

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



Agenda of: March 2, 2016
Item No.: 4.a.
Staff: Rob Peters

TENTATIVE PARCEL MAP REVISION

FILE NUMBER: P10-0003-R/Scheiber Ranch Parcel Map Revision
APPLICANT: The Scheiber Ranch, LLC
AGENT: San Stino Venture, LLC
ENGINEER: CTA Engineering and Surveying
REQUEST: Tentative Parcel Map Revision to subdivide a 297.05-acre lot creating a 21.31-acre lot and a 274.26-acre remainder lot.
LOCATION: Approximately 4,000 feet south of Mother Lode Drive along the eastern perimeter of French Creek Road in the Shingle Springs area, Supervisorial District 2 (Exhibit A).
APN: 090-190-01 (Exhibit B)
ACREAGE: 297.05 acres
GENERAL PLAN: Low Density Residential (LDR) (Exhibit C)
ZONING: Residential Estate-10 (RE-10) (Exhibit D)
ENVIRONMENTAL DOCUMENT: Previously Adopted Negative Declaration

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

1. Determine that pursuant to CEQA Guidelines Sections 15162 and 15164 there is no substantial evidence requiring the preparation of a Subsequent Negative Declaration or an Addendum to the existing adopted Negative Declaration, dated December 1, 2010, as described in the revised CEQA Findings.
2. Approve Tentative Parcel Map Revision P10-0003-R, based on the Findings and subject to the Conditions of Approval as presented.

BACKGROUND:

On December 1, 2010, the Zoning Administrator adopted the Negative Declaration based on the Initial Study prepared by staff and approved Tentative Parcel Map P10-0003 subdividing a 293.99-acre property into two lots consisting of a 21.588-acre lot and a 273.99 remainder lot. The approved Tentative Parcel Map is included as Exhibit E of this staff report. Since the December 1, 2010 approval the 293.99 total acreage of the existing parcel was identified as an error. The parcel has been verified by the project engineer as having a total acreage of 297.05. The proposed project revision reflects the new total acreage.

PROJECT AND SITE DESCRIPTION:

The project proposes to revise the previously approved Tentative Parcel Map to allow subdivision of the 297.05-acre lot creating a 21.31-acre lot and a 274.26-acre remainder lot (Exhibit F). The project reconfigures the two previously approved lots and creates lots that are similar in size. There is no new construction, tree removal, disturbance, or other development proposed as a part of this project. All proposed modifications to the project findings and conditions of approval are identified using underline and strikethrough formatting (see Findings and Conditions of Approval).

Lot 1 would still retain the existing approximately 2,000 square-foot residence accessed from a paved driveway off French Creek Road (Exhibit F and G). The residence would continue to be served by an existing domestic water well and septic system. The remainder lot would contain the existing barn and continue to be utilized for agricultural purposes. The remainder lot is not being created for purpose of sale, lease, or financing in accordance with Subdivision Map Act Section 66424.6(a). Development of the remainder lot cannot occur until a subsequent development permit is approved or a Certificate of Compliance is issued. The County Transportation Division has required that the applicant irrevocably offer to dedicate in fee a 30-foot right-of-way along the Lot 1 frontage of French Creek Road, which totals 1.48-acres.

The 297.05-acre site is located between approximately 1,150 and 1,560 feet above sea level. The site is situated near Mother Lode Drive to the north and near the intersection of French Creek Road and Old Frenchtown Road to the south. The site contains varying terrain with slopes ranging from relatively flat to greater than 40 percent. The majority of the site (approximately 69 percent) contains slopes within the range of 0 to 20 percent gradient (Exhibit H). The site

contains various drainages with the primary feature, Sawmill Creek, flowing from the northern perimeter of the site through the eastern boundary. The site is primarily grassland with scattered areas of mixed oaks and shrub, but includes a small area of dense oak woodland. Aside from the existing residence and associated improvements, the barn, and disturbed dirt pathways the sight is mainly undeveloped. Surrounding land uses include medium- and low-density residential uses and vacant lands.

ENVIRONMENTAL REVIEW:

Pursuant to CEQA Guidelines Sections 15162 and 15164, and described in the revised CEQA Findings 1.2 and 1.3, there is no substantial evidence that any aspect of the project, either individually or cumulatively, will require major revisions to the previously adopted Negative Declaration due either to a new significant effect or a substantial increase in the severity of a previously identified significant effect on the environment that require the preparation of a Subsequent Negative Declaration or an Addendum to the existing adopted Negative Declaration.

In accordance with California Fish and Game Code Section 711.4, the project is subject to the current fee after approval, but prior to the County filing the Notice of Determination (NOD) on the project. This fee plus the \$50.00 filing fee, is to be submitted to Development Services and must be made payable to El Dorado County. The payment is forwarded to the State Department of Fish and Wildlife and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

SUPPORT INFORMATION

Findings

Conditions of Approval

- Exhibit A.....Location Map
- Exhibit B.....Assessors Map
- Exhibit C.....General Plan Land Use Map
- Exhibit D.....Zoning Map
- Exhibit E.....Approved Tentative Parcel Map; December 1, 2010
- Exhibit F.....Revised Tentative Parcel Map; October 2015
- Exhibit G.....Aerial Photo; October 2015
- Exhibit H.....Revised Slope Map; October 2015

FINDINGS

Tentative Parcel Map Revision P10-0003-R/Scheiber Ranch Tentative Parcel Map Revision Zoning Administrator/March 2, 2016

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 FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 El Dorado County ~~has prepared and circulated a~~ adopted a Negative Declaration analyzing the potential environmental effects by the project dated December 1, 2010. As determined, no significant environmental impacts would result from project implementation. This document reflects the independent judgment of the County and has been completed pursuant to CEQA and is adequate for this proposal.
- 1.2 It is determined that in accordance with CEQA Section 15162(b), no subsequent negative declaration is required because there is substantial evidence that none of the conditions described in Section 15162(a) have occurred, including: (1) substantial changes to the project which would require major revisions to the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes occurred with respect to the circumstances under which the project has been undertaken which would require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or (3) a substantial increase in the severity of previously identified significant effects; or new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of the previous negative declaration was adopted declaration, shows the project will (A) have one or more significant effects not discussed in the previous negative declaration.
- 1.3 It is determined that in accordance with CEQA Section 15164(b) there is substantial evidence that an addendum to the adopted negative declaration is not required as no minor technical changes or additions are necessary and none of the conditions described in Section 15162 calling for the preparation of a subsequent negative declaration have occurred.
- ~~1.2~~1.4 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 ~~Department~~ Division - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 ADMINISTRATIVE FINDINGS

2.1 El Dorado County General Plan

The proposed Scheiber Ranch Tentative Parcel Map is consistent with applicable policies of the General Plan including Policy 2.2.1.2 (Land Use Type and Density), 5.2.1.2 (Water Quality and Quantity), and 7.3.3.1 (Wetland Protection). The approved parcel map ~~has also been~~ was reviewed and determined to be consistent with Agriculture and Forestry Element Policy 8.1.4.1 by the El Dorado County Agricultural Commission. The Agricultural Commission verified that the revised project maintains consistency with Policy 8.1.4.1.

2.2 Zoning

The residential tentative parcel map meets the standards under the ~~Exclusive Agricultural (AE)~~ Residential Estate Ten Acre (RE-10) Zone District including minimum lot size (2010 acres) and lot width (200100 feet). No development is proposed with the parcel map. Uses within the lots would be primarily agricultural, residential, and other ancillary use, in accordance with the zone district.

2.3 Subdivision Ordinance

2.3.1 That the proposed map is consistent with applicable general and specific plans;

The residential tentative parcel map is consistent with Low Density Residential General Plan Land Use designation for property.

2.3.2 That the design or improvement of the proposed division is consistent with applicable general and specific plans;

The proposed parcel map has been designed in conformance with the applicable General Plan policies including conforming to the density range, providing for the appropriate utilities, and protection of natural resources.

2.3.3 That the site is physically suitable for the type of development; and

2.3.4 That the site is physically suitable for the proposed density of development;

No development is proposed with the tentative parcel map. Existing residential use would be retained.

- 2.3.5 *That the design of the division or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;*

The parcel map would create two new parcels in conformance to applicable development standards. However, no development is proposed with the tentative parcel map therefore no environmental damage or impacts wildlife or habitat is expected.

- 2.3.6 *That the design of the division or the type of improvements would not cause serious public health hazards;*

The parcel map would create two new parcels in conformance to applicable zoning standards. However, no development is proposed with the tentative parcel map therefore no impact to public health is expected to occur.

- 2.3.7 *That the design of the division or the improvements is suitable to allow for compliance of the requirements of section 4291 of the Public Resources Code;*

As evaluated by the El Dorado County Fire Protection District, given that no development is proposed with the parcel map no fire standards would apply.

- 2.3.8 *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection the approving authority 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 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. (Ord. 3805 §15, 1988: prior code §9702)*

Coupled with imposed project conditions, necessary utility and right-of-way easements for the project are appropriately depicted on the submitted plans and shall be further verified for any conflicts by the County Surveyor's Office at the time of filing and approval of the Parcel Map for any portions of the approved tentative map.

CONDITIONS OF APPROVAL

**Tentative Parcel Map Revision P10-0003-R/Scheiber Ranch Tentative Parcel Map Revision
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PROJECT DESCRIPTION

- 1. ~~The Tentative Subdivision Map is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits H through J 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 consists of:~~

~~**Tentative Parcel Map subdividing a 293-acre property into two lots consisting of a 20-acre parcel and a 273-acre Remainder Parcel**~~

The Revised Tentative Parcel Map is based upon and limited to compliance with the revised project description, the hearing exhibits marked:

- Exhibit F.....Revised Tentative Parcel Map; October 2015
- Exhibit H.....Revised Slope Map; October 2015

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 would constitute a violation of permit approval.

The project description is as follows:

Revision to the approved tentative parcel map reconfiguring the subdivision of a 297.05 acre property into two lots consisting of a 21.31-acre lot and a 274.26-acre Remainder Parcel.

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

PLANNING SERVICES

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.~~ 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.

~~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.~~ The developer and land owner 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 Parcel Map.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

3. ~~Prior to approval of filing of Parcel Map, the applicant shall remit payment of any outstanding fees as detailed and required in the Agreement for Payment of Processing Fees authorized and executed for this project.~~
- 4.3. A note shall be placed on the Parcel Map stating that the proposed Remainder Parcel is being created pursuant to Section 66424.6 of the Subdivision Map Act. This note shall be verified during the filing of the Parcel Map.

DEPARTMENT OF TRANSPORTATION

- 5.4. Offer of Dedication (In Fee): The applicant shall irrevocably offer to dedicate in fee a 30- foot right-of-way along the ~~entire~~ Lot 1 frontage of French Creek Road as determined by the County of El Dorado Department of Transportation, prior to the filing of the map. Slope easements shall be included as necessary. This offer will be accepted by the County.
- 6.5. Easements: All applicable existing and proposed easements shall be shown on the project plans.

OFFICE OF COUNTY SURVEYOR

- 7.6. All survey monuments must be set prior to filing the Parcel Map.
- 8.7. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that “all conditions placed on P 10-0003-R by (that agency) have been satisfied.” The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.