

**EL DORADO COUNTY PLANNING AND BUILDING
DEPARTMENT
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: October 18, 2017
Item No.: 4.a.
Staff: Aaron Mount

TENTATIVE PARCEL MAP TIME EXTENSION

FILE NO.: P98-0011-E/McCann

**APPLICANT/
OWNER:** Robert C. McCann

AGENT: Wayne C. Swart

REQUEST: Request for six one-year time extensions to the approved McCann Parcel Map P98-0011 creating three residential lots, resulting in a new expiration date of July 18, 2023.

LOCATION: On the east side of Crowdis Lane approximately 1,050 feet north of the intersection with Green Valley Road, in the Rescue area, Supervisorial District 4. (Exhibit A)

APN: 069-110-09 (Exhibit B)

ACREAGE: 16.09 acres

GENERAL PLAN: Low Density Residential (LDR)/Rural Residential (RR) (Exhibit C)

ZONING: Estate Residential Five-acre (RE-5) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Previously Adopted Mitigated Negative Declaration

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

1. Determine that pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164, there is no substantial evidence requiring the preparation of a Subsequent Mitigated Negative Declaration or an Addendum to the

existing Negative Declaration, adopted by the Zoning Administrator on July 18, 2007;
and

2. Approve P98-0011-E extending the expiration of the approved tentative subdivision map for six years to July 18, 2023, based on the Findings and subject to the original Conditions of Approval as presented.

BACKGROUND

Tentative parcel map P98-0011 was approved by the Zoning Administrator on July 18, 2007. The approved parcel map consists of three residential lots ranging in size from 5.0 to 5.9 acres on a 16.09-acre site (Exhibit F).

Since approval, the applicant has not filed or recorded a parcel map. The tentative parcel map had an original expiration date of July 18, 2010, which was extended to July 18, 2017, as a result of recent state legislation including Assembly Bills AB 1185, AB 333, AB 208 and AB 116 (Exhibit G). The applicant filed the time extension request on June 06, 2017.

ANALYSIS

Section 120.074.030 of the El Dorado County Subdivision Ordinance regulates the time extension of approved tentative parcel maps. The ordinance limits the extension to a maximum of six one-year discretionary time extensions. The applicant has begun to satisfy the Conditions of Approval. The applicant is requesting the six one-year time extensions. Staff has reviewed the request and recommends the Zoning Administrator grant the requested six one-year time extensions, subject to the original Conditions of Approval. Given that there are no changes to the previously approved Parcel Map, the map maintains consistency with the applicable policies of the General Plan and provisions of the Zoning and Subdivision Ordinances. If approved, the map expiration would be extended to July 18, 2023.

ENVIRONMENTAL REVIEW

The McCann tentative parcel map is a residential project that was analyzed in an adopted Negative Declaration. The proposed time extension would allow the continued residential development of the project consistent with the approved tentative parcel map. The time extension does not make any changes to the original tentative parcel map approval, does not involve new significant environmental effects, and does not increase the severity of previously identified significant effects. No new information that was not known and could not have been known at the time the Negative Declaration was certified has since become available. Therefore, this tentative map time extension application is consistent with and is hereby exempt in accordance with CEQA Guideline Section 15162. No further environmental analysis is necessary.

The project requires filing of a Notice of Determination. A \$50.00 filing fee shall be submitted to Planning Services

SUPPORT INFORMATION

Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....Location Map

Exhibit B.....Assessor's Parcel Map

Exhibit C.....Land Use Map

Exhibit D.....Zoning Map

Exhibit E.....Aerial Map

Exhibit F.....Approved Tentative Parcel Map

Exhibit G.....McCann Tentative Parcel Map Timeline and
Expiration

FINDINGS

Tentative Parcel Map Time Extension P98-0011-E/McCann Zoning Administrator/October 18, 2017

1.0 CEQA FINDINGS

- 1.1 Pursuant to CEQA Section 15162(b), it has been determined that no subsequent negative declaration is required.

The proposed project is an extension to a previously approved tentative parcel map for which a negative declaration was certified by the Zoning Administrator July 18, 2007. The proposed project was reviewed against the environmental analysis presented in the negative declaration. It was determined that the project does not involve any substantial changes in circumstances that result in a new significant impact or significant impacts that are substantially more severe than those previously disclosed in the negative declaration. In addition, there is no new information of substantial importance showing that the project would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than effects shown in the negative declaration. Further, there is not new information of substantial importance showing (i) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative or (ii) that mitigation measures or alternatives considerably different from those analyzed in the negative declaration would substantially reduce one or more significant effects, but the proponents decline to adopt the mitigation measures or alternatives.

- 1.2 Pursuant to CEQA Section 15164(b) it has been determined that there is no substantial evidence requiring an addendum to the adopted negative declaration because no minor technical changes or additions are necessary and none of the conditions described in Section 15132 calling for the preparation of a subsequent negative declaration have occurred.
- 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 Division - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 TENTATIVE PARCEL MAP TIME EXTENSION FINDINGS

- 2.1 **The request for extension of the approved tentative parcel map complies with County Subdivision Ordinance Section 120.74.030.A.**

Section 120.74.030.A allows the subdivider to request up to six one-year extensions from the expiration date of an approved or conditionally approved tentative map, as allowed by Government Code Sections 66452.6(e) and 66463.5, by timely written application to the Planning and Building Department. The subdivider may request more than one time extension at a time, up to the maximum allowed by this subsection

or a development agreement applicable to the map for which the extension request is filed, but in no event shall the total time extension requested exceed six years. Each application shall be filed before the approved or conditionally approved tentative map expires and shall state the reasons for requesting the extension.

Rationale: The applicant is requesting six one-year time extensions and appropriate processing fees were submitted on June 06, 2017, prior to the expiration date of the tentative parcel map of July 18, 2017. The six one-year time extension request complies with Section 120.74.030.B.

The applicant cites extensive delays in attempting to secure the appropriate easements for the required improvement of Crowdis Lane. The Conditions of Approval are in the process of being satisfied. The six one-year time extensions would allow the applicant time to address all Conditions of Approval.

2.2 The request for extension of the approved tentative parcel map complies with County Subdivision Ordinance Section 120.74.030.B.

Section 120.74.030.B. requires that the Planning and Building Department review the request and submit the application for the extension, together with a report, to the approving authority for approval, conditional approval, or denial. In approving, conditionally approving, or denying the request for extension, the approving authority shall make findings supporting its decision.

Rationale: The Planning and Building Department has reviewed the time extension request for Tentative Parcel Map P98-0011-E/McCann, along with all submitted materials, and has submitted this staff report with recommendations for approval based on the Findings provided in compliance with Section 120.74.030.B.

CONDITIONS OF APPROVAL

Tentative Parcel Map Time Extension P98-0011-E/McCann Zoning Administrator/October 18, 2017

(The following are the original Conditions of Approval for Tentative Parcel Map P98-0011, as approved by the Zoning Administrator on July 18, 2007)

CONDITIONS OF APPROVAL

1. This tentative parcel map is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibit marked Exhibit E “Tentative Parcel Map,” dated July 18, 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:

P98-011 consists of a tentative parcel map to create three (3) parcels ranging in size from 5.0 to 5.9 acres at a 16.09 acre site. Water will be provided to the parcels by individual wells and sewage disposal will be provided by individual on-site septic systems. A driveway from Pineoakyo Road will provide access to Parcel 3 while Parcels 1 and 2 will be accessed via Crowdis Lane.

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.

Air Quality Management District

2. 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.
3. All project construction activities shall adhere to AQMD Rule 224 for Cutback and Emulsified Paving Materials.
4. 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.

5. 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.

Department of Transportation

6. The applicant shall improve the on-site portion of Crowdis Lane to the *Design and Improvements Standards Manual (DISM)* Standard Plan 101C in effect at the time of improvement plan submittal, prior to filing the final map. 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.
7. The applicant shall provide a turn around at the northeast corner of Parcel 3 to the provisions of *DISM Standard Plan 114* or as approved by the responsible Fire District. A vehicular access restriction shall be established along the remaining northern boundary line of Parcel 3. 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.
8. The applicant shall improve the off-site portion of Crowdis Lane, Pineoakyo, and the access roadway to Parcel 3 from the project boundary to Green Valley Road to El Dorado County Standard Plan 101C with an 18 foot road width with 2 foot shoulders on each side of the roadway, as required in Section 3 A) 2) c) ii, of the *DISM*. A 10 foot fuel treatment zone shall also be completed on each side of the roadway, as required by the Rescue Fire Protection District. 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.
9. 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 commence 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 Unit, 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 twenty-percent (20%) 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.

In addition to the agreement, the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of County Counsel;

10. The developer 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 final Map. The applicant shall join and/or form an entity, prior to filing the final map, satisfactory to the County, to maintain all roads not maintained by the County that are required for access to County or State maintained roads.
11. If site improvements are to be made, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department 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 or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the parcel map. The applicant shall provide a soils report at time of improvement plan or 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.
12. Any import or export of dirt to be deposited within the County of El Dorado shall require an additional grading permit for offsite grading.
13. 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.

14. 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.
15. The applicant shall pay traffic impact fees that are in effect at the time of building permit issuance.

Rescue Fire Protection District

16. The approved Fire Safe Plan, (Exhibit H), shall be fully implemented to the satisfaction of the Rescue Fire Protection District and California Department of Forestry and Fire Protection. A letter of compliance with this condition shall be submitted by the Rescue Fire Protection District and California Department of Forestry and Fire Protection to the Surveyor's Office at the time of filing the parcel map.
17. The "Y" Fire Safe turnaround shall be a 20 feet wide all weather surface with 50-foot turning radiuses. These improvements shall be completed prior to filing the map or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the parcel map.

Planning Services

18. 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*.
19. 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.
20. 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.

21. In the event 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.
22. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
23. All fees associated with the tentative parcel map shall be paid prior to recording the final parcel map
24. 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 *Government Code*.

The subdivider 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 subdivider of any claim, action, or proceeding and County will cooperate fully in the defense.

County Surveyor

25. All survey monuments must be set prior to filing the parcel map.
26. Prior to filing the parcel map, the applicant shall provide a parcel map guarantee, issued by a title company, showing proof of access to proposed Parcel 3 from Green Valley Road as defined in *Section 16.44.120(B)(2)* with the legal right to improve that access as required by the County *Design Manual*.
27. 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 P98-0011 by that agency have been satisfied.” The letter is to be sent to the County Surveyor and copied to the consultant and applicant.