

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



Agenda of: December 1, 2010
Item No.: 4.a.
Staff: Mel Pabalinas

TENTATIVE PARCEL MAP

FILE NUMBER: P10-0003/Scheiber Ranch Parcel Map

APPLICANT: Sunfield Development

PROPERTY OWNER: Scheiber Ranch

AGENT: CTA Engineering and Surveying

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

LOCATION: Approximately 4,000 feet south of Mother Lode Drive along the eastern perimeter of French Creek Road; Supervisorial District No. II (Exhibits A and A.1)

APN: 090-190-01(Exhibit B)

ACREAGE: 293 acres

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

ZONING: Exclusive Agricultural (AE) Zone District (Exhibit D)

ENVIRONMENTAL DOCUMENT: Negative Declaration

RECOMMENDATION: Planning Services recommends that the Zoning Administrator take the following actions:

1. Adopt the Negative Declaration based on the Initial Study/Negative Declaration prepared by staff; and
2. Approve Tentative Parcel Map P10-0003 subject to Conditions of Approval in Attachment 1 and Findings in Attachment 2

BACKGROUND

The subject property was originally a part of a combined 1,000-acre agricultural preserve owned by Scheiber Ranch and Big Canyon Mining and Cattle that was established under Williamson Act Contract No.17 in April 1968. The agriculturally preserved land was primarily used for grazing purposes. In September 1996, Scheiber Ranch filed for a Non-Renewal of the contract affecting the subject property. The non-renewal initiated a 10-year roll out of the contract that ended in 2006. Despite the roll-out, the property retained the Exclusive Agricultural (AE) zoning district which is consistent with the property's Low Density Residential land use designation.

The original submitted application consisted of an amendment of the underlying zone district from AE to RE-10 and a tentative map to create a 20-acre homestead parcel to be retained by the property owner and a large 273-acre parcel that would be a part of a separately future planned development (known as San Stino). As required of justifying the rezone, it was determined that the proposed 273-acre parcel would be subject to additional well drilling and/or proof of adequate water source based on the potential density of 27 10-acre lots that could be created. Upon further evaluation of the associated costs with the additional well testing the applicant decided to withdraw the rezone request and proceed solely with the revised parcel map as currently proposed and described below.

ANALYSIS

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the proposal and issues for Zoning Administrator's consideration are provided in the following sections.

Project Description: The project is comprised of a Tentative Parcel Map creating a total of two parcels consisting of a 273-acre lot and a 20-acre lot labeled Parcel 1 (Exhibit E). Parcel 1 would retain the existing residence and accessory structures on the property, while the 273-acre parcel would remain vacant and designated as a Remainder Parcel. Each lot conforms to the lot standards under the zone district including minimum lot size of 20 acres and minimum lot width of 200 feet.

There is no proposed activity, disturbance, or development on either of the proposed parcels as part of this map. Parcel 1 would continue to be used residentially maintaining the existing 2,000 square foot residence. The residence would continue to be served by an existing domestic water well and septic system and driveway access off French Creek Road. The Remainder Parcel would remain vacant and, pursuant to Subdivision Map Act Section 66424.6 (a), is not being created for purpose of sale, lease, or financing. Development of the Remainder Parcel cannot occur until it is approved for other development permit or issued a Certificate of Compliance. Additional discussion regarding the Remainder Parcel is discussed below.

Access and Circulation: Given that there is no development is proposed with this parcel map, there is no proposed circulation necessary to serve the site. Parcel 1 would retain the existing residential driveway access off French Creek Road and the Remainder Parcel, if subsequently developed, would be required to have a sufficient access to serve the development pursuant to county road and improvement standards.

As proposed, the project would dedicate an area between Parcel 1 and a section of French Creek Road as an Irrevocable Offer of Dedication (IOD) to the County at the filing of the Parcel Map. This IOD would conform along the frontage of Parcel 1 and accommodate the anticipated re-aligned layout of French Creek Road as part of the San Stino development. Additional discussion is provided about San Stino under *Other Issues*.

Upon review of the proposed minimal amount of residential parcels proposed, the Department of Transportation (DOT) has determined that traffic analysis would not be required for the project. Moreover, no on- or off-site road improvements are required for the parcel map.

Utilities: Parcel 1 would retain the existing residence which is currently served by domestic water well and septic system. There no proposal to expand these utilities. No development would occur within the Remainder Parcel

Site Improvements: As there is no development proposed with this parcel map, no improvements is anticipated.

Project Setting: The property extends from the north near Mother Lode Drive towards to the south near the intersection of French Creek Road and Old Frenchtown Road. Except for the existing residence along French Creek Road and slivers of disturbed dirt pathways, the vast area of the property has maintained its undeveloped natural setting due to the limitations as an agricultural preserved land since 1968 (Exhibit F). As detailed in Table 1, the property is one of the large undivided properties remaining in the area that is surrounded existing residential development.

The property is situated within the elevation range of 1,178 feet and 1,520 feet above sea level. The site contains varying terrain with most of the slope are encompassed within the range of 0 to 20% gradient. Consistent with terrain, the project soil composition predominantly consists of Auburn Very Silt Loam (AxD) and minor areas of Auburn Silt Loam (AwD). The site contain areas of various types of drainage swale that runs north to south with the primary feature, Sawmill Creek, flowing from the northern perimeter of the project through the eastern boundary of the site. Sawmill Creek is a tributary of French Creek, which is a tributary to Big Canyon Creek that ultimately reach Consumnes River and Mokulomne River. The vegetation primarily consists of Non-native Grassland, which contains a mixture of grass and scattered areas of interior live oak, blue oak and poison oak shrubs. A small area of vegetation is also devoted to Foothill Pine Woodland, which is characterized by sparse to dense shrub layers mixed with stands of oak.

Given the expanse of natural setting, the site provides for habitat for various species of wildlife including raptors, birds, reptiles, insects, and amphibians. Plants of various species and status of plants also exists including four of the 15 special status species known in the area.

Table 1. Surrounding Properties Land Use Information

	Zoning	General Plan	Land Use/Improvements
Project Site	Exclusive Agricultural (AE) District	Low Density Residential (LDR)	Single-Family Residence
North	Planned Development (PD) and	Medium Density	Residential Uses

	Estate Residential Five-Acre (RE-5) Zone Districts	Residential (MDR) and Low Density Residential (LDR)	and Vacant Lands
South	Estate Residential Five Acre (RE-5) and Estate Residential Ten-Acre (RE-10) Districts	Low Density Residential (LDR) and Rural Residential	Residential Uses
East	Estate Residential Five Acre (RE-5) and Estate Residential Ten-Acre (RE-10) Districts	Low Density Residential (LDR) and Rural Residential (RR)	Residential Uses
West	Estate Residential Five Acre (RE-5), One-Acre Residential (R1A), and Single-Family Two-Acre Residential (R2A) Districts	Medium Density Residential (MDR)	Residential Uses

El Dorado County General Plan

Table 2 below details the following objectives and policies of the General Plan applicable to the project.

Table 2. Surrounding Properties Land Use Information

EDC General Plan Objective/Policy	Objection/Policy Description	Consistency Discussion
Land Use Element Policy 2.2.1.2	Land Use Type and Density	Consistent. The project is within the Shingle Springs Community Region of El Dorado County where Low Density Residential development is consistent and anticipated. The proposed residential use, density, and parcel size conform to this policy.
Public Services and Utilities Objective 5.3.2 and Element Policy 5.2.1.2	Water Quality and Quantity	Consistent. No development is proposed for the project. The existing residence would continue to be served by existing domestic water well and septic system.
Public Services and Utilities Element Policy 5.4.1.2	Drainage and erosion control	Consistent. The existing residence on Parcel 1 would continue to maintain drainage on the property. Though there is no proposed development, standard drainage and control measures would be imposed on the project.
Public Services and Utilities Element Policy 5.7.2.1; Health and Safety Element Policies 6.2.3.1 and 6.2.3.2	Project Review by Fire Department; Implementation of Fire Standards	Consistent. The project has been reviewed by the El Dorado Hills Fire Department and opined no concerns with the project proposal.
Conservation and Open Space Element	Wetland Protection	Consistent. The project site contains various drainage features that may require development

Policies 7.3.3.1 and 7.3.3.4		buffers. However, given that no development is proposed, there is no impact anticipated on these drainage features.
Parks and Recreation Element Policy 9.1.1.1	Park In-Lieu Fee	Consistent. Pursuant to El Dorado County Subdivision Ordinance Section 16.12.090, the project has been conditioned to pay the park in-lieu fee prior to filing of the parcel map.

Zoning

The proposed subdivision conforms to the required standards under the Exclusive Agricultural (AE) Zone District. Specifically, the project would meet the required standards including minimum lot size and lot width. Though no development is proposed with the map, Parcel 1 would retain the existing residence on the property. Any development that occurs on the Remainder Parcel (after issuance of a Certificate of Compliance) and Parcel 1 would require verification of conformance to the AE zone provisions and applicable El Dorado County standards.

El Dorado County Subdivision Ordinance

The proposed Tentative Parcel Map would create two new parcels: a 273-acre Remainder Parcel and Parcel 1, a 20-acre parcel with an existing residence. No development is proposed for this parcel map. The residential lots meet the applicable development standards in accordance with the zone district and provisions of the Subdivision Map Act

As further discussed in Attachment 2, staff concludes that the required findings under Chapter 16.12.030 of the El Dorado County Subdivision Ordinance can be made to support the proposed subdivision.

Other Issues

Agency Comments and Conditions of Approval

The project has been distributed for review by various agencies. Comments have been received from agencies including the El Dorado County Resource Conservation District (RCD), Department of Transportation (DOT), Air Quality Management District (AQMD), El Dorado County Fire Department, and the County Surveyor’s Office. As applicable, these comments have been incorporated as recommended conditions to be enforced by the respective agency included in Attachment 1.

The Agricultural Commission would consider this tentative parcel map application during its scheduled hearing on October 13, 2010. The commission would comment on the project from the perspective of agriculture and any effects on agricultural lands. In particular, the Commission may comment on the proposed parcels maintaining its current AE zone and conforming to the development standards under this district, and that project site has a Low Density Residential land use designation within the Community Region of Shingle Springs. Comments from the Commission would be provided for the consideration by the Zoning Administrator during its scheduled hearing for

this application.

Remainder Parcel and San Stino

The project applicant, Sunfield Development, intends to submit a separate larger development that would include the 273-acre Remainder Parcel. The proposed development, which is preliminarily known as San Stino, would consist of the Remainder Parcel, an adjoining 130-acre property to the north (APN's 090-190-02, 090-380-19) owned by David Zweck, and a 226-acre property to the northeast (APN 090-220-24) owned by Stanley White (Exhibit G). San Stino, which would encompass varying residential densities and commercial sites, would require a separate submittal of a formal development application subject to review and processing by the El Dorado County Development Services Department.

As discussed above, the applicant is proposing to dedicate an area between Parcel 1 and French Creek Road as an IOD. This IOD would be provided at the time of Parcel Map filing. This area would serve to accommodate the anticipated improvements along this French Creek Road, in particular, the curvature section of the road south of Parcel 1. Also, this IOD would match the road circulation layout preliminarily depicted for the San Stino development (Exhibit H).

ENVIRONMENTAL REVIEW

An Initial Study (Environmental Checklist with Discussion attached) has been prepared to determine if the project would have a significant effect on the environment (Exhibit I). Based on the Initial Study, there are special species and habitat that exists on site; however, given that no development is proposed, no environmental impacts would occur. As such, a Negative Declaration has been determined. The document has been circulated for a 30-day public review in accordance with the California Environmental Quality Act (CEQA) Guidelines.

NOTE: This project is located within an area that has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened or 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 \$2,010.25 after approval, but prior to filing the Notice of Determination on the project. The fee, plus a \$50.00 processing fee, is forwarded to the State Department of Fish and Game and is used to defray the cost of managing and protecting the State fish and wildlife resources.

SUPPORTING INFORMATION

Attachment 1 Conditions of Approval
Attachment 2 Findings

Exhibit A Location Map
Exhibit A.1 Detailed Location Map
Exhibit B Assessor’s Parcel Map
Exhibit C General Plan Land Use Map
Exhibit D Current Zoning Map
Exhibit E..... Scheiber Tentative Parcel Map
Exhibit F Site Photos
Exhibit G..... San Stino Properties
Exhibit H..... San Stino Preliminary Circulation Map
Exhibit I..... Initial Study/Negative Declaration

**ATTACHMENT 1
CONDITIONS OF APPROVAL**

TENTATIVE PARCEL MAP

**FILE NO. P10-0003
Scheiber Ranch Tentative Parcel Map
Zoning Administrator/December 1, 2010**

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 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.

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.

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. Prior to filing of Parcel Map, the applicant shall provide proof of payment of Park-in-Lieu fee pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090. A receipt showing compliance with this condition shall be submitted for verification by Planning Services during review of parcel map filing.
5. 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

6. Offer of Dedication (In Fee): The applicant shall irrevocably offer to dedicate in fee a 30-foot right-of-way along the entire 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.
7. Easements: All applicable existing and proposed easements shall be shown on the project plans.

OFFICE OF COUNTY SURVEYOR

8. All survey monuments must be set prior to filing the Parcel Map.
9. 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 by (that agency) have been satisfied.” The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

ATTACHMENT 2 FINDINGS

TENTATIVE PARCEL MAP

**FILE NO. P10-0003
Scheiber Ranch Tentative Parcel Map
Zoning Administrator/December 1, 2010**

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 FINDING

- 1.1 El Dorado County has prepared and circulated a Negative Declaration analyzing the potential environmental effects by the project. 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 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 - 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 the 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 7.3.31 (Wetland Protection).

2.2 Zoning

The residential tentative parcel map meets the standards under the Exclusive Agricultural (AE) Zone District including minimum lot size (20 acres) and lot width (200 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.