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## MEMORANDUM

**DATE:** February 7, 2007

**Item:** 4.a.

**TO:** Zoning Administrator

**Hearing Date:** February 7, 2007

**FROM:** Roman Anissi

**SUBJECT:** P06-0015, Nelson Parcel Map Continuance

This project was continued at the January 3, 2007 Zoning Administrator (ZA) Hearing to February 7, 2007 in order to allow staff and the applicant resolve conditions for road improvements. Department of Transportation (DOT) and Planning Services staff, in coordination with the project applicant, recommend a new condition. In addition, staff updated the findings based on the recent effects of Senate Bill 1535, effective January 1, 2007, increasing fees and responsibilities of the California Department of Fish and Game for projects having impacts on fish and wildlife resources.

New permit Condition 3 described below postpones the requirements of Conditions 1 and 2 of the permit by delaying major road improvements based on uses and the intensity of uses that may occur on either new parcel. This new condition states:

- A Notice of Restriction shall be recorded with the parcel map stating that Conditions 1 and 2 shall only apply if more intense uses other than a single-family residential home, a secondary dwelling unit, and/or appropriate accessory structures associated to a single-family or secondary unit (including agricultural uses) are proposed on either of the resultant parcels. Prior to the approval of any use that is in excess of that typically associated to a single-family residential home, a secondary dwelling unit, and/or appropriate accessory structures associated to a single-family residence or secondary unit, the Department of Transportation shall be consulted as to whether the improvements required in Conditions 1 and/or 2 apply to the request and if those improvements need to be constructed prior to approval of that request.

Less intense development such as a single-family residence, a secondary dwelling unit, and accessory structures and less intense agricultural uses appropriate for these properties and incidental to the single-family residential development will not trigger the major road improvements listed in Conditions 1 and 2 of the permit. Revised conditions are attached to this memo.

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

File Number P 06-0015/Nelson Parcel Map  
~~January 3, 2007~~ February 7, 2007 Zoning Administrator Hearing

### 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 twenty (20) feet. These roadway improvements shall comprise of a twelve (12) foot half-width lane 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. A Notice of Restriction shall be recorded with the parcel map stating that Conditions 1 and 2 shall only apply if more intense uses other than a single-family residential home, a secondary dwelling unit, and/or appropriate accessory structures associated to a single-family or secondary unit (including agricultural uses) are proposed on either of the resultant parcels. Prior to the approval of any use that is in excess of that typically associated to a single-family residential home, a secondary dwelling unit, and/or appropriate accessory structures associated to a single-family residence or secondary unit, the Department of Transportation shall be consulted as to whether the improvements required in Conditions 1 and/or 2 apply to the request and if those improvements need to be constructed prior to approval of that request.
- 4 ~~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.
- 5 ~~4.~~ The applicant shall make an Irrevocable Offer to Dedicate (IOD), in fee, 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.
- 6 ~~5.~~ The applicant shall place a vehicular access restriction along the entire frontage of South Shingle Road.

- ~~7~~ 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.
- ~~8~~ 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.
- ~~9~~ 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.
- ~~10~~ 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.
- ~~11~~ 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.
- ~~12~~ 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.
- ~~13~~ 12. The applicant shall pay traffic impact fees that are in effect at the time of Building Permit issuance.
- ~~14~~ 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**

- ~~15~~ 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.

- ~~16~~ 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*.
- ~~17~~ 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.
- ~~18~~ 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 are 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.
- ~~19~~ 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**

- ~~20~~ 19. The applicant shall show all drainage that may have an effect on the location of the septic system on the parcel map.
- ~~21~~ 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.
- ~~22~~ 21. All project construction activities shall adhere to AQMD Rule 224 for Cutback and Emulsified Paving Materials.
- ~~23~~ 22. All project architectural coatings shall adhere to AQMD Rule 215.

~~24~~ 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.

~~25~~ 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**

~~26~~ 25. All survey monuments must be set prior to filing the parcel map.

~~27~~ 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~~ **February 7, 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.~~
- 1.3 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 are 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.