



Legislation Text

File #: 08-1860, **Version:** 1

Hearing to consider the following pertaining a tentative subdivision map correction (TM69-0002-C3) on property identified as APN 009-453-02, consisting of 13,422 square feet, in the Pollock Pines area: (James and Sheryl Haar) District 2:

- (1) Certify that the final map modification for map E-29, Lot 128 (TM69-0002-C3) is statutorily exempt pursuant to Section 1568(b)(3) of the California Environmental Quality Act (CEQA) Guidelines; and
- (2) Approve the modification to the recorded final map for E-29, Lot 128, subject to the conditions of approval in Attachment 1, based on the findings in Attachment 2.

RECOMMENDED ACTION: Planning staff recommends that the Board take the following action: 1. Certify that the final map modification for map E-29, Lot 128 (TM69-0002-C3), is statutorily exempt pursuant to Section 15268(b)(3) of the CEQA Guidelines; and 2. Approve the modification to the recorded final map for E-29, Lot 128 (TM69-0002-C3), subject to the conditions of approval in Attachment 1, based on the findings in Attachment 2.

Background: The subdivision, known as Gold Ridge Forest, Unit 1, was recorded on April 8, 1969. The subject lot qualifies for a 50 percent reduction in front yard setback pursuant to El Dorado County Ordinance 17.14.020 (*Front Setback Reduction for Slope*). *Where the average slope of the front half of any building site is over one foot rise or drop in four feet, the required distance between the main building and the property line at the highway or county road may be reduced by up to fifty percent.* (Prior code §9430(c))

The lot also qualifies for a 50 percent reduction in front yard setback pursuant to El Dorado County Ordinance 17.14.030 (*Setback variation for private garage*). *Where the elevation at the required building line is more than six feet above or below the street elevation at the edge of the roadway, the required distance between a single story private garage and the property line may be reduced by up to fifty percent.* (Prior code §9430(d))

The Gold Ridge Forest, Unit 1, subdivision has as a requirement on the cover page for a front yard building setback of 25 feet (Exhibit E). This requirement disallows the application of the above referenced administrative front yard setback reductions provided by the Zoning Ordinance.

STAFF ANALYSIS

Project Description: Request to modify recorded final map E-29 for Lot 128, Gold Ridge Forest, Unit 1 to reduce both the front 25-foot building setback and the 20-foot utility easement to 12.5 feet, pursuant to the subdivision cover page. The reduction of the setback and public utility easement widths would allow for the construction a single family home with a detached garage consistent with an administrative reduction in zoning setback to 12.5 feet due to slope. The final map modification is for the purpose of shortening the length of the driveway and lessening its steepness to allow for more room for the septic facilities and associated replacement area.

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 reduce the both the 25-foot building setback and the 20-foot front utility easement to 12.5 feet.

Section 16.72.040 of the County Code requires the approving authority make specific findings as set forth in Attachment 2.

Site Description: The subject site is an undeveloped parcel at an average elevation of 3,800 feet above mean sea level. The parcel is within an established subdivision with improved access. Vegetation is dominated by pines and associated undergrowth. The road easement is wider in front of the subject parcel than the rest of the subdivision creating a distance of 45 feet from the front property line to the edge of the existing pavement on Jade Drive.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements	
Site	R1	HDR	Undeveloped	
North	R1	HDR	Single family residence	
South	R1	HDR	Single family residence	
East			R1 HDR	Single
			family residence, undeveloped	
West	R3A	MDR	Undeveloped	

General Plan: Single family residences and garages are permitted uses, and therefore would be consistent with the High Density Residential land use designation.

Staff finds that the proposed project, as conditioned, is consistent with the above requirements of the General Plan and Section 66472.1 of the California Government Code, (Subdivision Map Act), because the reduction of both the 25-foot building setback and the 20-foot front utility easement to 12.5 feet, would not adversely impact any public agency or any party with interest in the building front yard setback or public utility easement.

Conclusion: As discussed above, staff finds that the project, as proposed and conditioned, conforms to the General Plan.

Zoning: The project site is zoned One-Family Residential (R1). The setbacks required by Zoning Code Section 17.28.040 are 20 feet in the front, 5 feet on the sides, and 15 feet in the rear. Removal of the 25-foot setback shown on the recorded map would allow the property owner to seek up to a 50 percent reduction of said setback pursuant to County Zoning Ordinance Section 17.14.030. Staff finds the proposed map correction request, as conditioned, consistent with all applicable provisions of County Zoning Ordinance Title 17.

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. 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

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. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

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