

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



**Agenda of:** August 15, 2007  
**Item No.:** 4.b.  
**Staff:** Aaron Mount

**PARCEL MAP**

**FILE NUMBER:** P06-0042

**APPLICANT:** Meyers Ranch / Nancy Dau

**AGENT/ENGINEER:** Carlton Engineering

**REQUEST:** A tentative parcel map creating four (4) parcels ranging in size from 20 to 46.83 acres on a 110.83-acre site. (Exhibit B).

Design waiver has been requested for the following:

- a. Reduction in the on-site and a portion of off-site road improvements from 24 feet width with 2 foot shoulder to 18 feet width with 2 foot shoulders.

**LOCATION:** On the south side of Grizzly Flat Road, approximately one mile east of the intersection with Mt. Aukum Road (E16) in the Somerset area, Supervisorial District II. (Exhibit A)

**APN:** 093-210-11

**ACREAGE:** 110.83 Acres

**GENERAL PLAN:** Rural Residential-Agricultural District (RR-A) (Exhibit B)

**ZONING:** Planned Agricultural Twenty-acre (PA-20) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**SUMMARY RECOMMENDATION:** Conditional Approval

**BACKGROUND:**

The subject property is Parcel 2 of four (4) parcels created by Tentative Parcel Map P97-0005 approved on July 02, 1997 by the Zoning Administrator. On November 12, 1999 the County Surveyor approved the Parcel Map (PM47-39) which was recorded by the County Recorder on the same date.

**STAFF ANALYSIS**

**Project Description:** The request is to process a tentative parcel map creating four (4) parcels ranging in size from 20 acres to 46.83 acres from a 110.83 acre parcel. The existing residence and second residence would be located on the larger 46.83 acre parcel, Parcel 1 and currently encroach on to Grizzly Flat Road. The remaining three (3) parcels would remain vacant for future development. Parcel 4 would be accessed from Meyers Lane and Parcels 3 and 4 will require a new access road that would encroach on to Meyers Lane. Water supply is proposed to be individual wells. The two existing residences currently have individual wells with adequate water production. Sewage disposal is proposed to be individual septic systems.

**Site Description:** The subject site is at an average elevation of 2,400 feet above mean sea level. Improvements include two residences and multiple agricultural structures. Native vegetation is dominated by oak woodland, riparian, and lacustrine wetlands associated with two manmade ponds. Agricultural uses include a fairly large improved pasture (approximately 20 acres on Parcel 1) and a vineyard (approximately five acres on Parcel 4). Access is provided by Grizzly Flat Road, a paved County maintained road, and Meyers Lane, a private gravel road of standard width. The subject parcel is fairly level, slopes varying from five percent to fifty percent with only four percent (4%) comprising slopes greater than 30 percent and an average slope of twelve percent. Two seasonal drainages are found on the parcel which feed a series of natural and human-enhanced pools varying in size from 200 square feet to 38,000 square feet.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
<b>Site</b>	<b>PA-20</b>	RR-A	Single Family Residence's (SFR's), Ag Uses
<b>North</b>	RE-5 RE-10 PA-20	RR-A	Single Family Residence's /Undeveloped/Ag Uses
<b>South</b>	PA-20 RA-20	RR-A	Single Family Residence's /Ag Uses
<b>East</b>	PA-20 AE RE-10	RR-A	Single Family Residence's /Ag Uses
<b>West</b>	PA-20	RR-A	Single Family Residence's

**Discussion:** The subject and adjacent parcels are located within the Somerset/Fairplay Agricultural District. The area is a mix of residential and agricultural uses.

**Project Issues:** Discussion items for this project includes protected 30 percent slopes, road improvements and a request for a design waiver, driveway improvements, well water, septic disposal, cultural resources, and parcel design.

The irregular parcel configuration of proposed Parcels 1 and 4 is due to retention of existing agricultural uses. Proposed Parcel 1 contains a large improved pasture and proposed Parcel 4 contains a producing vineyard. Proposed Parcels 2 and 3 contain a majority of the subject sites slopes in excess of 30 percent. In order to show adequate access to proposed building sites containing slopes less than 30 percent, staff requested driveway profiles for Parcels 2 and 3. The submitted driveway profiles do not exceed 16 percent as required by the California Fire Safe Regulations.

A new roadway is required to be constructed from Meyers Lane to proposed Parcels 2 and 3. The roadway would be 360 feet in length beginning with its intersection with Meyers Lane and terminating in a cul-de-sac. The roadway is conditioned to be improved to Standard Plan 101C the width of which will be determined at the time of finaling the map. A design waiver has been requested to reduce the roadway width to 18 feet with 2 foot shoulders for a total width of 22 feet, based on ADT's. A portion of this proposed road is off-site on APN 093-210-13. Permission has been granted by the land owner for the applicant to improve on the parcel and oak tree analysis has been performed showing retention compliance for the offsite improvement. No special conditions exist to grant the requested design waiver. Findings for denial of the design waiver are included in Attachment 2.

El Dorado County Department of Environmental Management has approved septic plans for all proposed parcels. The project proposes well water, however well production reports have not been submitted at this time. Currently Environmental Management requires that 10 percent of proposed parcels have a producing safe and reliable water supply. As the existing residences have producing wells, 25 percent (25%) of the parcels have a safe and reliable water supply. The project has been conditioned that each parcel has a safe and reliable water source prior to recording the final map.

A cultural resource site has been identified by the submitted cultural resource study. A mitigation measure has been included to reduce the potentially significant impact to less than significant.

**General Plan:** The project is consistent with the policies of the Adopted 2004 El Dorado County General Plan. Findings for consistency with the General Plan are provided in Attachment 2. The Rural Residential (RR) General Plan land use designation allows for one dwelling unit on properties ranging in size between 10 and 160 acres. The parcel is located in the Somerset/ Fairplay Agricultural District. The Agricultural District General Plan overlay requires a twenty acre minimum parcel size. The requested four (4) parcels ranging in size from 20 acres to 46.83 are consistent with the RR land use designation and the Agricultural District overlay. Additional policies that affect this project are discussed below.

Policy 2.2.5.21 directs that new development be compatible with the surrounding neighborhood. The four new parcels would be consistent with the General Plan intended development pattern expected in a Rural Region and would fit into the dominant pattern of parcel development for the area.

Policy 8.1.3.2 directs that agriculturally incompatible uses adjacent to agriculturally zoned lands shall provide a minimum setback of 200 feet from the boundary of agriculturally zoned lands. All proposed parcels contain adequate development area when applying the 200 foot agricultural setbacks.

Policy 7.4.4.4 establishes native oak tree canopy retention and replacement standards. The project meets canopy retention for onsite and off-site development. The full discussion of the impacts to 7.4.4.4 is contained in section IV in the attached Initial Study/ Environmental Checklist

Policy 7.3.3.4 establishes that the County shall apply a minimum setback of 100 feet from all perennial streams, rivers, lakes and 50 feet from intermittent streams and wetlands. Setbacks are shown on the tentative map and a condition of approval has been added to show the applicable setbacks on the final map. A wetland survey was submitted by the applicant, however no impacts are proposed and no waivers to the setbacks are being requested. A condition of approval has been added to prevent development within the riparian area and wetland setbacks.

Policy 7.1.2.1 directs that development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access. All parcels have developable area with slopes less than 30 percent. Four percent of the subject site contains slopes greater than 30 percent.

**Zoning:** The subject site is zoned Planned Agricultural Twenty-acre which permits a minimum parcel size of twenty acres. The proposed 20 to 46.83-acre parcels conform to existing zoning and the development standards of *Section 17.36.150* and parcel size of *Section 17.36.160*.

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, staff finds that the project would have a less than significant effect on cultural resources with incorporation of specific mitigation measures, therefore, a Mitigated Negative Declaration has been prepared.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (*California Fish and Game Code Section 711.4*), the project is subject to a fee of \$1,850.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, less a \$50.00 recording fee, is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

## RECOMMENDATION

Staff recommends the Zoning Administrator take the following actions:

1. Adopt the Mitigated Negative Declaration, based on the Initial Study prepared by staff; and
2. Approve the Tentative Parcel Map (P 06-0042) subject to the Conditions of Approval in Attachment 1, based on the Findings in attachment 2; and
3. Deny the following design waiver since appropriate findings have not been made as noted in Attachment 2:
  - a.) Reduction in on-site and a portion of off-site road improvements from 24 feet width with 2 foot shoulder to 18 feet width with 2 foot shoulders.

## SUPPORT INFORMATION

### Attachments To Staff Report:

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 .....	Tentative Parcel Map
Exhibit E .....	Preliminary Grading Plan
Exhibit F .....	Parcel Map 47-39
Exhibit G .....	Environmental Checklist and Discussion of Impacts

# **ATTACHMENT 1**

## **CONDITIONS OF APPROVAL**

File Number P06-0042 – Meyers Ranch - Dau  
August 15, 2007 Zoning Administrator Hearing

### **CONDITIONS OF APPROVAL**

2. This parcel map is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibit marked Exhibit F (tentative parcel map) dated August 1, 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:

A tentative parcel map creating four (4) parcels ranging in size from 20 to 46.83 acres on a 110.83-acre site. All four parcels would be served by individual wells and onsite septic wastewater systems.

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 below. 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 (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

### **Condition from Negative Declaration**

1. A non-disturbance easement, prepared by the applicant, measured 25 feet from the edge of Feature F, as noted in the cultural resource study dated May 30, 2006, shall be recorded with the final map. A qualified archaeologist shall accurately locate Feature F so as to precisely represent the easement. Maintenance of existing structures that may fall within this setback shall be allowed. The easement shall be prepared prior to finaling the parcel map.

MONITORING: Planning Services shall verify that the required easement has been recorded prior to filing the map. Staff shall verify that a note records with the map prior to filing.

### **Planning Services**

3. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to El Dorado County Parks and Recreation Department, pursuant to *El Dorado County Subdivision Ordinance Chapter 16.12.090*. A receipt showing compliance with this condition shall be submitted by the applicant to Planning Services prior to recordation of the parcel map.
4. All Planning Services fees shall be paid prior to recordation of the parcel map.
5. 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 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 applicant of any claim, action, or proceeding and County will cooperate fully in the defense.
6. Prior to filing of the Parcel Map an oak tree canopy replacement plan shall be prepared by the applicant to meet the requirements of *General Plan Policy 7.4.4.4*.
7. Setbacks for riparian areas and wetlands, consistent with *General Plan Policy 7.3.3.4*, shall be shown on the final map.
8. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50-feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the finds is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance. Planning Services shall review the grading plans prior to the issuance of a grading permit.
9. In the even of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to *Section 7050.5* of the *Health and Safety Code* and *Section 5097.98* of the *Public Resources Code*. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with

guidelines of the Native American Heritage Commission. Planning Services shall review the grading plans prior to the issuance of a grading permit.

### **Department of Transportation**

10. The applicant shall widen, construct, or verify the access road for Parcels 2 & 3 and Meyers Lane, from this access roadway to Grizzly Flat Road to the current *Design and Improvement Standards Manual (DISM), Standard Plan 101C*, at time of issuance of the grading permit for the construction of these roadway improvements. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the parcel map.
11. The applicant shall provide a turn around at the end of the access roadway to Parcel 2 and 3 to the provisions of *County Standard Plan 114*. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the parcel map.
12. The applicant shall obtain an encroachment permit from DOT and shall construct (or verify) the roadway encroachment from Meyers Lane onto Grizzly Flat Road meets the provisions of *County Standard Plan 103C*, prior to the recordation of the map.
13. The applicant shall obtain an encroachment permit from DOT and shall construct (or verify) the roadway encroachment(s) for parcel 1 onto Grizzly Flat Road meet the provisions of *County Standard Plan 103B-1*, prior to the recordation of the map.
14. The applicant shall designate a 50 foot wide non-exclusive road and public utility easements (R & PUE), for the access roadway to Parcel 2 and 3 and the required easement for the associated turn-around, prior to the recordation of the parcel map.
15. The applicant shall demonstrate proof of legal access from the on-site access roadway serving Parcels 2 and 3 to Meyers Lane, prior to the recordation of the map.
16. The applicant shall irrevocably offer (or verify), in fee, the 30 foot wide road and public utility easement for the on-site portion of Grizzly Flat Road, prior to the recordation of the parcel map. This offer will be accepted by the County.
17. A vehicular access restriction shall be placed along the entire frontage of Grizzly Flat Road, except for the driveway(s) access to Parcel 1 and shall be placed on the parcel map.
18. The applicant shall form and/or verify the existence of an entity, to the satisfactory of DOT, for maintenance of all on-site roadway and drainage facilities not maintained by the County, prior to the recordation of the parcel map.



19. All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.
20. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the Final Map, acquire by negotiation or commencement proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Agent, and enter into an agreement pursuant to *Government Code Section 66462.5* and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:
  - a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
  - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
  - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

### **Pioneer Fire District**

21. A fire safe management plan, acceptable to the fire district and the California Department of Forestry, shall be implemented prior to finaling of the parcel map. A letter of compliance with this condition shall be submitted by the fire district to the Surveyor's Office at the time of filing the parcel map.

### **Environmental Management**

22. Each parcel shall have a safe and reliable water source prior to filing the final map.

**County Surveyor**

23. The access road serving the development shall be named by filing a completed Private Road Name Petition with the County Surveyor's Office prior to filing the parcel map.
24. The applicant shall provide proof of access to a State- or County-maintained road as defined by *Section 16.44.120(B)(2)* with the legal right to improve that access as required by the *County Design Manual*. A Guarantee of Record provided by a title company shall be presented to the County Surveyor's Office prior to filing the final or parcel map.
25. All survey monuments must be set prior to filing the Parcel Map.
26. Prior to filing the Parcel Map, a letter to the County Surveyor will be required from all agencies that have conditions placed on the map. The letter will state that all conditions placed on the map by that agency have been met.

## **ATTACHMENT 2 FINDINGS**

File Number P06-0042 – Meyers Ranch - Dau  
August 15, 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 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigate Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 Through feasible conditions and mitigation placed upon the project, impacts on the environment relating to Cultural Resources have been eliminated or substantially mitigated.
- 1.3 This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (*California Fish and Game Code Section 711.4*), the project is subject to a fee of \$1,850.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, less a \$50.00 recording fee, is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.
- 1.4 Public Resources *Code Section 21081.6* requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.5 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

## **2.0 General Plan Consistency Findings**

- 2.1 The proposed tentative map is consistent with the Rural Residential General Plan land use designation and the Agricultural District Overlay.
- 2.2 The proposal, as conditioned, is consistent with the intent of *Policies 2.2.5.21, 8.1.3.2, 7.4.4.4, 7.3.3.4, and 7.1.2.1* because the project fits in with the dominant pattern of development in the direct project vicinity, developable area exists when agricultural setbacks are included, oak canopy retention has been met, stream setbacks have been verified, and developable area exists with slopes less than 30 percent..

## **3.0 Zoning Findings**

- 3.1 The project is zoned Planned Agricultural Twenty-acre (PA-20) which establishes a minimum parcel size of 20 acres. The project would create four (4) parcels ranging in size from 20 to 46.83 acres which is consistent within the PA-20 Zone District. The project is consistent with the development standards of *Section 17.36.160* of the PA-20 Zone District for minimum lot width of 300 feet and minimum parcel size of 20 acres.

## **4.0 Tentative Map Findings**

- 4.1 **The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance**

The proposed parcels meet the minimum twenty acre parcel size, width and frontage noted in the development standards as required by the Planned Agricultural Twenty-acre (PA-20) Zone District.

- 4.2 **The site is physically suitable for the proposed type and density of development**

The project site has been determined suitable for residential development by the Environmental Management Department and Planning Services based on the information provided by the applicant. There are numerous building sites on the proposed parcels that would not be constrained by excessive slope, tree canopy, streams or wetlands.

- 4.3 **The proposed tentative map is not likely to cause substantial environmental damage**

The required site improvements would not cause significant impacts to the environment or wildlife. As determined by the analysis by staff and submitted wetland and tree surveys, the project would not result in significant environmental impacts.

- 4.4 **The proposed use is consistent with the policies in the El Dorado County 2004 General Plan, adopted July 19, 2004.**

The project has been designed in compliance with the Rural Residential Land Use Designation and the Agricultural District Overlay requiring 20 acre minimum parcel sizes. County regulations, addressing environmental issues and health and safety concerns, have been analyzed, as required by the 2004 General Plan and referenced in the General Plan discussion in the staff report.

## 5.0 Design Waivers

The applicant requests a design waiver to reduce on-site and a portion of off-site road widths to be reduced to 18 feet width with two foot shoulders from the Standard Plan 101C width of 24 feet with 2 foot shoulders for the required new access road to Parcels 2 and 3. The denial of the design waiver is based on the following findings:

- 5.1 There are special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.

There are no special circumstances related to improving the new access road to County standards. Oak tree removal would stay within retention thresholds and no slope of concern exists in the development area. There would be no difficulty in constructing the road to the standard width.

- 5.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.

No extraordinary and unnecessary hardship would be associated with developing a new road to County standards. Standard grading and construction techniques would be utilized.

- 5.3 The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

The design waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

- 5.4 This waiver(s) would not have the effect of nullifying the objectives of *Article II of Chapter 16* of the *County Code* or any other ordinance applicable to the division.

Waiving the requirement for a standard road width would not be consistent with *County Code* and could have the effect of nullifying objectives of *Article II*.