

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

**Agenda of:** April 4, 2007

**Item No.:** 6.a.

**Staff:** Roman Anissi

## **PARCEL MAP CORRECTION**

**FILE NUMBER:** P77-0499C

**APPLICANTS/  
OWNERS:**

Robert W. Wells, Billie Wells, Grant Wells, Elizabeth Wells, Barry Saylor, and Donna Saylor

**REQUEST:**

Parcel map correction to re-align a 50-foot nonexclusive road and public utility easement on Parcels 1 through 3 of Parcel Map 20-100. (Exhibit G)

**LOCATION:**

East side of Highway 193 approximately 2 miles east of the intersection of Highway 193 and Shoo Fly Road in the Kelsey Area, Board of Supervisors District IV. (Exhibit B)

**APN(s):**

084-020-35, -36, -37, and -38

**ACREAGE:**

77.64-acres

**GENERAL PLAN:**

Rural Residential (RR) (Exhibit C)

**ZONING:**

Estate Residential Ten-acre (RE-10) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:**

Exempt pursuant to CEQA Section 15061(b)3

**SUMMARY RECOMMENDATION:**

Conditional Approval

## BACKGROUND

Tentative Parcel Map P77-0499 was approved by the Planning Commission on August 26, 1977. The map was recorded on July 17, 1978 as Parcel Map P20-100 creating four (4) parcels and one (1) 50-foot (50') wide non-exclusive road and public utility easement named Light Canyon Road. Parcels 1 through 3 of P20-100 are each 20 acres in size and remain vacant. Parcel 4 of Map P20-100 is 17.64-acres and a Building Permit (#170588) was issued for a single-family residence on November 17, 2006 for the property. Light Canyon Road serves the area and a few parcels located to the south. This road connects to Deer Canyon Road and Shoo Fly Road before it meets State Highway 193 to the west.

Prior to sale of these parcels, the prior owner(s) created a safer and more useable road access when lands in the area were logged for timber production. This safer road alternative was improved in the late 1990's and early in 2000 which follows the new easement that is being requested. The old alignment that winds on the steeper sections along the eastern half of the properties would no longer be dedicated as legal access under this proposal.

In researching the creation of the road along the new 50-foot wide non-exclusive road and public utilities alignment, there seems to be no official County permits issued for this believed-to-be safer timber-hauling route. However, all affected property owners of P20-100 have agreed to the new alignment as being a better option for a vehicular and utility easement.

## STAFF ANALYSIS

**Project Description:** This map correction would re-align the 50-foot (50') non-exclusive road and public utility easement on Parcels 1 through 3 of recorded Parcel Map P20-100. There are no utilities located within the existing or proposed alignment and no other properties currently have legal access over and/or across these parcels.

**Site Description:** The properties consist of steep topography varying between dramatic ridgelines that taper towards Dark Canyon and Light Canyon. There is a large concentration of pine trees on the properties as well as in the surrounding area. At this elevation a very small percentage of oak trees or oak woodland canopy, which only seem to be present on a portion of Parcels 2, 3, and 4.

**Adjacent Land Uses:** The project is surrounded by tracts of land that vary largely in size and shapes. Parcels located to the north, south, and west of the site share Estate Residential Ten-acre (RE-10) Zone District and Rural Residential (RR) land use designation. The property on the east is an Residential Agricultural Twenty-acre (RA-20) Zone District parcel consisting of a Natural Resources (NR) land use designation. Areas to the northwest and southeast are designated Open Space (OS) by the General Plan. The following table identifies adjacent zoning and land uses:

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RE-10	RR	Parcels 1-3 of P20-100 vacant/Single-family Residential being constructed on Parcel 4
<b>North</b>	RE-10	RR	Accessory Structures/Barns/Unknown
<b>South</b>	RE-10	RR	Single-family Residence
<b>East</b>	RA-20	NR	Vacant/Natural Resources, American River
<b>West</b>	RE-10	RR	Single-family Residence

**Amending Final Parcel Maps:** Chapter 16.72 of the El Dorado County Subdivision Ordinance allows the process of a map amendment to correct minor changes on a recorded final map. This project requests a correction of Parcel Map P20-100 to re-align the 50-foot (50') wide non-exclusive road and public utility easement. The request would correct an inconsistency with the existing and safer dirt access road as illustrated by the exhibits and the conveyance of easement attached to this report. There would be no improvements required under this map action and the findings necessary to support this proposal are included as Attachment 2.

**Owner Agreements:** Parcels 1 (Assessor's Parcel Number 084-020-35) and 2 (Assessor's Parcel Number 084-020-36) of Parcel Map P20-100 are entirely owned by the Gustafson Family Trust with Stanley R. Gustafson as the Trustee. Parcel 3 (Assessor's Parcel Number 084-020-37) is owned by Robert W. Wells, Billie Wells, Grant Wells, and Elizabeth Wells, each with 25 percent ownership interest. Parcel 4 is not affected by this map action; however, Barry and Donna Saylor each have 50 percent interest in this Parcel, referenced as Assessor's Parcel Number 084-020-38.

There are no other properties that have legal access rights over Parcel Map P20-100. Properties located to the south have legal access described in Grant Deeds Book 928 Page 142 through 146, Book 932 Page 544, and Book 934 Page 234 recorded with the County of El Dorado Recorder. The legal access for these properties connect to Dark Canyon Road which is located west of Parcel Map P20-100.

**Agency and Public Comments:** The office of the County Surveyor supports the request for the map correction and is the only agency that provided comments with conditions. Project information was also distributed to the following agencies.

- El Dorado County Department of Transportation
- El Dorado County Environmental Management Department
- Georgetown Divide Recreational District
- Garden Valley Fire Department

**GENERAL PLAN REVIEW**

This project has been reviewed according to the policies of the El Dorado County 2004 General Plan. There are no policies affecting a map correction that re-aligns a private access and public utility easement. Any future development on the vacant parcels must observe 200-foot setbacks based on *Policies 8.1.3.2 and 8.4.1.2* for incompatible uses adjacent agricultural zones or areas with an NR land use designation for timber production land. Relief from these special setbacks can only be requested under current administration relief provisions.

## **ZONING REVIEW**

The map correction is consistent with the regulations established for the underlying RE-10 Zone District and the general provisions outlined by the Zoning Ordinance. No conflicts with the development standards of the zone or Zoning Ordinance exist and no conflicts would be created with this action. Any future development must observe the requirements of the underlying zone and the general development provisions outlined by ordinance.

## **ENVIRONMENTAL REVIEW**

This project is exempt from the requirements of *CEQA* pursuant to *Section 15061(b)3* because it can be determined with certainty that this map correction would have no effects on the environment. The road to which the re-alignment is being shifted exists and was previously created to accommodate prior logging activities. No improvements are necessary in order to process this map correction, and the project is exempt from CEQA review.

Pursuant to Resolution No. 240-93, a \$50.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption.

## **RECOMMENDATION**

Staff recommends that the Zoning Administrator take the following action:

1. Find that the project is exempt from CEQA review based on Section 15061(b)3; and
2. Approve P77-0499C subject to the Conditions in Attachment 1 based on the Findings in Attachment 2.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Notarized Conveyance of Easement
Exhibit B .....	Vicinity Map
Exhibit C .....	General Plan Land Use Map
Exhibit D .....	Zoning Map
Exhibit E .....	Aerial Map
Exhibit F .....	Existing Parcel Map P20-100
Exhibit G .....	Proposed Map Correction for P20-100
Exhibit H .....	Oak Woodland Canopy Map
Exhibit I .....	Assessor's Map

# **ATTACHMENT 1**

## **CONDITIONS OF APPROVAL**

### **File Number P77-0499C/Wells Map Correction April 4, 2007 Zoning Administrator Hearing**

#### **STANDARD CONDITIONS OF APPROVAL**

##### **Planning**

1. This map correction is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibits A-I dated April 4, 2007, 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:

Approval of this map correction allows only the following: re-alignment of the nonexclusive road and public utility easement on Parcel Map P20-100 to affect Parcels 1 through 3 of that map. The re-alignment will not affect Parcel 4. The re-alignment will be surveyed to meet the re-aligned easement language that is provided on the Conveyance of Easement shown on Exhibits A and G, which identify the re-alignment on the existing dirt road on Parcels 1 through 3 of Parcel Map P20-100. No improvement to any road or easement is authorized with this map correction.

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 subdivider shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding 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 subdivider of any claim, action, or proceeding and County will cooperate fully in the defense.

3. Prior to the approval of the Certificate of Correction that is required by the County Surveyor and referenced as Condition 5 of this permit, the applicant shall make the actual payment of Planning processing fees for this map correction to Planning Services.
4. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be made payable to El Dorado County and must be submitted to Planning Services within five days following the approval of the Zoning Administrator and after the end of the appeal period of a final project decision.

**County Surveyor**

5. The property owners shall submit a 'Certificate of Correction' that applies to the parcel map P20-100 to the County Surveyor pursuant to the Subdivision Map Act and County Code for review. An appropriately licensed professional will prepare the 'Certificate of Correction' and upon approval by the County Surveyor the 'Certificate of Correction' shall be recorded in the County Recorder's Office. The property owners are responsible for all associated processing and recording fees.

## ATTACHMENT 2

### FINDINGS

#### **File Number P77-0499C/Wells Map Correction April 4, 2007 Zoning Administrator Hearing**

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:

#### FINDINGS FOR APPROVAL

##### **1.0 CEQA FINDINGS**

1.1 This map correction is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)3 that allows exemptions when it is evident that no effects to the environment will occur. There will be no improvements required or associated to this map action. No effects to the environment will occur with this request.

##### **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.*

The existing 50-foot wide nonexclusive road and public utility easement is not being used and the road where the re-alignment is being requested already exists and was created by prior property owners that improved a road to allow a safer truck route for logging the timber in the area. No improvements will be necessary under this action.

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

All seven (7) affected property owners within Parcel Map P20-100 have agreed to this change in a notarized document. A Certificate of Correction must be filed with the County Surveyors and the documents must be recorded with the County Recorder following this map action for the correction to be finalized. A minor fee will be assessed for these other processes and all affected property owners are in agreement with and understand the process that is necessary to finalize the corrective measure identified by this map action.

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

The correcting of the parcel map to re-align the 50-foot wide nonexclusive road and public utility easement will not alter legal access rights or any other right, title or interest in the real property reflected in the recorded Parcel Map P20-100.

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

Section 66474(g) requires the County to find that the changes to the final parcel map will not conflict with easements for access through or use of property within the subdivision. The map correction re-aligns the 50-foot (50') wide nonexclusive road and public utility easement to an existing and safer road alignment that is currently being used by the affected and adjacent property owners.