

**COUNTY OF EL DORADO PLANNING & BUILDING  
DEPARTMENT  
ZONING ADMINISTRATOR  
STAFF REPORT**



**Agenda of:** July 19, 2017  
**Item No.:** 4.a.  
**Staff:** Evan Mattes

**PARCEL MAP AMENDMENT**

**FILE NUMBER:** P76-0410-C/Grassy Run Parcel Map

**APPLICANT/OWNER:** Grassy Run Homeowners Association

**REQUEST:** Amend Parcel Map 12-143 to remove two existing non-exclusive road easements (P76-0410).

**LOCATION:** The southern and western side of Little Brush Ridge Road approximately 1,000 feet west of the intersection with Reservation Road in the Placerville Periphery area, Supervisorial District 4. (Exhibits A and D)

**APN:** 319-050-58, 59, 60, 61, 62, 69, 70, 71, 72, 94, & 95 (Exhibit C)

**ACREAGE:** 54 acres

**GENERAL PLAN:** Low Density Residential (LDR) (Exhibit C)

**ZONING:** Residential Estate Five-Acres (RE-5) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Minor Alterations in Land Use Limitations)

**RECOMMENDATION:** Staff recommends the Zoning Administrator take the following actions:

1. Certify that Parcel Map Amendment P76-0410-C amending Parcel Map 12-143 is Categorically Exempt from the requirements of CEQA pursuant to Section 15305; and

2. Approve Parcel Map Amendment P76-0410-C amending Parcel Map 12-143, based on the findings and subject to the Conditions of Approval as presented.

## **BACKGROUND**

The approval of Tentative Parcel Map P76-0410 resulted in the recording of Parcel Map 12-143 on November 1, 1976 (Exhibit E). Parcel Map 12-143 created four parcels identified as, Parcel 1, Parcel 2, Parcel 3 and Parcel 4.

The road and public utilities easement crosses Parcels 1 and 2 where the properties meet and ends at the parcel to the west, labeled as U.S.A, which is owned by the United States Bureau of Land Management (USBLM) and held in trust for the benefit of the Shingle Springs Band of Indians. The Shingle Springs Band of Indians holds several properties, which can provide access to the parcel identified as United States Bureau of Land Management (USBLM) on PM 12-143 (Exhibit E). Parcel Map 37-22 created two parcels out of Parcel 2 of PM 12-143, identified as Parcel A and Parcel B and contains a 56 foot non-exclusive road and public utilities easement. The road and public utilities easement crosses the eastern boundary of Parcel B and ends at the parcel to the south, labeled as Shingle Springs Indian Reservation. Parcel Map 37-22 was originally conditioned to construct both 56 foot non-exclusive road easements built to the standards of 102F as delineated in the Design Improvement Standards Manual; however this condition was removed by a subsequent map revision on November 8, 1986. Neither road nor public utility easement was created to benefit the USBLM land. This access is noted as an easement on Parcel Map 12-143 dated September 15, 1976 and on Parcel Map 37-22 dated September 29, 1986 (Exhibit F).

In late 1982 the Grassy Run Home Owners Association elected to form a special district with the sole purpose of repair, maintenance and improvement of the Grassy Run roads, which resulted in the formation of the Grassy Run Community Services District (GRCSA). The GRCSA acted within its intended purpose until 1996, when the Shingle Springs Band of Indians initiated a Federal Court lawsuit against the GRCSA. The suit contended that in creating the District, and in collecting and expending public funds, the residents of Grassy Run had implicitly dedicated their roads to public use. In 1997, the courts reflected the contention and ruled that the roads were private, and that the Grassy Run members had never intended to be the roads for public use.

As a result of the 1997 court ruling the CSD ceased to receive funding and has not conducted any district business. The CSD was officially dissolved on March 21, 2012, making all roads within the previous CSD private.

## **ANALYSIS:**

**Project Description:** A request to amend Parcel Map 12-143 to remove two existing road easements (Exhibits E and B). The two subject easements extend to the west between Parcel 1 and Parcel 2, and to the south, between Parcel 2 and Parcel 3 as identified by Parcel Map 12-143. Both road easements were never constructed and are currently vacant. Removal of the easement will allow the property owner to fully develop their parcel, through reducing the applicable setback to be measured from the property line, instead of the road and public utility easements.

This would allow property owners adjacent to the easements to be able to expand the construction envelope of their parcels.

**Amending of Parcel Maps:** Chapter 120.72 of the El Dorado County Code and Section 66472.1 of the Subdivision Map Act allow for amending of parcel maps by either filing a Certificate of Correction or amending the map. Should the Zoning Administrator approve the amendment, a Certificate of Correction would be required by the County Surveyor's Office to effect the removal of the easement.

In order to approve the map amendment, the County must find that the amended map complies with the Government Code and make specific findings pursuant to Section 120.72.040 of the County's Subdivision Ordinance. These findings have been presented below.

**Agency and Public Comment:** Affected Agencies including, the El Dorado Irrigation District, Assessor's Office, Transportation Department, El Dorado Surveyor Department, United States Bureau of Land Management, Diamond Springs Fire Protection District, Comcast, Pacific Gas & Electric, Cal Fire, and AT&T.

The El Dorado County Surveyor's Office reviewed the project, and requested application of conditions of approval, which have been added accordingly. Signed letters from effected property owners supporting the map amendment have been provided. None of the other Agencies had issue with the proposed project.

**Consistency:** As discussed in the Findings, staff has determined that the proposed project, as conditioned, is consistent with the Low Density Residential (LDR) land use designation and other applicable policies in the El Dorado County General Plan, as well as the provisions of the Residential Estate Five-Acres (RE-5) zone and other Zoning Ordinance requirements.

#### **ENVIRONMENTAL REVIEW:**

The map amendment project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15305 of the CEQA Guidelines which states that minor alterations in land use limitations not resulting in the creation of any new parcel are exempt. A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption.

## SUPPORT INFORMATION

Findings

Conditions of Approval

Exhibit A.....	Location Map
Exhibit B.....	Proposed Map Correction
Exhibit C.....	Assessor's Parcel Map
Exhibit D.....	General Plan Land Use Map
Exhibit E.....	Zoning Map
Exhibit F.....	Aerial Photo
Exhibit G.....	Parcel Map 12-143
Exhibit H.....	Parcel Map 37-22
Exhibit I.....	Settlement Agreement and Mutual Release of Claims

# **FINDINGS**

## **Parcel Map Amendment P76-0410-C/Grassy Run Parcel Map Correction Zoning Administrator/July 19, 2017**

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**

#### **1.0 CEQA Findings**

- 1.1** The map amendment project has been found to be Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the CEQA Guidelines which states that minor alterations in land use limitations not resulting in the creation of any new parcel are exempt.
- 1.2** The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Division-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.*

The two subject easements extend to the west between Parcel 1 and Parcel 2, and to the south, between Parcel 2 and Parcel 3 as identified by Parcel Map 12-143. All easements were created for the benefit for the parcels created by PM 12-143. All parcels for which the easements were created to benefit take access from the Little Brush Ridge Road.

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

The removal of the road easement would benefit, and not burden, the current owners of the property. The existing road easement impedes the owner's ability to develop the site. Removal of the easements would allow the owners to fully utilize their parcel. Removal of the easement will allow the property owner to fully develop their parcel, through reducing the applicable setback to be measured from the property line, instead of the road and public utility easements. This would allow property owners adjacent to the easements to be able to expand the construction envelope of their parcels.

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

The 56-foot road easement was for the benefit of parcels created by Parcel Map 12-143. All affected parcels currently take access from Little Brush Ridge Road and do not take exception from the removal of the two easements. The subject easements were not

created for the benefit of the United States Bureau of Land Management to the west, or the Shingle Springs Band of Indians Rancheria to the south. As such, the modification to the map will not alter any right, title, or interest in the real property reflected on the map.

### **3.0 Subdivision Map Act Findings**

#### **3.1** *The amending map or certificate of correction certified by the county surveyor shall be filed or recorded in the office of the county recorder in which the original map was filed.*

The parcel map was approved as P76-0410 by the County of El Dorado on September 15, 1976. Approval of this parcel map correction will require that the amended map be filed with the El Dorado County recorder.

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

The provisions of Section 66474 of the Government Code (Subdivision Map Act) list the findings for approval or denial of a parcel map. The findings include consistency with the General Plan, suitability of the site for the type and density of development, significant environmental effects or public health problems, and conflicts with public access easements. The proposed removal of the road easement does not affect any of the provisions of findings for approval of the Parcel Map. The amended Parcel Map remains suitable for the type and density of development, no physical change to the environment will occur, and the Parcel Map remains consistent with the General Plan.

# **CONDITIONS OF APPROVAL**

## **Parcel Map Amendment P76-0410-C/Grassy Run Parcel Map Correction Zoning Administrator/July 19, 2017**

### **Planning Services**

1. The subject map amendment is based upon and limited to compliance with the project description, the Zoning Administrator Hearing exhibits marked Exhibits B-E dated July 19, 2017, 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:

Amend Parcel Map 12-143 to remove a recorded road easements from Parcel 1, Parcel 2 and Parcel 3, as shown in Exhibit B.

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 herein. 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 plans must be submitted for review and approval and shall be implemented as approved by the County.

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 map amendment, 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. A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to the El Dorado County Planning Services prior to the issuance of any development permit being issued on the project parcel.

**County of El Dorado Office of the County Surveyor**

4. The property owners shall submit a “Certificate of Correction” amending Parcel Map 12-143. The certificate shall be prepared by an appropriately licensed professional and submitted to the County Surveyor for review in compliance with the Subdivision Map Act and County Code. Upon approval by the County Surveyor, the “Certificate of Correction” shall be recorded in the County Recorder’s Office, a copy of which shall be provided to Planning Services. The property owners are responsible for all associated processing and recording fees.