet in the front, 5 feet on the sides and 15 feet in the rear. With the granting of a subdivision map amendment, the rear five feet of the subdivision setback line would be removed, therefore allowing the required front yard setback to be determined by a Variance (V07-0010), consistent with Section 17.56.040 of County Code. Therefore, as proposed and conditioned, staff finds the proposed map correction request consistent with all applicable provisions of County Zoning Ordinance Title 17.

**2004 Subdivision Map Act:** Section 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/amendment, the County must find that the corrected map complies with the Government Code. 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.

Tahoe Regional Planning Agency also requires a subdivision modification application for review and approval that is separate from the El Dorado County Map Amendment application process.

## ENVIRONMENTAL REVIEW

The map correction 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. 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 .....	Location Map
Exhibit B .....	TRPA Plan Area Statement 122, Tahoe Paradise/Mandan
Exhibit C .....	Zoning District Map
Exhibit D .....	Site Plan
Exhibit E .....	Subdivision Map C-83; Sierra Park, Unit 2

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

### Final Map Amendment TM60-0001-C/Bird Board of Supervisors/January 10, 2012

#### Project Description

1. The subject recorded map amendment is based upon and limited to compliance with the project description, the hearing exhibits marked A-E, 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:

A Certificate of Correction to amend recorded Subdivision Map C-83, Sierra Park, Unit 2 for Lot 62 to remove the rear five feet of a 15-foot front yard Public Utilities/Light and Air Easement ("Set Back Line"). Subject to approval of a Variance (V07-0010), this subdivision map amendment would allow the expansion of an existing single-family residence to no less than 10 feet from the front property line.

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 below. 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 development plans (such as building and grading permits) must be submitted for review and approval and shall be implemented as approved by the County.

#### Planning Services

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 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. The map amendment 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. A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

**County Surveyor**

4. The property owner shall submit a "Certificate of Correction, Modification or Amendment", prepared by an appropriately licensed professional, to the County Surveyor pursuant to the requirements of the Subdivision Map Act and County Code. Upon review and approval by the County Surveyor, the "Certificate of Correction, Modification or Amendment" shall be recorded in the County Recorder's Office. The property owner shall be responsible for all associated processing and recording fees.

## ATTACHMENT 2

### FINDINGS

#### **Final Map Amendment TM60-0001-C/Bird Board of Supervisors/January 10, 2012**

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 correction 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 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.* First, the location of the existing, permitted garage has effectively removed the required open space from within the front 15 feet of Lot 62. Second, there is no existing or proposed public utility infrastructure within the rear 5 feet of the existing utilities easement and public utility companies have indicated they would have no concerns with the abandonment of the rear 5 feet of said easement. Accordingly, the above changes in circumstances would deem the rear portion of the 15-foot front setback no longer necessary, and therefore, required Finding 2.1 can be made.
- 2.2 *That the modifications proposed do not impose any additional burden on the present fee owner of the property.* The removal of the rear 5 feet of a recorded 15-foot front yard public utilities/light and air easement ("Set Back Line") for Lot 62 of recorded Subdivision Sierra Park, Unit 2, would benefit, and not burden, the current owner. Therefore, required Finding 2.2 can be made.
- 2.3 *That the modifications proposed do not alter any right, title or interest in the real property reflected in the recorded map.* The 15-foot front setback line was originally established in 1960 primarily for front yard public utility access. Sierra Pacific Power Company (SPPC), South Tahoe Public Utility District (STPUD), American Telephone and Telegraph (AT&T, formerly SBC), all of whom have interest in the front yard public utilities easement, have had the project proposal distributed to their staff and none responded with any concerns with the



removal of the rear 5 feet of the 15-foot front yard public utilities easement. Therefore, required Finding 2.3 can be made.

- 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 rear 5 feet of the 15-foot front yard setback line from Subdivision Map C-83 will not conflict with easements for access through, or use of, property within the Sierra Park, Unit 2 subdivision. Accordingly, no utility company, public agency, or parcel owner with interest in the easement area within the subject setback line for Lot 62 objected to the removal of the rear 5 feet of the 15-foot front setback line. Therefore, required Finding 2.4 can be made.

# TM60-0001C Location Map

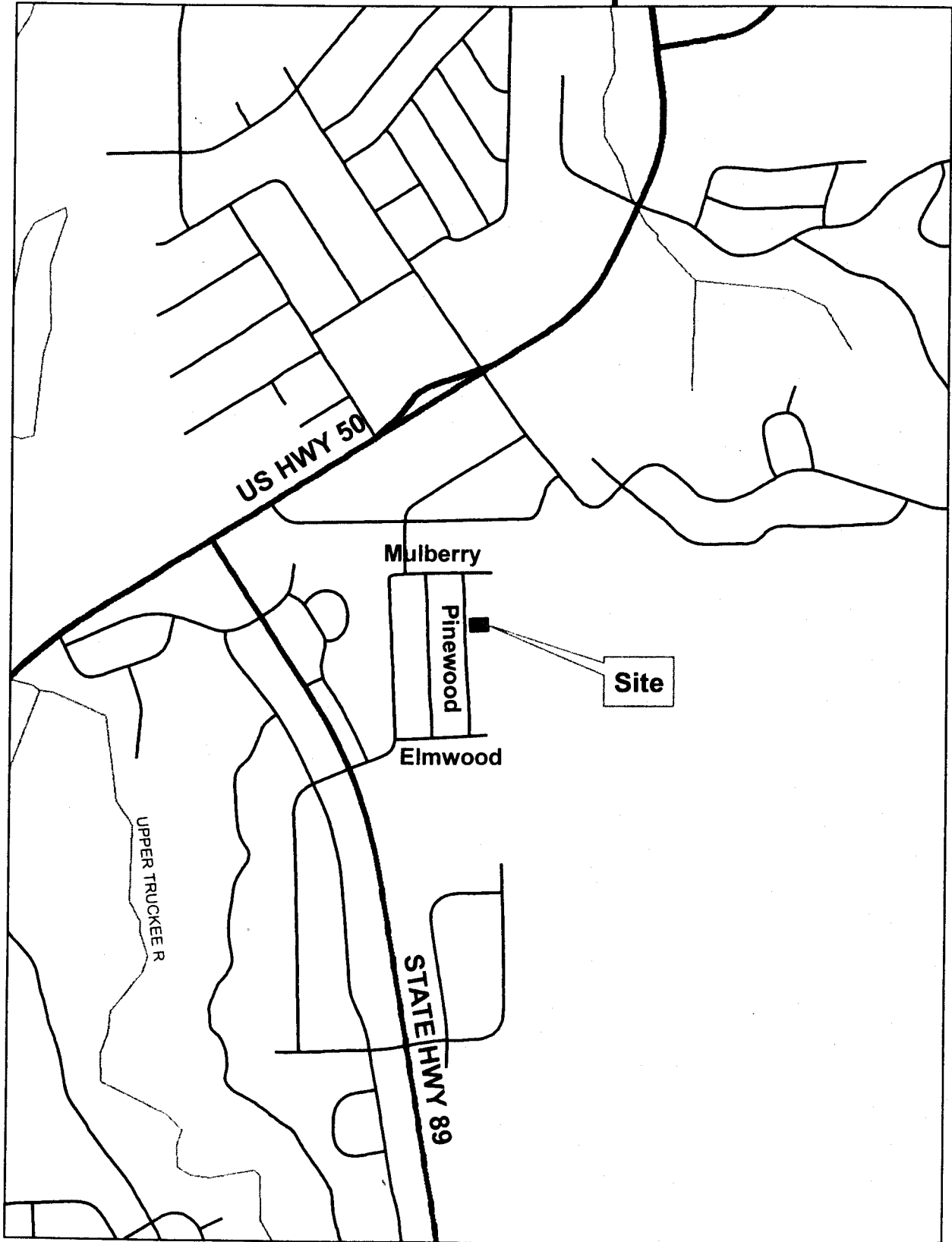
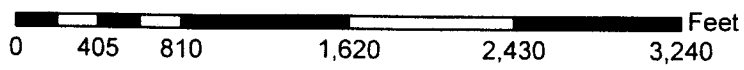


EXHIBIT A



**TAHOE PARADISE - MANDAN**

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**PLAN DESIGNATION:**

<b>Land Use Classification</b>	RESIDENTIAL
<b>Management Strategy</b>	MITIGATION
<b>Special Designation</b>	NONE

**DESCRIPTION:**

**Location:** This residential area is south of Pioneer Trail in the Meyers Area and is located on TRPA maps G-21 and F-21.

**Existing Uses:** The area is primarily single family residential use. There is a golf course in this area. The area is approximately 40 percent built out.

**Existing Environment:** The land capability of this area is 30 percent low hazard, 45 percent moderate hazard, 20 percent SEZ and five percent high hazard. The land coverage is 15 percent plus an additional 25 percent disturbed.

**PLANNING STATEMENT:** This area should continue as residential, maintaining the existing character of the neighborhood.

**PLANNING CONSIDERATIONS:**

1. A water quality improvement plan is being prepared for the golf course pursuant to enforcement action.
2. Snowmobile operations on the golf course may create conflicts with adjoining residential areas.
3. Drainage and cutbank erosion are problems in the subdivision.

**SPECIAL POLICIES:**

1. Further development of golf course, including winter operations, will require a master plan which address the above considerations.

**PERMISSIBLE USES:** Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

**General List:** The following list of permissible uses is applicable throughout the Plan Area.

<b>Residential</b>	Single family dwelling (A).
<b>Public Service</b>	Local public health and safety facilities (S), transit stations and terminals (S), pipelines and power transmission (S), transmission and receiving facilities (S), transportation routes (S), public utility centers (S), local post offices (S), and day care centers/pre-schools (S).
<b>Recreation</b>	Participant sports facilities (S), day use areas (A), riding and hiking trails (A), and golf courses (S), snowmobile courses (S).
<b>Resource Management</b>	Reforestation (A), sanitation salvage cut (A), Management special cut (A), thinning (A), early successional stage vegetation management (A), structural and nonstructural fish/wildlife habitat management (A), fire detection and suppression (A), fuels treatment/management (A), insect and disease suppression (A), sensitive and uncommon plant management (A), erosion control (A), SEZ restoration (A), and runoff control (A).

**MAXIMUM DENSITIES:** Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

<b>USE</b>	<b>MAXIMUM DENSITY</b>
<b>Residential</b>	
Single Family Dwelling	1 unit per parcel

**MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL:** The maximum community noise equivalent level for this Plan Area is 50 CNEL.

**ADDITIONAL DEVELOPED OUTDOOR RECREATION:** The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time.

SUMMER DAY USES 0 PAOT WINTER DAY USES 0 PAOT OVERNIGHT USES 0 PAOT

**ENVIRONMENTAL IMPROVEMENT PROGRAMS:** The capital improvement and other improvement programs required by the Regional Goals and Policies Plan and Environmental Improvement Plan (EIP) for this area shall be implemented.<sup>§</sup>

<sup>§</sup> Amended 5/22/02

# TM60-0001C Zone District Map

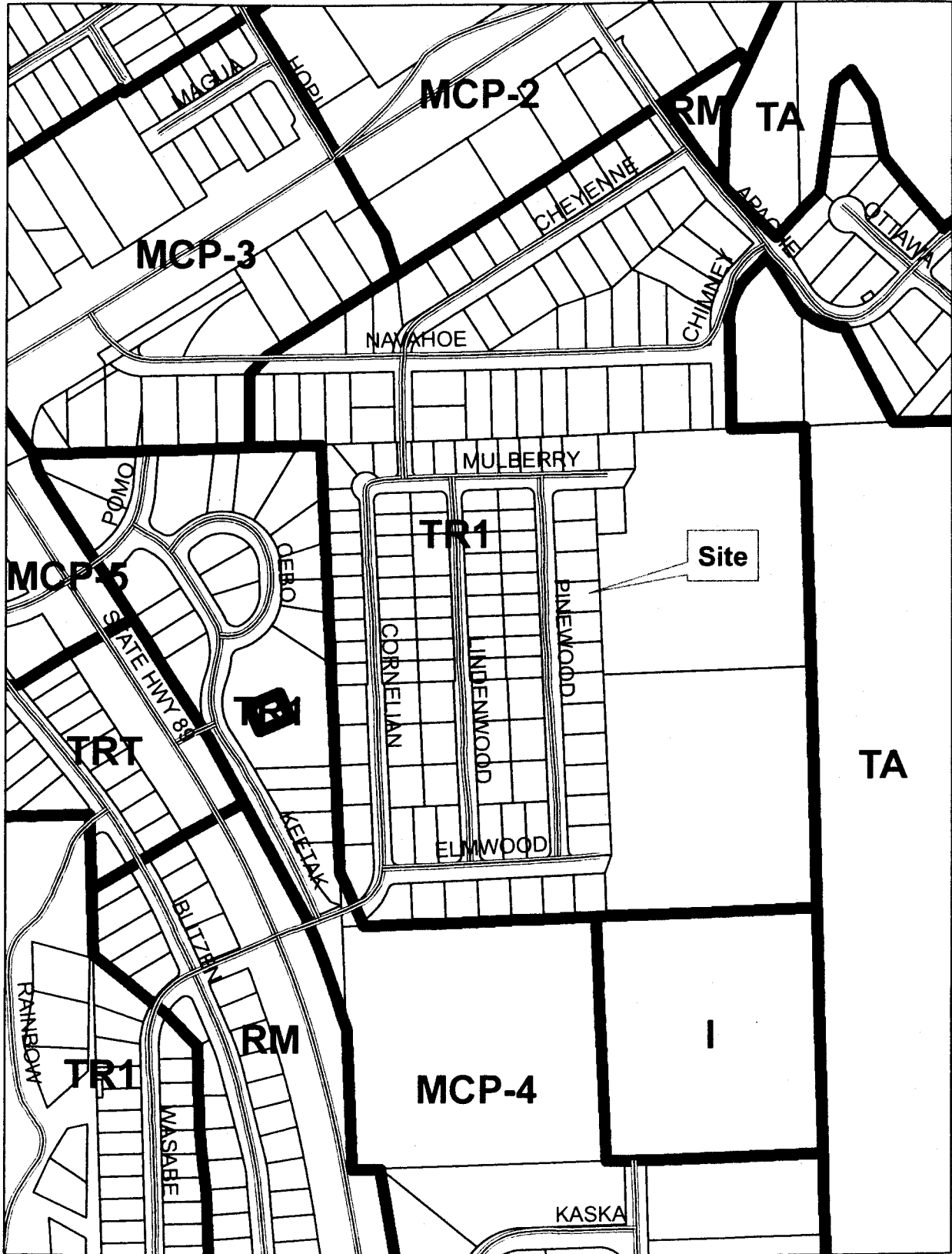
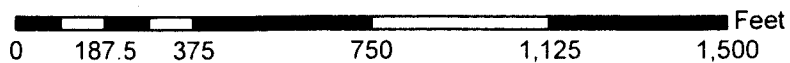


EXHIBIT C

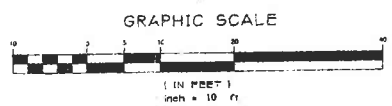


**EXISTING COVERAGE:**

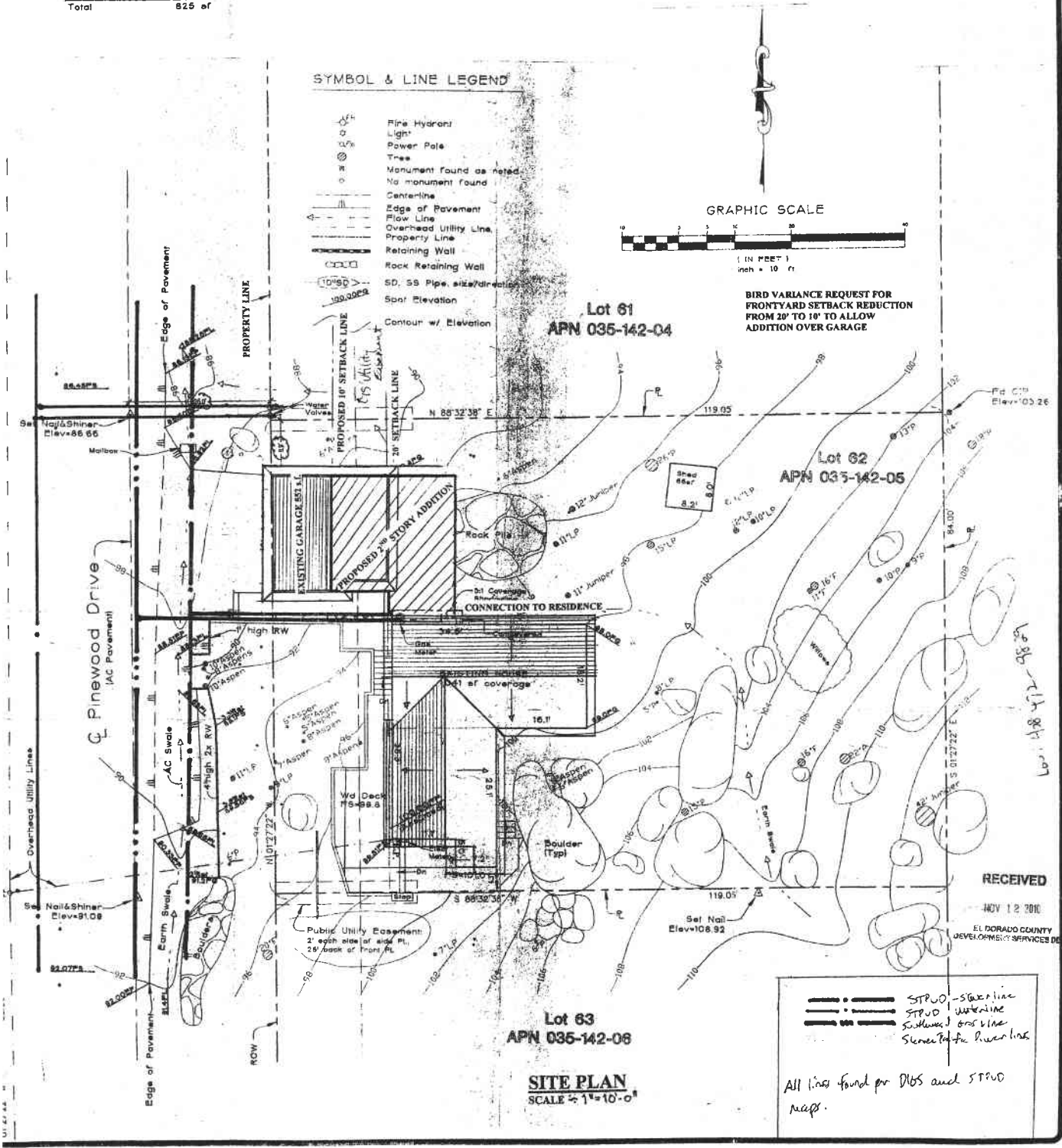
<b>ONSITE:</b>	
House	1,042 sf
Garage	414 sf
Shed	55 sf
Decks & Walks	638 sf
<b>Total</b>	<b>2,160 sf</b>
<b>OFFSITE:</b>	
Garage	138 sf
Walk	33 sf
AC Pavement	654 sf
<b>Total</b>	<b>825 sf</b>

**SYMBOL & LINE LEGEND**

- Fire Hydrant
- Light
- Power Pole
- Tree
- Monument found as noted
- No monument found
- Centerline
- Edge of Pavement
- Flow Line
- Overhead Utility Line
- Property Line
- Retaining Wall
- Rock Retaining Wall
- SD, SS Pipe, size/direction
- Spot Elevation
- Contour w/ Elevation



**BIRD VARIANCE REQUEST FOR FRONTYARD SETBACK REDUCTION FROM 20' TO 10' TO ALLOW ADDITION OVER GARAGE**



**EXHIBIT D**

**RECEIVED**  
NOV 12 2010  
EL DORADO COUNTY  
DEVELOPMENT SERVICES DEPT

SPUD - Staircase  
 SPUD - Utility  
 SPUD - Sewer  
 SPUD - Gas  
 SPUD - Electric

All lines found per DIBS and SPUD maps.

**SITE PLAN**  
SCALE: 1" = 10'-0"

# EXHIBIT E

## SIERRA PARK SUBDIVISION

UNIT NO. 2

A PORTION OF THE NW 1/4 OF SECTION 32, T12N, R18E MDB&M,  
EL DORADO COUNTY, CALIFORNIA

W. J. HARGREAVES  
SCALE: 1" = 60'  
CONCORD, CALIFORNIA  
CONSULTING CIVIL ENGINEER  
MAY 1980

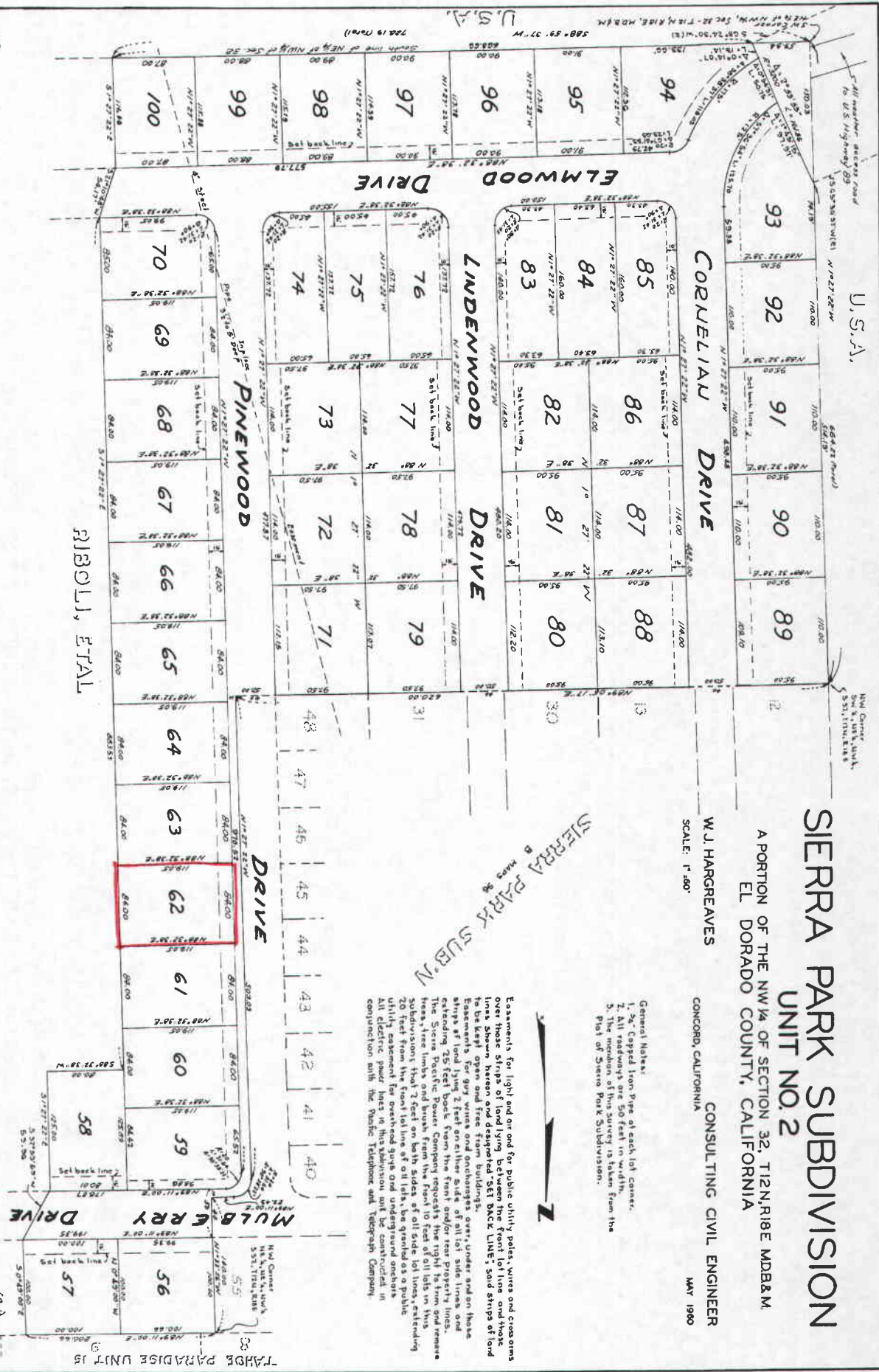
- General Notes:
1. 5" Capped Iron Pipe at each lot corner.
  2. All roadways are 50 feet in width.
  3. The median of this survey is taken from the Plot of Sierra Park Subdivision.

Easements for light and air and for public utility poles, wires and crossings over those strips of land lying between the front lot line and those lines shown herein and designated "SET BACK LINE"; said strips of land to be kept open and free from buildings.

Easements for guy wires and anchorages over, under and on those strips of land lying 2 feet on either side of all lot side lines and extending 25 feet back.

Corner monuments from the front lot line to the Sierra Park Subdivision. Corner monuments from the front lot line to the Sierra Park Subdivision. That 2 feet on both sides of all side lot lines, extending 20 feet from the front lot line of all lots, be granted as a public utility easement for overhead guys and underground owners.

All electric power lines in this subdivision will be constructed in conjunction with the Public Telephone and Telegraph Company.



RIBOLI, ET AL

SHEET TWO OF TWO SHEETS

14369  
11-1430.A.15  
8-83A  
8-83A

# SIERRA PARK SUBDIVISION

UNIT NO. 2  
A PORTION OF THE NW 1/4 OF SECTION 32, T12N, R18E MDB&M.  
EL DORADO COUNTY, CALIFORNIA

W. J. HARGREAVES  
CONSULTING CIVIL ENGINEER  
CONCORD, CALIFORNIA

The undersigned, owners of record title interest, hereby consent to the preparation and recording of this map, and hereby convey and offer for dedication to the County of El Dorado the streets and other public ways shown hereon, including the underlying fee thereto, for any and all public purposes; and the assessments and rights of way shown hereon, for the purposes herein specified.

Joseph J. R. Lebl  
Joseph T. Bieri  
William J. Hargreaves  
James P. Hargreaves

I, Elmer J. Kent, hereby certify that I have examined the final map, that it is substantially the same as the tentative map of this subdivision approved on August 1, 1961 by the Board of Supervisors, that it is substantially correct, and that all provisions of the Subdivision Map Act and of all applicable county ordinances have been complied with.

Elmer J. Kent  
County Surveyor, El Dorado County, California

I, Paul Bess, hereby certify that this final map conforms substantially to the tentative map of this subdivision approved on August 1, 1961, by the Board of Supervisors, and that all conditions imposed upon said approval have been satisfied.

Paul Bess  
Planning Director, El Dorado County, California

STATE OF CALIFORNIA } ss.  
COUNTY OF CONTRA COSTA }

On this 3rd day of October, 1961, before me, the undersigned, a notary public in and for said County and State, personally appeared Joseph J. R. Lebl, George L. Bieri, William J. Hargreaves, and James P. Hargreaves, known to me to be the persons who executed the foregoing certificate, and acknowledged to me that they executed the same.

My Commission expires August 21, 1965  
Jack W. Reed  
Notary Public

I, W. F. Truesell, hereby certify that there are no liens for unpaid taxes, county or local taxes or special assessments against the land included within this subdivision or any part thereof, except taxes or special assessments not yet payable.

W. F. Truesell  
Tax Assessor, El Dorado County, California  
Date Oct 4, 1961

I, Earl Long, hereby certify that the Board of Supervisors by order adopted October 3, 1961, approved the final map of this subdivision and accepted for public use the streets and other public ways and assessments shown hereon and offered for dedication.

Earl Long  
County Clerk, El Dorado County, California

I, Wallace Hargreaves, hereby certify that the survey and final map of this subdivision, were made under my direction in May, 1960, and are true and complete as shown; that the monuments are of the character and among the positions indicated and are sufficient to enable the survey to be retraced.

Wallace Hargreaves  
Registered Civil Engineer  
State of California No. 9976

I, Robert C. Dumas, hereby certify that all required construction plans and specifications have been approved and that all required improvements for this subdivision have been completed to my satisfaction.

Robert C. Dumas  
County Engineer, El Dorado County, California

I, James W. Sweeney, hereby certify that Title Guaranty Title Company, the certificate no. 32-616, was filed with this office, and that this final map was accepted for record and recorded in Map Book 13, Page 43, Document No. 1381, on October 13, 1961, at 4:52 minutes past 4 o'clock P.M.

James W. Sweeney  
County Recorder, El Dorado County, California