



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

Agenda of: June 6, 2007
Item No.: 4. c.
Staff: Roman Anissi

PARCEL MAP CORRECTION

FILE NUMBER: P77-0161C

**APPLICANTS/
OWNERS:**

Andrew and Stacy Van Zant, Robert and Wanda Andersen, David and Rebecca Hogg Family Trust, and Sharyl Walbergh.

REQUEST:

Parcel map correction to remove a 60-foot non-exclusive road and public utility easement on Parcel B and to remove a cul-de-sac comprised of a 60-foot radius on Parcel C of Parcel Map 15-120. (Exhibit G)

LOCATION:

South side of Kathy Lane approximately two (2) miles south of the intersection of State Route 49 and Wallace Road in the Gold Hill Area, Supervisorial District IV (Exhibit B)

APN(s):

321-080-07, -08, -09 and 321-090-08, -09, -10

ACREAGE:

41.735 acres

GENERAL PLAN:

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

ZONING:

Agricultural Lands-Agricultural District Overlay (AL-A) (Exhibit C)

ENVIRONMENTAL DOCUMENT:

Exempt pursuant to CEQA Section 15061(b)3

SUMMARY RECOMMENDATION:

Conditional Approval

BACKGROUND

Tentative Parcel Map (P77-0161) was approved on April 27, 1977. The map was recorded on June 8, 1977 as Parcel Map 15-120 creating four (4) parcels with several easements designated for road, public utility and drainage purposes. Parcels A, B, C and D of Parcel Map 15-120 are each ten (10) acres in size or slightly more, with all parcels developed with single-family residences and various accessory structures. The properties are accessed from Kathy Lane, which connects to Wallace Road before it meets State Highway 49 to the north.

The existing non-exclusive road and public utility easement on Parcel B and cul-de-sac on Parcel C were created to provide road and utility access to Parcel C. The easement and cul-de-sac are no longer required because the residence on Parcel C was constructed along the western part of the property and takes direct access onto Kathy Lane with an improved driveway. American Telephone and Telegraph (AT & T) and Pacific Gas and Electric (PG & E) connect to Parcel C using this more direct access. No other properties require the existing easement or cul-de-sac for any purpose.

STAFF ANALYSIS

Project Description: This map correction would remove a 60-foot non-exclusive road and public utility easement on Parcel B and would remove a cul-de-sac comprising of a 60-foot radius on Parcel C of Parcel Map 15-120. There are no utilities located within the existing easement and no other property owners have legal access over and/or across Parcel C.

Site Description: The site consists of rolling topography typical of the Gold Hill area. There is a heavy oak woodland tree canopy on this property. An off-site pond drains into a drainage easement that straddles the eastern property line. The easement for drainage occurs on Parcels C and D of the Parcel Map and drains in a southerly direction off the properties.

Adjacent Land Uses: The project is surrounded by properties that vary largely in size and shape. Parcels located to the north, south, and west of the site share the Estate Residential Ten-acre (RE-10) Zone District and Agricultural Lands-Agricultural District Overlay (AL-A) land use designation. Properties to the east are zoned Residential Agricultural Twenty-acre (RA-20), also comprising of the Agricultural Lands-Agricultural District Overlay (AL-A) land use designation. The area is largely developed with single-family residences on larger estate residential lots. Some properties in the neighborhood have existing agricultural uses. The following table identifies adjacent zoning and land uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	AL-A	Single-family residence and vacant parcel
North	RE-10	AL-A	Single-family residence
South	RE-10	AL-A	Single-family residence
East	RA-20	AL-A	Single-family residence
West	RE-10	AL-A	Single-family residence and cultivated fields

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 15-120 to remove a 60-foot wide non-exclusive road and public utility easement on Parcel B, and to remove a cul-de-sac comprising of a 60-foot radius on Parcel C. There would be no improvements required under this map action and the findings necessary to support this proposal are included in Attachment 2.

Owner Agreements: Parcel A (APN 321-080-09) is owned by Robert and Wanda Andersen. Parcel B (APNs 321-080-07 and 321-090-08) of Parcel Map 15-120 is owned by Andrew and Stacy Van Zant who applied for the map correction. Parcel C (APN 321-090-09) is owned by the David and Rebecca Hogg Family Trust. Parcel D (APNs 321-080-08 and 321-090-10) is owned by Sharyl Walbergh. All property owners of the parcel map have agreed in writing to this map correction.

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 and/or conditions of approval. Letters received from the American Telephone and Telegraph (AT & T) and Pacific Gas and Electric (PG & E) companies identify that there is no objection to this request. The following agencies were also distributed the project and provided no comment:

El Dorado County Department of Transportation
El Dorado County Environmental Management Department
El Dorado County Fire Protection District
El Dorado County Assessor's Office
El Dorado Irrigation District (EID)
Georgetown Divide Recreational District
Garden Valley Fire Department
SBC Communications
Comcast
LAFCO

General Plan: This project has been reviewed for consistency with the policies of the adopted El Dorado County 2004 General Plan. There are no policies affecting a map correction in order to remove a non-exclusive road and public utility easement. Any future development on parcels subject to agricultural protection and preservation must consider incompatible uses adjacent to or within agricultural designations.

Zoning: The parcel map correction is consistent with the regulations established for the underlying Estate Residential Ten-acre (RE-10) Zone District and the general provisions outlined by the Zoning Ordinance. No conflicts with the development standards of the 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 of County ordinances.

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. No improvements would be necessary in order to process this map correction, and the project is exempt from CEQA review.

Pursuant to Resolution No. 240-93, a \$50.⁰⁰ 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 P77-0161C subject to the Conditions in Attachment 1 based on the Findings in Attachment 2.

SUPPORT INFORMATION

Attachments:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Aerial Map
Exhibit E	Existing Parcel Map 15-120
Exhibit F	Proposed Map Correction for Parcel Map 15-120
Exhibit G	Assessor's Map

ATTACHMENT 1

CONDITIONS OF APPROVAL

**Zoning Administrator June 6, 2007
File Number P77-0161C – Van Zant**

Planning

1. This map correction is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibits A-G dated June 6, 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.

Project Description: Approval of this map correction allows only the following: Parcel map correction to remove a 60-foot non-exclusive road and public utility easement on Parcel B and to remove a cul-de-sac comprising of a 60-foot radius on Parcel C of Parcel Map 15-120. The correction will not affect Parcels A or D. 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 special use 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 15-120 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

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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:

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 60-foot non-exclusive road and public utility easement on Parcel B and 60-foot radius cul-de-sac on Parcel C on Parcel Map 15-120 are not being used, and will not be needed in the future because the owners of Parcel C already use an existing driveway to access the property. The utilities companies are not using the existing easement and provide service directly from Kathy Lane. Parcel C does not require an access or utility easement across Parcel B or any other property.

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

All property owners within Parcel Map 15-120 have agreed to this change in writing. A Certificate of Correction must be filed with the County Surveyor's Office 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 the Certificate of Correction process 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 remove a 60-foot non-exclusive road and public utility easement on Parcel B and to remove a cul-de-sac comprised of a 60-foot radius on Parcel C will not alter legal

access rights or any other right, title or interest in the real property reflected in the recorded Parcel Map 15-120.

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 removes a 60-foot non-exclusive road and public utility easement on Parcel B and removes a cul-de-sac comprised of a 60-foot radius on Parcel C of Parcel Map 15-120. This correction does not conflict with the recorded map easements of the parcel map.