



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

**Agenda of:** September 16, 2020

**Item No.:** 4.a.

**Staff:** Matthew Aselage

**TENTATIVE PARCEL MAP TIME EXTENSION**

**FILE NO.:** P-E20-0001/Rossbach

**APPLICANT/OWNER:** Gerald Rossbach and Randal Reading

**AGENT:** The Olympus Group, Inc.

**REQUEST:** Request for four (4) one-year time extensions to the approved Tentative Parcel Map P16-0007 creating two parcels, resulting in a new expiration date of April 19, 2024.

**LOCATION:** On the west side of North Shingle Road, approximately 25 feet west of the intersection with Choopim Road, in the Shingle Springs area, Supervisorial District 4 (Exhibit A).

**APN:** 069-220-030 (Exhibit B)

**ACREAGE:** 10.94 acres

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

**ZONING:** Residential Estate-5 (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 Negative Declaration or an Addendum to the existing Mitigated Negative Declaration, adopted by the Zoning Administrator on April 19, 2017; and
2. Approve P-E20-0001 extending the expiration of the approved tentative Parcel Map for four years to April 19, 2024, based on the Findings and subject to the original Conditions of Approval as presented.

## **EXECUTIVE SUMMARY**

On April 19, 2017, the Zoning Administrator adopted the Mitigated Negative Declaration based on the Initial Study (Exhibit G) prepared by staff and approved Tentative Parcel Map P16-0007 (Exhibit E), subdividing the 10.94 acre property into two lots consisting of a 5.94-acre lot and a 5-acre lot.

Approval of this time extension would allow an additional four years to record the final subdivision map. Although the current map filing deadline has passed, this time extension request was timely filed prior to the April 19, 2020 deadline (Exhibit F).

No revisions to the approved Tentative Parcel Map P16-0007 are requested alongside this time extension.

## **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 current time deadline, April 19, 2020, was the original deadline guaranteed upon approval of the Tentative Parcel Map P16-0007. There have been no additional time extensions granted for this parcel map. Therefore, this parcel map is eligible for up to six, one year time extensions. The request for four, one year time extensions will leave an additional two, one year time extensions available if additional time is needed in the future. If approved, the map expiration date would extend to April 19, 2024.

There have been no changes or revisions requested as part of this time extension case. Therefore, the site and project description has remained unchanged. This parcel map remains consistent with the Low Density Residential (LDR) land use designation and other applicable policies in the El Dorado County General Plan, as well as the provisions of the Residential Estate Five-Acres (RE-5) zone and other Zoning Ordinance requirements.

## **ENVIRONMENTAL REVIEW**

The Rossbach tentative Parcel Map was analyzed in the adopted Mitigated Negative Declaration. The proposed time extension would allow the continued residential development of the project consistent with the approved Tentative Parcel Map. Since the time extension request does not request any changes to the tentative map approval, and since there is neither any new information nor any changes to the project or its circumstances after adoption of the previous Negative Declaration, this tentative map time extension application is consistent with the previously adopted Negative Declaration and is hereby exempt in accordance with CEQA Guideline 15162. No further environmental analysis is necessary.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A ..... Location Map

Exhibit B..... Assessor's Map

Exhibit C..... General Plan Land Use Map

Exhibit D ..... Zoning Map

Exhibit E..... Approved Tentative Parcel Map

Exhibit F ..... Time Extension Request

Exhibit G ..... Prior Approved Mitigated Negative Declaration and  
Initial Study

## FINDINGS

### **Tentative Parcel Map Time Extension P-E20-0001/Rossbach Zoning Administrator/September 16, 2020**

#### **1.0 CEQA FINDINGS**

- 1.1 Pursuant to CEQA Section 15162(b), it has been determined that no subsequent negative declaration is required because there is no substantial evidence that the conditions described in Section 15162(a) have occurred, including: (1) substantial changes to the project which would require major revisions to the previous negative declaration due to the involvement of new significant environmental effects of a substantial increase in the severity of previously identified significant effects; (2) substantial changes occurred with respect to the circumstances under which the project has been undertaken which would require major revisions of the previous negative declaration due to the involvement of new significant environmental effects; or (3) a substantial increase in the severity of previously identified significant effects; or new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of the previous negative declaration was adopted, shows the project will (a) have one or more significant effects not discussed in the previous negative declaration; and (b) significant effects previously examined will be substantially more severe than shown in the previous negative declaration.

The proposed project is a time extension to a previously approved tentative map for which a negative declaration was certified by the Zoning Administrator on April 19, 2017. The proposed project was reviewed under 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.

- 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 Division - Planning Services at 2850 Fairlane Court, Placerville, California, 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 Department of Planning. 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 four one-year time extensions and the appropriate application and processing fees were submitted on March 19, 2020, prior to the expiration date of April 19, 2020. The four one-year time extension request complies with Section 120.74.030.B.

The applicant cites delays in seeking bids to final the project construction and recording the final map. Additionally, the applicant states that since the original approval, all necessary easements from neighbors have been attained, tree removal including minor grading has occurred as well as maintenance of foliage along the North Shingle Springs Road frontage. The four one-year time extensions would allow the applicant time to prepare the Parcel Map and address all Conditions of Approval.

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

Section 120.74.030.B. requires that the Planning 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 Department has reviewed the time extension request for Tentative Parcel Map P-E20-0001 / Rossbach Parcel Map Time Extension, 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 P-E20-0001/Rossbach Zoning Administrator/September 16, 2020

The following are the original Conditions of Approval for P16-0007 (Rossbach Tentative Parcel Map), as approved by the Zoning Administrator on April 19, 2017.

#### Conditions of Approval

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit E .....Tentative Parcel Map

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval.

The project description is as follows:

The project allows the creation of two parcels from a 10-94-acre site identified by Assessor's Parcel Number 063-220-30. All parcels shall be served by individual water meters and sewer systems. The approval includes the following:

Lot Number	Gross Area	Improvements
1	5 acres	Building pad, road
2	5.94 acres	Existing house, road

The development, use, and maintenance of the property, the size, shape 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.

#### **Development Service Division**

2. **Permit Time Limits:** This Tentative Parcel Map shall expire 36 months from the date of approval unless a timely extension has been filed.
3. **Fish and Wildlife Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and the current Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. Please submit check for the total amount to Planning Services and make the check payable to El Dorado County. No permits shall be issued or parcel map filed until said fees are paid.

4. **Archeological Resources:** In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision(c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or in his or her authorized representative, notifies the coroner of the discovery or recognition of human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

5. **Park Fees:** The subdivider shall be subject to a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.

The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. Payment of the required fees shall be remitted to Cameron Park Community Services District (Cameron Park CSD) prior to the filing of the parcel map. A copy of the transaction receipt shall be provided to Planning Services.

6. **Indemnity:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Parcel Map.

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

7. **Water Meters:** A Parcel Map shall not be filed until an EID Water Meter Award Letter or similar document has been issued for all of the lots included in the filed parcel map, and a copy filed with the Planning Department.

### **Mitigation Measures**

8. **Mitigation Measure BIO-1:** If any grading or construction activities occur during the nesting season (March 1 to August 31), a preconstruction survey for the presence of special-status bird species or any nesting bird species shall be conducted by a qualified biologist within 500 feet of the proposed construction areas, no more than 30 days prior to construction activities. The survey shall be submitted to Planning Services for review. If active nests are identified in these areas, CDFW and/or USFWS shall be consulted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a 40-foot, fenced buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

Monitoring Requirement: The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and the necessary avoidance measures prior to initiation of construction activities. This mitigation measure shall be noted on the Final Map, in a notice of restriction that shall be recorded on the property, and future grading and residential construction plans. If a pre-construction survey is required, the Development Services Division shall verify the completion of the survey prior to issuance of a grading permit.

Monitoring Responsibility: El Dorado County Development Services Division

9. **Mitigation Measure BIO-2:** Oak woodland preservation and replacement shall be consistent with Sections C and D of the Oak Canopy Analysis prepared by Shuksan Enterprises, Inc. dated November 27, 2016 (Attachment A). The plan identifies appropriate oak woodland canopy preservation measures, and identifies replacement requirements for oak woodland canopy removal resulting from the proposed project. Removal of oak woodland canopy must be mitigated by replanting oaks at a 1-to-1 ratio of canopy removed to area revegetated. Using the standard of 200 saplings or 600 acorns per acre, the mitigation for proposed oak woodland canopy would be 25 saplings planted on 0.25 acres. Proposed mitigation areas shall be in substantial conformance with Figure 10 Oak Mitigation Areas.

Monitoring Requirement: All grading and construction activities will require compliance with the oak woodland preservation measures and replacement measures as described in the Oak Canopy Analysis prepared by Shuskan Enterprises, Inc. dated November 2016 (Attachment A). The applicant shall plant oak trees or acorns in compliance with said Report and the Interim Interpretive Guidelines for El Dorado

County General Plan Policy 7.4.4.4. Planning Services shall verify the inclusion of the requirement prior to the issuance of grading and/or building permits.

Monitoring Responsibility: El Dorado County Development Services Division.

**Office of County Surveyor**

10. All survey monuments shall be set prior to filing the Parcel Map.
11. Provide a Parcel Map Guarantee, issued by the title company, showing proof of access to a State or County Maintained Road as defined in 120.44.120(B)(2).
12. Situs addressing for the project shall be coordinated by the County Surveyors Office prior to filing the Final Map.
13. Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed conditions on the map. The letter shall state that “all conditions placed on P16-0007 by (that agency) have been satisfied.” The letter shall be sent to the County Surveyor and copied to the consultant and the applicant.

**El Dorado Hills Fire Department**

14. This development shall install Dry barrel Fire Hydrants which conform to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. A new hydrant shall be added at the proposed Cul-De-Sac meeting the fire-flow requirements. This hydrant shall be placed so that it does not exceed 600 feet from any of the two structures, proposed or existing, associated with this parcel split. This shall be shown on the Civil Improvement Plans.
15. In order to enhance nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and State Fire Safe Regulations.
16. Approved fire apparatus access roads and driveways shall be provided for every facility, building, or portion of a building. The fire apparatus access roads and driveways shall comply with the requirements of Section 503 of El Dorado Hills County Water District Ordinance 36 as well as State Fire Safe Regulations as stated below (but not limited to):
  - a. All roadways shall be a minimum of 20 feet wide, providing two ten (10) foot traffic lanes, not including shoulder and striping.
  - b. Where parcels are zoned 5 acres or larger, turnarounds shall be provided at a maximum of 1320 foot intervals.
  - c. The fire apparatus access roads and driveways shall extend to within 150 feet of all portions of each facility and all portions of the exterior of the first story

of the building as measured by an approved route around the exterior of the building or facility.

- d. Driveways and roadways shall have unobstructed vertical clearance of 15' and a horizontal clearance providing a minimum 2' on each side of the required driveway or roadway width.
  - e. Street signage from Choopim Road shall be updated to conform with TD/Surveyors requirements and be visible for emergency responders.
17. The development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway. All other proposed traffic calming devices shall require approval by the fire code official.
  18. Fire hydrant outlets shall be positioned so as not to be obstructed by a parked vehicle.
  19. All parking restrictions as stated in the current California Fire Code and the current El Dorado Hills County Water District Ordinance shall be in effect. All streets with parking restrictions will be signed and marked with red curbs as described in the El Dorado County Regional Fire Protection Standard title "No Parking-Fire Lane." All curbs in the parking lot(s) that are not designated as parking spaces will be painted red and marked every 25 feet "No Parking-Fire Lane." This shall be white letters on a red background. There shall be a designated plan page that shows all Fire Lanes as required by the El Dorado County Regional Fire Protection Standard B-004 "No Parking-Fire Lane" and the fire code official.

### **Transportation Division**

20. Choopim Road shall be constructed to County Standard Plan 101C, modified as shown on the approved Tentative Parcel Map.
21. The applicant shall obtain an encroachment permit from TD and shall construct the Choopim Road encroachment on to North Shingle Road to the provisions of County Design Std 103D.
22. The applicant shall irrevocably offer to dedicate a 50-foot wide road and public utility easement for the on-site access roadways, shown on the final recorded map. Slope easements shall be included as necessary. This offer will be rejected by the county.
23. The applicant shall demonstrate to the County that this project has entitlements for use of the off-site roads and public utility easements for access to the project.
24. The proposed project must form an entity for the maintenance of public and private roads and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads of the current project. Transportation Division shall review

the document forming the entity to ensure the provisions are adequate prior to filing of the final map.

25. The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or be approved Design Waivers) from the Transportation Division and pay all applicable fees prior to filing of the final map.

Additionally, the project improvement plans and grading plans shall conform to the *County Grading, Erosion and Sediment Control Ordinance, Grading Design Manual, the Drainage Manual, Storm Water Ordinance (Ord. No. 5022), Off-Street Parking and Loading Ordinance, all applicable State of California Water Quality Orders, the State of California Handicapped Accessibility Standards, and the California Manual on Uniform Traffic Control Devices (MUTCD)*.