



Legislation Text

File #: 08-1253, **Version:** 1

Hearing to consider an appeal of the approval of Tentative Parcel Map P07-0021 to create a 20 acre parcel and a 50 acre parcel on property identified as APN 102-010-25, noting a design waiver has been requested to allow for a dead end road of 5,000 feet, exceeding 2,640 feet, and a driveway to access Parcel B in the Rescue area; Applicant: Charles and Nancy Carr; Appellant: Lillian C. Young.

RECOMMENDED ACTION: Planning Services recommends the Board deny the appeal, thereby upholding the action of the Zoning Administrator to approve Tentative Parcel Map P07-0021, based on the findings and subject to the conditions listed on Attachment 2.

Background: Tentative Parcel Map P07-0021 was conditionally approved by the El Dorado County Zoning Administrator on July 2, 2008, to allow the creation of two parcels 20 and 50 acres in size. An appeal was filed on July 17, 2008.

Appeal Discussion: Attachment 1 has six pages that are a summary of the appellant's concerns. Comments with a similar subject matter are given a similar corresponding number and the responses to those comments are included below:

1. The project is noticed in the local newspaper advertising the required 30-day public review period for Negative Declarations as set by State law. The staff report and related environmental document are available for public review at Development Services - Planning Services after they are noticed. State law requires that residents within 300 feet of the project parcel boundary be notified ten days before the project goes to hearing. El Dorado County notifies those within 500 feet. The project staff report and related environmental document are posted on Planning Service's website prior to the hearing. All projects are noticed in the same manner.

2. Comments noted.

3. See comment number 1.

4. See comment number 2.

5. The submitted maps are included as exhibits to the staff report and were drawn by a State licensed Civil Engineer pursuant to the tentative parcel map application checklist. The recorded parcel maps shown to exist along Old Neumann Road were reviewed to determine existence of easements from Deer Valley Road north to the end of Old Neumann Road, and they are included as attachments. The file contains background information used to supplement the analysis of the submitted maps. The staff report provides an analysis of the submitted information as well as the advice and expertise of the trained, professional staff members of the concerned agencies that respond to the request to comments and concerns. It is not a narrative of personal opinion but a department analysis and recommendation resulting of thorough evaluation of collected information and established County policy and standards.

6. The Design Improvement Standards Manual (DISM) permits deviations from road improvement standards with support from or alternatives suggested by the applicable fire district.

Design waivers are granted by the approving authority if found to be justified. Four findings must be made including the existence of special conditions or circumstances that justify the waiver; that strict application of the improvement standards would cause extraordinary hardship in developing the property; that the waiver would not be detrimental to the public health, safety and welfare; and that the objectives of the County standards are met.

7. See comment number 6.

8. A Parcel Map Guarantee from Placer Title Company dated June 9, 2008, was submitted by the applicant. The Parcel Map Guarantee showing proof of access to a State or County Maintained Road as defined in 16.44.120(B)(2), is required by County Code prior to filing the parcel map. In this case it was submitted prior to the hearing. The appellant asserts that the details and locations of the Old Neumann Road easements as it relates to her parcel are disputable. The applicant was informed that disputes over the contents and locations of easements are a matter to be resolved in Civil Court but has chosen to appeal the subject decision. Pursuant to the submitted Parcel Map Guarantee, review of the surrounding parcel maps and submitted documents, and with advisement from the County Surveyor's Office staff, Planning staff determined that the applicants had satisfied the County Code requirements for proof of legal access.

9. See comment number 5.

10. The application was submitted May 18, 2007. It was deemed "incomplete" because of missing items and needed revisions on June 5, 2007. Those items were received in March of 2008, and the application was deemed "complete" on March 14, 2008. The staff report was completed on May 19, 2008, and was heard by the Zoning Administrator on July 2, 2008.

11. The final development plans for road improvements are submitted for review after the project is approved. Only after the hearing would the designing engineer and also the County Plan Checker know the final approved project as the project design and conditions can be changed by the Zoning Administrator. An applicant typically may submit a preliminary grading and drainage plan if requested by the County but not the final development plan. Resolution 58-94 (attached) relates to subdivision grading agreements and security for construction and maintenance of improvements after approval by the hearing body and before filing the parcel map.

12. See comment number 2.

13. See comment number 2.

14. See comment number 2.

15. See comment number 2.

16. See comment number 2.

17. See comment number 2.

- 18. See comment number 2.
- 19. See comment number 11.
- 20. See comment number 2.
- 21. See comment number 2
- 22. See comment number 6.
- 23. See comment number 2.
- 24. See comment number 2.
- 25. See comment number 6.
- 26. See comment number 2.
- 27. See comment number 2.
- 28. See comment number 2.
- 29. See comment number 2
- 30. See comment number 6.
- 31. See comment number 2.
- 32. See comment number 2.

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ATTACHMENTS

Attachment 1 - Appeal form with six pages attached

Attachment 2 - Findings/Conditions of approval, 11 pages

Attachment 3 - The approved Parcel Maps along Old Neumann Road, 10/40, 21/72, 17/35, 49/130, 37/35, five pages.

Attachment 4 - Parcel Map Guarantee from Placer Title Company dated June 9, 2008, seven pages.

Attachment 5 - Resolution 58-94

Staff Report dated July 2, 2008

