

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



Agenda of: April 19, 2017

Item No.: 4.a.

Staff: Evan Mattes

TENTATIVE PARCEL MAP TIME EXTENSION

FILE NO.: P09-0002-E/Walrath (Kovach) Time Extension

APPLICANT: Craig Walrath

OWNER: Walrath Family 2015 Trust

REQUEST: Request for three one-year time extensions to the approved Kovach Tentative Subdivision Map P09-0002 creating two residential lots, resulting in a new expiration date of December 10, 2019.

LOCATION: West side of French Creek Road approximately 1,300 feet south of the intersection with Mother Lode Drive, in the Shingle Springs area, Supervisor District 2. (Exhibit A)

APN: 090-290-46 (Exhibit B)

ACREAGE: 2 acres

GENERAL PLAN: Medium Density Residential (MDR) (Exhibit C)

ZONING: Residential One-Acre (R1A) (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 10, 2009; and

2. Approve P09-0002-E extending the expiration of the approved tentative parcel map for three year to December 10, 2019, based on the Findings and subject to the original Conditions of Approval as presented.

BACKGROUND

The tentative parcel map (P09-0002-E) was approved by the Board of Supervisors on December 10, 2009, along with a rezone (Z09-0001) and general plan amendment (A09-0001). The approved parcel map consists of two residential lots one acre each (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 10, 2012, which was automatically extended to December 10, 2016 as a result of recent state legislation including Subdivision Map Act (SMA) Sections 66452.23 (Assembly Bill AB 208) and 66452.24 (Assembly Bill AB 116) (Exhibit G). The applicant filed this time extension request on December 9, 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. Citing the economic recession and the recent purchase of the property, the applicant has not commenced any activity in satisfying the Conditions of Approval. The applicant is requesting the three one-year time extensions. Staff has reviewed the request and recommends the Planning Commission grant the requested three 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 Tentative 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 10, 2019. The applicant can request three additional one-year time extensions after December 10, 2019.

ENVIRONMENTAL REVIEW

The Walrath (Kovach) tentative parcel map is a residential project that 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. The time does not make any changes to the original tentative map approval, does not involve new 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 Number Map
Exhibit C.....	Land Use Map
Exhibit D.....	Zoning Map
Exhibit E.....	Aerial Map
Exhibit F.....	Approved Tentative Parcel Map
Exhibit G.....	Parcel Map Timeline and Expiration
Exhibit H.....	Extension Request

FINDINGS

Tentative Parcel Map Time Extension P09-0002-E/Walrath (Kovach) Zoning Administrator/April 19, 2017

1.0 CEQA FINDINGS

- 1.1 Pursuant to CEQA Section 15162(b), it has been determined that no subsequent mitigated 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 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 mitigated 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 map for which a mitigated negative declaration was certified by the Board of Supervisors December 10, 2009. The proposed project was reviewed against the environmental analysis presented in the mitigated 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 mitigated 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 mitigated 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 mitigated 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 three one-year time extensions and appropriate processing fees were submitted on December 9, 2016, prior to the expiration date of the tentative parcel map of December 10, 2016. The three one-year time extension request complies with Section 120.74.030.B.

The applicant cites the economic recession and recently purchasing the property for the delay in filing and recording the final map. The three 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 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 P09-0002-E/Walrath (Kovach) Map, 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 P09-0002-E/Walrath (Kovach)
Zoning Administrator/April 19, 2017**

(The following are the original Conditions of Approval for Walrath (Kovach Tentative Parcel Map, as approved by the Board of Supervisors on December 10, 2009)

Conditions of Approval

Project Description

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, staff report, hearing Exhibits A-K, 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:

Tentative Parcel Map to create two parcels, one-acre in size, on a two-acre site. The two proposed parcels will be served by public water and sewer. The project will utilize French Creek Road, a County maintained road, as the primary access.

Design waivers to:

- a. Reduce the Design Improvement Standards Manual (DISM) 101B requirement of a roadway width from 28-feet to 20-feet with 2-foot shoulders on each side for an overall roadway width of 24-feet and omit curbs, gutters and sidewalks.
- b. Reduce the right-of-way from 50-feet to 35-feet

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.

II. MITIGATED NEGATIVE DECLARATION CONDITONS OF APPROVAL

2. If construction activities are scheduled to occur within the typical breeding season for raptors (March 1 through August 31), on-site pre-construction surveys for raptors and their nests shall be conducted by a qualified biologist no more than 30 days prior to

initiation of the proposed development activities. The survey results shall be submitted to the California Department of Fish and Game (CDFG) and Planning Services prior to issuance of a grading permit. If active raptor nests are found on or immediately adjacent to the site, consultation must be initiated with CDFG to determine appropriate avoidance measures. The applicant shall follow the appropriate avoidance measures issued by CDFG, and no construction activities shall occur on the project site until the avoidance measures are issued and implemented. If no active nests are found, then no further action is required, and construction activities may proceed upon approval by Planning Services.

Timing/Implementation: Prior to issuance of grading and building permits

Enforcement/Monitoring: El Dorado County Planning Services shall verify that the above measure has been incorporated on the plans prior to issuance of a grading permit. The Division shall coordinate with the applicant and/or biologist, assess the pertinent surveys/studies, and conduct on-site verification for conformance with this measure.

III. PROJECT CONDITIONS OF APPROVAL

Planning Services

3. 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.
4. The applicant shall be required to pay Park-in-Lieu fee of \$150.00 payable to El Dorado County, pursuant do El Dorado County Subdivision Ordinance Chapter 16.12.090. Check shall be submitted to the office of the Development Services Department. A receipt showing compliance with this condition shall be submitted by the applicant to the Planning Services prior to filing of the Parcel Map.
5. The applicant shall make the actual and full payment of all Development Services processing fees for the General Plan Amendment, Rezone and the Tentative Parcel Map application prior to filing the Parcel Map.
6. A meter award letter or similar document shall be provided to Planning Services prior to filing the Parcel Map.
7. This Tentative Parcel Map shall expire within 36 months form date of approval unless a timely extension has been filed.

8. 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 final map filed until said fees are paid.
9. Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on weekends and holidays.
10. Any future El Dorado County native oak tree canopy removed for residential development shall be mitigated as specified in the Oak Woodland Management Plan, adopted by the Board of Supervisors on May 6, 2008, as amended.
11. 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 applicant 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, which action is brought within the time period provided for in Section 66499.37.

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

El Dorado County Department of Transportation

Project Specific DOT Conditions

12. **Road Design Standards:** The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map: (the requirements outlined in Table 1 are minimums)

Table 1						
ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH* / SHOULDER WIDTH	RIGHT OF WAY**	DESIGN SPEED	EXCEPTIONS/ NOTES	
Road 'A'	Modified Std Plan 101B	20ft / 2 ft	35 ft	25 mph	No sidewalk, curb and gutter	

* Road widths are measured from curb face to curb face or edge of pavement to edge of pavement if no curb

(traveled way). curb face for rolled curb and gutter is 6” from the back of the curb.
** Non-exclusive road and public utility easements included

13. **Road & Public Utility Easements:** The applicant shall irrevocably offer to dedicate a 35-foot wide non-exclusive road and public utility easement for the on-site access roadways, prior to the filing of the Parcel Map. Slope easements shall be included as necessary.
14. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from Road ‘A’ onto French Creek Road to the provisions of County Design Std 103D. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.
15. **Turnaround:** The applicant shall provide a turn around on Road ‘A’ to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Parcel Map.
16. **Off-site Easements:** Applicant shall provide all necessary recorded easements for any drainage, slope and road improvements crossing the property line prior to approval of the improvement plans.
17. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate in fee, 30 foot right-of-way along the entire frontage of French Creek Road, prior to the filing of the Parcel Map. This offer will be accepted by the County.

DOT Standard Conditions

18. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
19. **Parcel Map Improvement Agreement & Security:** If improvements are necessary, the developer shall enter into a Parcel Map Improvement Agreement (PMIA) with the Department of Transportation for onsite roadway, drainage infrastructure, grading, etc. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the PMIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map. This condition shall appear as a note on the recorded Parcel Map.
20. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
21. **Grading Permit / Plan:** If more than 50 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared

by a professional 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. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.

22. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
23. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the Parcel Map.
24. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the Parcel Map.
25. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a “Notice of Intent” (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

26. **Electronic Documentation:** Upon completion of any improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
27. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

Department of Forestry and Fire Protection (Cal Fire)

28. The on-site access road shall be constructed with an approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (2007 California Fire Code, Appendix D). The improvements shall be completed to the satisfaction of the Department of Transportation, Cal Fire and the El Dorado County Fire Protection District prior to filing the Parcel Map.
29. The on-site dead end access road shall have a turnaround constructed at its terminus (Article 2. Emergency Access, Section 1273.09 (c) of the Fire Safe Regulations and 2007 California Fire Code, Appendix D). The improvements shall be completed to the satisfaction of the Department of Transportation, Cal Fire and the Fire District prior to filing the Parcel Map.
30. All parcels one acre and larger shall provide a minimum 30-foot setback for buildings and accessory buildings from all property lines and/or the center of the road (Article 5. Fuel Modification Standards, Section 1276.01 (a) of the Fire Safe Regulations).
31. A wildland fire safe plan, acceptable to the EDC FPD and the California Department of Forestry and Fire Protection, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the Fire District and Cal Fire to Planning Services prior to filing the Parcel map.

El Dorado County Surveyor's Office

32. All survey monuments must be set prior to filing the Parcel Map.
33. The road serving the development shall be named by filing a completed Road Name Petition, with the County Surveyor's Office. Proof of any signage required by the Surveyor's Office must be provided to the Surveyor's office prior to filing the Parcel Map.
34. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that "all conditions placed on P09-0002 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor's and copied to the consultant and the applicant.
35. The applicant shall place a note on the final Parcel Map in compliance with Section 66445 (j) of the Subdivision Map Act, to abandon the existing 50-foot wide non-

exclusive road and public utilities easement for the on-site access roadway as shown, between Parcels C and D, on the Parcel Map recorded in Book 7 at Page 42, El Dorado County. The County Surveyor will acknowledge the abandonment within the “County Surveyors Statement”.

Air Quality Management District

36. The applicant shall adhere to all district rules during project construction, as specified by the District prior to issuance of any permits associated with the project.
37. The applicant shall submit and pay appropriate fees for an Asbestos Dust Mitigation Plan (ADMP). The District shall review and approve the ADMP prior to issuance of a grading permit.