

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



Agenda of: January 3, 2007
February 7, 2007

Item No.: 5.a. 4.a.

Staff: Roman Anissi

PARCEL MAP

FILE NUMBER: P06-0015

OWNER: Willis Nelson

APPLICANT: Carlton Engineering

REQUEST: Request for a tentative parcel map creating two (2) parcels ranging in size from 48 acres to 60 acres. (Exhibit B)

Design waivers have been requested for the following:

- a. No improvements to South Shingle Road; and
- b. Reduce the road right-of-way improvements from 24 feet to 18 feet with 2 foot shoulders on Brandon Road per Standard Plan 101C.

LOCATION: Southeast of the intersection at Brandon and South Shingle Springs Road in the Latrobe area. (Exhibit A)

APN(s): 087-021-52

ACREAGE: 108-acres

GENERAL PLAN: Rural Residential (RR) (Exhibit C)

ZONING: Exclusive Agricultural (AE) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Negative Declaration

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND

This application requests a tentative parcel map to split a 108-acre lot into a 48-acre and 60-acre parcel located within the Exclusive Agricultural (AE) Zone District and Rural Residential (RR) land use designation. A previous tentative map application requested to subdivide the site into four (4) 20-acre parcels. During the Agricultural Commission review, it was discovered that the site was designated as historical agricultural grazing lands which could not be subdivided into parcels smaller than 40-acres in size.

The site was under a Williamson Act Contract but rolled out in 1991. In 2002, a Certificate of Compliance (COC 02-0038) legalized the lot pursuant Subdivision Map Act and local subdivision policies and was recorded as County Document 2003-0100896-00. The site was originally created by a 1981 Superior Court judgment of partition and conveyed under a gift deed granted in 1986.

A building permit was issued January 4, 2006 for a single-family residence. The residence is currently under construction and an existing barn that was permitted in 2005 will all be located on the new 48-acre parcel. Development on the 48-acre parcel is sited to meet development standards and special setbacks for agricultural and wetland protection. Any future development on either the 48-acre or 60-acre parcel must meet policies outlined by the General Plan as well as the requirements of the Zoning Ordinance.

STAFF ANALYSIS

Project Description: Request for a tentative parcel map to split a 108-acre lot into a 48-acre and 60-acre parcel in the Latrobe area. Two (2) design waivers are requested, but are not being supported for this project. Full improvements to the South Shingle Road and Brandon Road frontages will be required.

Site Description: The elevation of the site ranges between 990 and 1,200 feet with gently rolling topography and scattered rock outcroppings. Wetlands account for about 2.68-acres of the site and include a stock pond and intermittent channels. Predominant vegetation on the site includes a mix of grasslands with widely scattered blue, interior, and valley live oaks.

Adjacent Land Uses: The area is surrounded by large tracts of agricultural and grazing lands. Tracts are either vacant or consist of low-density single-family residential development that support agricultural uses. The only surrounding properties not located within an Agricultural Zone District are the Estate Residential Ten-Acre (RE-10) parcels situated along the northeastern portion of the site. The following table identifies adjacent zoning and land use:

	Zoning	General Plan	Land Use/Improvements
Site	AE	RR	Grazing Land/Single-family Residential (Under Construction)
North	AE/RE-10	AL	Grazing Land/Single-family Residences
South	AE	RR	Grazing Land/Vacant
East	RA-40	RR	Grazing Land/Single-family Residence
West	AE	RR/AL	Grazing Land/Single-family Residence

Project Issues: The project proposes a tentative parcel map to create two (2) large parcels suitable for low density single-family residential development supporting agricultural type uses. Major project issues are discussed in this section and include road improvements and dedications on South Shingle and Brandon Roads, special setbacks for agricultural and wetland protection, and water and sewer issues.

Road Improvements and Dedications: Department of Transportation (DOT) recommends specific paved road improvements to Standard Plan 101B along the entire project frontage of both South Shingle Road and Brandon Road. South Shingle Road will require a ~~32~~ 20-foot wide improved section to include ~~two~~ one half-width 12-foot paved lanes and one 8-foot wide shoulder for a length of about 750-feet along the property frontage. Brandon Road will require a 12-foot wide paved road section and one 4-foot wide paved shoulder for over 3,000-feet of frontage. Access rights along South Shingle Road must be waived and future access for the two parcels can only be provided along the Brandon Road frontage.

Two design waivers have been requested and are not being supported by the Department of Transportation. The first waiver requests that no improvement be required for South Shingle Road. The second request is for reduced road improvement to 18-feet to meet both fire safe and Standard Plan 101C requirements on Brandon Road. Department of Transportation based their recommendation for denial on the General Plan Transportation and Circulation Element *Policy TC-1b*, which states:

- *TC-1b: In order to provide safe, efficient roads, all roads should incorporate the cross sectional road features set forth in Table TC-1. Table TC-1 identifies that ‘Major 2-Lane’ roads shall be 40-foot wide. It also states that access control and cross-sections are desired standards and that details and waiver provisions for such standards shall be incorporated into the Design and Improvements Standards Manual (El Dorado County 1990).*

A 30-foot dedication along Brandon Road, a ~~40~~ 30 foot dedication along South Shingle Road and a 100-foot easement for the *Sacramento-Placerville Transportation Corridor (SPTC) Master Plan* are also required for this project. These dedications are based on the Transportation and Circulation

Element.

A minor impact to oak woodlands may be required because of on- and off-site road improvements. While existing oak canopy coverage for this project is low and ranges between 1 and 19 percent, it is expected that any impacts to oak woodlands along South Shingle Road or Brandon Road will not reduce oak tree canopy cover below the 90-percent retention standard established by the General Plan. Impacts to oak woodlands will be accounted for during the review of grading and improvement plans and any required replacement shall occur on-site or if the off-site option is available, then off-site.

Special Setbacks: Future development shall meet the policies in place for agricultural protection and wetland buffer setbacks. With exception to a limited segment along the northeastern property line, any future residential uses must meet the 200-foot special setback for agricultural protection. Other setbacks include 100-feet for the pond and 50-feet for intermittent streams and wetlands that exist on the property. Unless relief is requested under a discretionary or defined process, these buffers shall apply and incompatible development must remain outside of these areas. Based on the size of each parcel, there is sufficient room for future residential development to observe these special setbacks and buffers.

Water and Septic Areas: Environmental Management reviewed and approved a land capability report and a hydrology study for the project. The review identified an adequate water source to be made available by on-site wells. Environmental Management also reviewed and approved a percolation test that found adequate septic disposal areas available on each of the two new parcels.

GENERAL PLAN REVIEW

This project has been reviewed according to the policies of the El Dorado County 2004 General Plan. It has been determined that the project is consistent with the policies and the findings for consistency are included in Attachment 2 of this report.

The request to create a 48-acre and 60-acre parcel is appropriate based on the RR and agricultural policies established by the General Plan. The two new parcels will be able to support the density of one main and one secondary unit on parcels that fit within the 10- to 160-acre parcel size as required by the RR designation. Pursuant to *Policy 8.1.2.2* this site has historically been used for agricultural grazing. The tentative parcel map also accounts for the minimum 40-acre parcel size required for lands that have been used or are suitable for agricultural grazing.

A review for oak woodlands finds that the site has a small percentage of areas that qualify as oak woodland canopy. Future development and impacts are not anticipated to have a major effect on the existing canopy and must meet the guidelines of the tree preservation *Policy 7.4.4.4* of the General Plan. In addition, a slope analysis was completed pursuant to *Policy 7.1.2.1* and the study finds over 96-percent of the site comprises of slopes between 0- and 29-percent, while only a very small area of 2.76-acres of the project area has slopes 30-percent and greater. Any future development on this site

must address site disturbance and must meet the policies for protection of slopes that exceed 30-percent.

Special setbacks for agricultural protection, a pond, intermittent streams and wetlands are referred to in this report and are identified on the tentative parcel map pursuant to *Policies 7.3.3.4* and *8.1.3.2*. Unless relief is sought, future development must observe all of the special setbacks and buffers that exist on the property.

For Cultural Resources, a 1998 Archaeological Survey Report was submitted to address site conditions pursuant *Policy 7.5.1.3*. The report identified no significant resources and did not recommend mitigation. Two typical project conditions addressing accidental subsurface discoveries are included as project permit conditions.

Policy TC-1b and *Table TC-1* identify roadway standards for the project and the area. Combined with the local subdivision policies, this project addresses the correct level of road dedications and improvements for a project that fronts two classified 2-lane roads. *Policy TC-6a-6* identifies a required 100-foot easement to be dedicated from the centerline of the adjacent Sacramento-Placerville rail corridor. This easement shall be recorded with the final parcel map to be set aside for potential rail extensions into the area.

ZONING REVIEW

This tentative parcel map is consistent with the regulations established for the underlying Exclusive Agricultural (AE) Zone District and the general provisions outlined by the Zoning Ordinance. As designed, the map meets the AE Zone development standards, including but not limited to minimum parcel size, parcel dimensions, and required setbacks. The single-family residence and barn will be sited on the 48-acre parcel. Each structure is located outside of the required setbacks. Development on the new 60-acre parcel will also be required to illustrate consistency with the standards of the zone and general policies of the Zoning Ordinance during the building permit review phase.

ENVIRONMENTAL REVIEW

Staff prepared an Initial Study (Exhibit I) to determine project related environmental impacts. Based on the Initial Study, the tentative parcel map application with necessary on-site and off-site road improvements is not likely to have a significant impact on the environment. Each category identified by the Initial Study was evaluated and it has been determined that either no or a less than significant level of impact occurred within each listed category. Based on the review, additional mitigation is not required and a Negative Declaration has been prepared for this project.

NOTE: This project is found to be de minimis (having no effect on fish and game resources). Pursuant to Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Determination and Certificate of Fee Exemption with the State in accordance with State Legislation (California Fish and Game Code Section 711.4). 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 Department of Fish and Game Code Section 711.4 and Senate Bill 1535), the project is subject to a fee of \$1,800.⁰⁰ after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.⁰⁰ processing fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The total fee will be forwarded to the California Department of Fish and Game via the County Recorder's Office and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

RECOMMENDATION

Staff recommends that the Zoning Administrator take the following action:

1. Adopt the Negative Declaration based on the Initial Study (Exhibit I) prepared by staff;
2. Approve tentative Parcel Map P06-0015 based on the findings in Attachment 2 and subject to the Conditions in Attachment 1; and
3. Deny the following two design waiver requests:
 - a. No improvements to South Shingle Road; and
 - b. Reduction of right-of-way improvements to 18-feet plus 2-feet of shoulder on Brandon Road to Standard Plan 101C.

SUPPORT INFORMATION

Attachments To Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Applicant Letter Requesting Waiver
Exhibit B	Vicinity Map
Exhibit C	Aerial Map
Exhibit D	Plan Set
Exhibit E	General Plan Land Use Map
Exhibit F	Zone District Map
Exhibit G	Soil Map
Exhibit H	Assessor's Map
Exhibit I	Initial Study (CEQA)

ATTACHMENT 1
CONDITIONS OF APPROVAL

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STANDARD CONDITIONS OF APPROVAL

Department of Transportation

1. The applicant shall improve the existing portion of South Shingle Road along the entire property frontage to an overall width of ~~thirty-two (32)~~ twenty (20) feet. These roadway improvements shall comprise of a twelve (12) foot ~~wide~~ half-width lane on each side of the roadway as measured from the centerline of South Shingle Road and an eight (8) foot wide paved shoulder along the property frontage pursuant to the *El Dorado County Design Standard Plan 101B*, without curb-and-gutter and sidewalk.
2. The applicant shall improve the existing portion of Brandon Road along the entire property frontage to include a twelve (12) foot wide lane and a four (4) foot wide paved shoulder from the existing roadway centerline pursuant to the *El Dorado County Standard Design Plan 101B*, without curb-and-gutter and sidewalk.
- 3.. The applicant shall make an Irrevocable Offer to Dedicate (IOD), in fee, 30-feet of right-of-way for the on-site portion of Brandon Road along the entire property frontage. This offer shall be accepted by the County.
4. The applicant shall make an Irrevocable Offer to Dedicate (IOD), in fee, ~~40~~30 -feet of right-of-way for the on-site portion of South Shingle Road along the entire property frontage. This offer shall be accepted by the County.
5. The applicant shall place a vehicular access restriction along the entire frontage of South Shingle Road.
6. The applicant shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the *County of El Dorado Subdivision Ordinance*, prior to filing the parcel map.
7. If site improvements are to be made, the applicant shall submit a site improvement/grading plan prepared by a registered Civil Engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, the *Drainage Manual*, the *Off-Street Parking and Loading Ordinance*, and the State of California Handicapped Accessibility Standards. The improvements shall be substantially completed, to the approval of the Department of Transportation, prior to occupancy.

8. The applicant shall provide a soils report at time of site improvement/grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
9. Any import or export of dirt to be deposited within the County of El Dorado shall require an additional grading permit for offsite grading.
10. The applicant shall provide a drainage report concurrently with the improvement/grading permit application to be consistent with the *El Dorado County Drainage Manual* and the *El Dorado County Storm Water Management Plan* to address storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
11. Upon completion of the required improvements and prior to acceptance of the improvements by the County, the applicant shall provide a compact disc (CD) to the Department of Transportation (DOT) with the approved drainage and geotechnical reports in .pdf format and all approved record drawings in .tif format.
12. The applicant shall pay traffic impact fees that are in effect at the time of building permit issuance.
13. If blasting activities are to occur in conjunction with grading or improvements, the applicant shall ensure that such blasting activities are conducted in compliance with state and local regulations.

Planning Services

14. The applicant shall make an Irrevocable Offer of Dedication (IOD) for a trail easement of 100 feet as measured from centerline of the Sacramento-Placerville Transportation Corridor right-of-way and as required by the Sacramento-Placerville Transportation Corridor (SPTC) Master Plan. This easement shall be accepted by the County Surveyor.
15. Prior the recordation of the parcel map, the applicant shall be required to pay Park-in-Lieu fees of \$150 payable to the County Recreation Department, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090.
16. Prior to the approval of grading or improvement plans, the applicant shall identify oak woodland impacts and a qualified oak tree canopy replacement plan shall be prepared to meet the requirements of General Plan *Policies 7.4.4.4* and *7.4.4.5*. Any on- or off-site road improvements that impact oak woodland canopy shall make the appropriate replacement based on the on-site, or if available, the off-site option. The replacement plan shall be prepared by the applicant based on the policies in effect at the time of road improvements and the prepared plan shall be placed in the project discretionary file for reference.

17. 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.
18. 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.

Environmental Management

19. The applicant shall show all drainage that may have an effect on the location of the septic system on the parcel map.
20. Prior to issuance of any improvement/grading permit, the applicant shall provide a Fugitive Dust Plan (FDP) application with appropriate fees to the Air Quality Management District (AQMD) for review and approval.
21. All project construction activities shall adhere to AQMD Rule 224 for Cutback and Emulsified Paving Materials.
22. All project architectural coatings shall adhere to AQMD Rule 215.
23. Any burning of wastes that result from “Land Development Clearing” must be permitted through the AQMD. Only vegetative waste material may be disposed of using an open outdoor fire pursuant to AQMD Rule 300.
24. The following measures shall be implemented during construction activities to maintain the air quality standards established by the AQMD. The standards include: use of low emission on-site mobile construction equipment, maintenance of on-site equipment to manufacture’s specifications, retardation of on-site diesel engine injection timing by two to four degrees, use of electricity from power poles rather than temporary gasoline or diesel generators, use of reformulated low-emission diesel fuel, use of catalytic converters on gasoline powered equipment, substitution of electric and gasoline powered equipment for diesel-powered equipment where feasible, inactive construction equipment shall not remain idling for periods in excess of two minutes, materials shall be scheduled for delivery during off-peak hours, configure construction parking to minimize traffic interference, and develop a construction traffic management plan.

County Surveyor

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 P 06-0015/Nelson Parcel Map January 3, 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 FINDING

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The 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 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the California State Department of Fish and Game (CDFG). ~~Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91) is applicable is~~ subject to the CDFG environmental filing fee of \$1,800 and a \$50 El Dorado County processing fee based on CDFG Code Section 711.4 and Senate Bill 1535.
- 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 – Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 PROJECT FINDINGS

2.1 Tentative Parcel Map

- 2.1.1 The proposed tentative parcel map, including the request for design waivers and improvements, is consistent with the General Plan and the project is not located within a Specific Plan area. The parcel map meets the minimum 40-acre lot size based on General Plan *Policy 8.1.2.2* addressing historic grazing lands. The project does meet the allowed density of the Rural Residential (RR) land use designation and reviews by the Department of Transportation, Environmental Management, Fire District, and Land Surveyor ensure that the maximum potential density of one main and one secondary unit can be developed on each new parcel. The parcel map provides road improvement and dedications that address General Plan policies. Access rights shall be relinquished along South Shingle Road and individual parcel driveways shall connect to Brandon Road. As designed, creating one 48-acre and one 60-acre parcel from a 108-acre site meets the policies of the General Plan.

- 2.1.2 The tentative parcel map conforms to the applicable standards and requirements of the County zoning regulations and the Minor Land Division Ordinance. The site is zoned Exclusive Agricultural (AE) and the tentative parcel map is consistent with the provisions established by ordinance in Section 17.36.090 'Development Criteria'. The project provides adequate site area for potential development, establishes public improvements, and allows for adequate driveway access and connection along the Brandon Road frontage for each new parcel. Specific road improvements and dedications along South Shingle Road and Brandon Road are required to process the parcel map and are referenced by the conditions of approval and the project exhibits.
- 2.1.3 The site is physically suitable for the subdivision of land to allow for the creation of a 48-acre and 60-acre parcel. Considerable land is available to allow adequate development area for one main and one secondary unit on each new parcel. The topography of the site is gently rolling with scattered rock outcroppings and 2.68-acres is considered wetlands that includes one pond and various intermittent streams which are subject to 100-foot and 50-foot buffers, respectively. Any future development on either parcel will be required to consider these and other agricultural protection setbacks that exist on the property. Adequate infrastructure in the form of private wells and septic areas, as well as road improvements can readily accommodate the density and addresses the importance of the historical agricultural grazing lands. As conditioned, the tentative parcel map meets the requirements of the Department of Transportation, Fire District, Planning Services, Environmental Management, and Surveyor for a division of land.
- 2.1.4 The tentative parcel map is not likely to cause substantial environmental damage. Staff prepared an Initial Study to address environmental impacts pursuant to the standards established by the California Environmental Quality Act (CEQA). The CEQA review assessed potential or significant effects on the environment. Based on the Initial Study, the project proposes no or a less than significant impact in the categories referenced by the study. In addition, the site provides adequate areas that are suitable for low-density residential homes in support of agricultural type uses. Such future development will not reduce the affect oak woodland trees canopy below the required 90-percent retention standard and slopes exceeding 30-percent will not be affected based on the availability of developable land. Pond, intermittent streams, wetlands, trees, steep slopes, and adjacent agricultural lands will be protected by established development standards and policies. Conditions of approval are added to the project to address cultural resources and accidental subsurface discoveries. There is no potential for significant environmental impacts with the processing of this tentative parcel map.

2.2 Design Waiver(s) findings:

- a. No improvements to South Shingle Road; and
 - b. Reduction of right-of-way improvements to 18-feet plus 2-feet of shoulder on Brandon Road to Design Standard Plan 101C.
- 2.2.1 General Plan *Policy TC-1b* requires full improvements to South Shingle and Brandon Roads.