

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



**Agenda of:** May 3, 2017  
**Item No.:** 4.a.  
**Staff:** Evan Mattes

**TENTATIVE PARCEL MAP TIME EXTENSION**

**FILE NO.:** P06-0043-E/Marcyan

**APPLICANT/  
OWNER:** Susan D. Marcyan

**REQUEST:** Request for two one-year time extensions to the approved Marcyan Parcel Map P06-0043 creating two residential lots, resulting in a new expiration date of December 15, 2018.

**LOCATION:** North side of State Highway 193 approximately 250 feet east of the intersection with Coon Creek Road, in the Cool Area, Supervisorial District 4 (Exhibit A)

**APN:** 073-020-43 (Exhibit B)

**ACREAGE:** 46.2 acres

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

**ZONING:** Limited Agriculture Twenty-Acres (LA-20) (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 Mitigated Negative Declaration, adopted by the Board of Supervisors on December 15, 2009; and

2. Approve P06-0043-E extending the expiration of the approved tentative subdivision map for two years to December 15, 2018, based on the Findings and subject to the original Conditions of Approval as presented.

## **BACKGROUND**

The tentative parcel map (P06-0043) was approved by the Board of Supervisors on December 15, 2009, along with a Rezone (Z06-0040). The approved parcel map consisted of two residential lots of 20.00 and 26.23 acres in size (Exhibit F).

Since approval, the applicant has not filed or recorded a parcel map. The tentative parcel map had an original expiration date of December 15, 2009, which was extended to December 15, 2016, as a result of recent state legislation including Subdivision Map Act (SMA) Sections 66452.23 (Assembly Bill AB 208) and 66452.23 (Assembly Bill AB 116) (Exhibit G). The applicant filed the time extension request on December 7, 2016.

## **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 and expect to final the parcel map by the end of 2017. The applicant is requesting the two one-year time extensions. Staff has reviewed the request and recommends the Zoning Administrator grant the requested two one-year time extensions, subject to the original Conditions of Approval and environmental mitigation measures. 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 December 15, 2018. The applicant has the ability to apply for four more one year time extensions.

## **ENVIRONMENTAL REVIEW**

The Marcyan tentative parcel map is a residential project that was analyzed in an adopted Mitigated 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 Mitigated 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 is required filing of a Notice of Determination. A \$50.00 filing fee 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.....Marcyan Tentative Parcel Map Timeline and  
Expiration

## FINDINGS

### **Tentative Parcel Map Time Extension P06-0043-E/Marcy Zoning Administrator/May 3, 2017**

#### **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 mitigated negative declaration due to the involvement of new significant environmental effects or 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 mitigated 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 mitigated negative declaration.

The proposed project is an extension to a previously approved tentative parcel map for which a mitigated negative declaration was certified by the Board of Supervisors December 15, 2009. 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 Development Services Division of the Community Development Agency. 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 two one-year time extensions and appropriate processing fees were submitted on December 7, 2016, prior to the expiration date of the tentative parcel map of December 15, 2016. The two one-year time extension request complies with Section 120.74.030.B.

The applicant cites the economic recession for the delay in filing and recording the final map. The Conditions of Approval are in the process of being satisfied and the applicant anticipates finaling the map by the end of 2017. The two 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 Development Services Division 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 Development Services Division has reviewed the time extension request for Tentative Parcel Map P06-0043-E/Marcyan, 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 P06-0043-E/Marcyan Zoning Administrator/May 3, 2017**

**(The following are the original Conditions of Approval for Marcyan Tentative Parcel Map, as approved by the Board of Supervisors on December 15, 2009)**

#### **Planning Services:**

1. This rezone and Tentative Parcel Map is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits A-M, 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:

Approval of this project allows the following: Rezone of the 46.23-acre parcel referenced as Assessor's Parcel Number 073-020-43 from Residential Agricultural 20-Acre -Planned Development (RA-20-PD) to Residential Agricultural 20-Acre (RA-20) and a Tentative Parcel Map to subdivide the 46.23-acre parcel into two parcels, 20.00 acres and 26.23 acres in size. Neither of the two parcels shall be less than 20-acres in size. Parcel 1 would have 2,259 sq. ft. single family residence, 748 sq. ft. garage, and one inspection exempt barn. Parcel 2 would be unimproved.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

#### **Conditions from the Mitigated Negative Declaration**

2. Prior to disturbance of any waters of the United States including any wetland features, the wetland delineation study for the project site shall be submitted to the Corps for their verification and approval. If fill of any potential waters of the U.S are anticipated, the appropriate Corps 404 permit must be obtained prior to the fill activity occurring. The appropriate terms of mitigation including the wetland acreage to be mitigated for would be defined in the issued Corps permit. Any waters of the U.S. that would be lost or disturbed should be replaced or rehabilitated at a "no-net-loss" basis in accordance with the Corps' mitigation guidelines. Habitat restoration,

rehabilitation, and/or replacement shall be at a location and by methods agreeable to the Corps. A total of 4.84 acres of seasonal wetlands were mapped in the combined study area and infrastructure corridors. Wetland mitigation for this project shall be required. Mitigation may include the purchase of mitigation credits from an approved wetland mitigation bank at an appropriate ratio for each acre of wetland /waters proposed to be impacted as determined by the Corps of Engineers. **[MM Bio 1].**

**Monitoring:** The applicant shall provide a copy of the 404 permit, if required, to Planning Services prior to issuance of the grading permit. If no permits are required by the Corps, a letter from the Corps shall be provided to Planning Services stating that no permit shall be required for this project.

3. A 50-foot non-building/disturbance setback line shall be recorded on the Parcel Map that begins at all high-water marks or the outer boundary of any adjacent wetlands along the unnamed tributary that transverses the northeast corner and is shown on the Greenwood U.S.G.S Quadrangle and as determined by the Corps of Engineer's verified wetland delineation of waters of the United States. No development shall occur within the setback area and a note shall be made on the Parcel Map identifying that said purpose for the line and for streambed protection purposes. No proposed lot boundary lines shall infringe on said setback lines. The identification shall be made on the Parcel Map, Site Plan Review, grading and building plans where applicable. **[MM Bio 2].**

**Monitoring:** Prior to filing of Parcel Map, Site Plan Review (SPR), grading and/or building plan approval, Planning Services shall verify that the identification has been made on the Parcel Map, Site Plan Review, grading and building plans where applicable.

4. A Streambed Alteration Agreement shall be obtained from CDFG, if applicable, pursuant to Section 1602 of the California Fish and Game Code, for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. Appropriate mitigation measures would be developed in coordination with CDFG in the context of the 1602 agreement process. Authorization prior to placement of any fill is required from the Corps of Engineers if any impacts are proposed to jurisdictional riparian habitat. This authorization may require mitigation as deemed necessary by the Corps of Engineers. **[MM Bio 3].**

**Monitoring:** The applicant shall provide a copy of the 1602 permit, if applicable, to Planning Services prior to issuance of the grading permit.

5. The applicant shall pay the in-lieu fee for 0.25 acre oak canopy removed. The fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors.

**Monitoring:** The applicant shall provide to Development - Planning Services proof of payment of the in-lieu fee prior to issuance of a grading permit. **[MM Bio 4].**

6. A deed restriction and permanent easement shall be placed over the site area identified for protection by the Cultural Resource Study for the site dated October 2005, and the amended study dated January 2007. The purpose of said easement shall be for the prevention of any use or impact to that portion of the parcel. The easement area shall be shown on the final Parcel Map.

**Monitoring:** The applicant shall supply a letter from the qualified archeologist to Planning Services staff that the location noted on the map is accurate, prior to filing the Parcel Map. **[MM Cult Res 1]**.

7. A 225-foot non-building setback from the eastern parcel boundary along the full length of where it adjoins State Route 193 shall be shown on the final Parcel Map. **[MM Noise-1]**.

**Monitoring:** Planning Services shall be responsible for assuring that the 225-foot non-building setback is shown on the final Parcel Map prior to filing. The final Parcel Map shall have a note explaining that the setback line is for the purpose of protecting the residents from traffic noise and for aesthetic reasons for views from State Route 193, pursuant to the adopted Mitigated Negative Declaration. A note shall also be made on the Parcel Map that this setback restriction shall include only noise sensitive structures such as dwellings, guest house, and pools.

#### **Planning Services Site Specific and Standard Conditions**

8. The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.
9. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,993.00 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or Parcel Map filed until said fees are paid.
10. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to the Georgetown Divide Recreation District, pursuant to El Dorado County Subdivision Ordinance Chapter 16.12.090. A receipt showing compliance with this condition shall be submitted by the applicant to Planning Services prior to filing the Parcel Map.
11. The applicant shall make the actual and full payment of Development Services Department processing fees for the Zone Change and the Tentative Parcel Map applications prior to filing the Parcel Map.
12. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J,



Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.

13. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The 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 rezone and Parcel Map, 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.

#### **El Dorado County Fire Protection District**

14. The applicant shall submit review fee of \$150.00 prior to filing the Parcel Map.
15. Fire flow for this project shall be 1,000 gpm @ 20 psi for two hours with 3 hydrants. In place of requirements for hydrants and fire flow the applicant shall enter into a deed restriction for Parcel 2 with a Fire District approved NFPA 13D Fire Sprinkler System with 3,000 gallons of water storage on each parcel for all new structures. The deed restriction shall be reviewed and approved by the District prior to filing the Parcel Map. The deed restriction shall be recorded concurrently with the Parcel Map.
16. The existing home on Parcel 1 shall require 3,000 gallons of Fire District approved water storage within 150 feet of the home. Proof of compliance with said condition shall be received by the District prior to filing the Parcel Map.
17. The applicant shall develop and implement an El Dorado County Fire Protection District and Cal Fire approved Fire Safe Plan for the project parcels. Said plan shall be reviewed and approved by the District prior to filing the Parcel Map. A Notice of Restriction (NOR) shall be recorded that ensures implementation of the Fire Safe Plan. The NOR shall be reviewed and approved by the El Dorado County Fire Protection District prior to filing the Parcel Map.

**Georgetown Divide Public Utility District (GDPUD)**

18. The existing seasonal irrigation water account with GDPUD shall be required to be assigned to one of the new parcels prior to filing the Parcel Map. If the account is assigned to one of two parcels that is not adjacent to the existing facilities, an easement shall be reserved for the private service line from the existing ditch connection facilities to the account holder's parcel. The easement shall be between five and ten feet wide, to the discretion of the subject Tentative Parcel Map applicant. The location of the easement on the Parcel Map, as well as the note describing the easement, shall be reviewed and approved by GDPUD prior to filing the Parcel Map.
19. A 50-foot wide easement that equally straddles GDPUD's Main Ditch #2 which traverses the property in the northwest portion of proposed Parcel 1 as shown in Exhibit F shall be dedicated to GDPUD and recorded on the parcel map for access purposes to maintain and repair the facilities within the easement. The location of the easement on the Parcel Map, as well as the note describing the easement, shall be reviewed and approved by GDPUD prior to filing the Parcel Map.

**California Department of Transportation (Caltrans)**

20. The locations of the encroachment from Parcels 1 and 2 onto State Route 193, and all associated easements within the State right-of-way shall be accurately shown and described on the Parcel Map and shall be reviewed and approved by Caltrans prior to filing the Parcel Map.
21. The existing access to Parcel 2 shall be upgraded to State Standards. An encroachment permit shall be required for any work conducted in the State's right-of-way such as sign placement, traffic control, light installation, culvert maintenance, or drainage pattern changes. A cost estimate for the work within the State's right-of-way will be reviewed to determine whether it triggers the need for a 'project funded by others' designation. To secure an application the applicant shall contact Encroachment Permits Central Office at (530) 741-4403 for information regarding the Caltrans encroachment permit process for any work that would be conducted in the State right-of-way. The width of the existing easternmost encroachment located at approximately PM 5.2 shall be 12 feet wide measured at the end of the returns.
22. The applicant shall request a "Notice of Completion" from the Encroachment Permit Office once all work related to the encroachment permit application has been completed as shown on the approved plans. The applicant shall provide Development Services a copy of said Notice prior to issuance of final occupancy for any grading or building permit for Parcel 2.
23. A Drainage Report shall be prepared and submitted to Caltrans District 3 Hydraulics Branch, at (530) 741-4056, at the time of the request for an encroachment permit, for review and approval. The Report shall address the following concerns:

- a) Within the project area, a 24-inch culvert at Post Mile 4.9, and a 48-inch culvert at Post Mile 5.1 convey runoff flows around State Route 193. Additional runoff flows from this proposed project shall not be directed towards these culverts.
- b) Pre-project and post-project flows should be calculated. Mitigation for any additional runoff flow from this project shall be provided.

**Environmental Management Department – Environmental Health Division**

24. Prior to filing the Parcel Map, each parcel shall have a safe and reliable well provided for that meets the criteria of Environmental Management Policy 800-02. Proof of compliance with said condition shall be received by the Division prior to filing the Parcel Map.

**El Dorado County Office of the County Surveyor**

25. All survey monuments shall be set prior to filing the Parcel Map.
26. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office. Proof of any signage required by the Surveyor's Office must be provided to their office prior to filing the Parcel Map.
27. Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed conditions on the map. The letter will state that "all conditions placed on the map by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.