

**COUNTY OF EL DORADO  
PLANNING AND BUILDING DEPARTMENT  
PLANNING COMMISSION  
STAFF REPORT**



**Date:** July 27, 2023

**Staff:** Bianca Dinkler

**TENTATIVE SUBDIVISION MAP**

- FILE NUMBER:** TM21-0002 / Sierra View Estates
- APPLICANT:** Harry Jr. Boyajian and Carrie Boyajian
- PROPERTY OWNER:** Harry Jr. Boyajian and Carrie Boyajian
- REQUEST:** A Tentative Subdivision Map, TM21-0002, subdividing a 30.84-acre parcel into six (6) parcels ranging in size from 5.0 to 5.8 acres. Lot 1 (5.00 acres), Lot 2 (5.00 acres), Lot 3 (5.00 acres), Lot 4 (5.00 acres), Lot 5 (5.83 acres), and Lot 6 (5.00 acres).
- LOCATION:** On the west side of South Shingle Road, approximately 300 feet north of the intersection with Big Branch Road, in the Shingle Springs area, Supervisorial District 4 (Exhibits A, B).
- APNs:** 109-340-069 (Exhibit C)
- ACREAGE:** 30.84 acres
- GENERAL PLAN:** Low Density Residential (LDR) (Exhibit D)
- ZONING:** Residential Estate, Five-acre (RE-5) (Exhibit E)
- ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration and Initial Study (Exhibit P)
- RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:
1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
  2. Adopt a Mitigation Monitoring Program in accordance with California Environmental Quality Act (CEQA) Guidelines 15074(d), based on the Mitigation Measures contained in the Mitigated Negative Declaration and Initial Study; and

3. Approve Tentative Subdivision Map, TM21-0002, based on the Findings and subject to the Conditions of Approval as presented herein.

## **EXECUTIVE SUMMARY**

The proposed project is comprised of a Tentative Subdivision Map (TM), which would allow for the subdivision of a 30.84-acre parcel into six (6) parcels ranging in size from 5.0 to 5.8 acres. Lot 1 (5.00 acres), Lot 2 (5.00 acres), Lot 3 (5.00 acres), Lot 4 (5.00 acres), Lot 5 (5.83 acres), and Lot 6 (5.00 acres). The existing parcel is zoned RE-5 and has a General Plan land use designation of LDR. The proposed new parcels would meet the required minimum lot size and lot width in the RE-5 zone. The proposed project has been reviewed for consistency with the County Zoning Ordinance, General Plan Policies, and an environmental review and determination have been prepared.

## **EXISTING CONDITIONS/SITE CHARACTERISTICS**

The project site is a 30.84-acre undeveloped parcel. The land is gently sloped with slopes less than 15 percent, and located at an elevation of 1,320 feet above mean sea level. The four (4) soil types on-site include AwD (Auburn silt loam, 2 to 30 percent slopes), AxD (Auburn very rocky silt loam, 2 to 30 percent slopes), ReB (Rescue sandy loam, 2 to 9 percent slopes), and RfC (Rescue very stony sandy loam, 3 to 15 percent slopes). The project site is located in the Big Canyon Creek watershed, part of the Upper Cosumnes River watershed. On-site surface drainage trends southeast towards South Shingle Road. Vegetation is Blue oak/Foothill pine woodland (6.4 acres) and annual grasslands (23.3 percent). The project site contains a pond and associated riparian habitat, a wetland swale, and an intermittent stream. The adjacent parcels are also in the RE-5 zone with a General Plan land use designation of LDR, and developed with similar rural, residential uses.

**Mitigation Area 1:** The project site is in Mitigation Area 1 for rare plants. A Biological Resource Assessment and Rare Plant Survey was prepared by Salix Consulting, Inc. with field reviews conducted on May 4, 2021 and May 31, 2021, and final report dated September 2021. The project site contains a pond and associated riparian habitat, a wetland swale, and an intermittent stream. Any activity causing direct adverse impacts could require resource permits from the U.S. Army Corps of Engineers, the Regional Water Quality Control Board (401;WDR), and/or the California Department of Fish & Wildlife (1602). However, the proposed TM does not propose any development at this time. In addition, Zoning Ordinance Section 130.30.050 - Setback Requirements and Exceptions would require a minimum setback distance of 25 feet from any intermittent stream, wetland, or sensitive riparian habitat, which would apply to any future residential development permits. These setbacks shall be required as a condition of approval, as well as recorded on the final map. Further, future residential development on the proposed new parcels would be subject to payment of the Mitigation Area 1 fee at the time of building permit issuance.

**Asbestos Review Area:** The project site is located within an Asbestos Review Area. Future residential development of the new proposed parcels would be subject to the requirements from the El Dorado County Air Quality Management District (AQMD), including an Asbestos Dust

Mitigation Plan, to be reviewed and approved by AQMD prior to any construction. The comments provided by AQMD are incorporated into the project as Conditions of Approval.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RE-5	LDR	Undeveloped
<b>North</b>	RE-5	LDR	Residential development
<b>South</b>	RE-5	LDR	Residential development
<b>East</b>	RE-5	LDR	Residential development
<b>West</b>	RE-5	LDR	Residential development

**PROJECT DESCRIPTION**

A request for a TM to subdivide a 30.84-acre undeveloped parcel into six (6) parcels ranging in size from 5.0 to 5.8 acres: Lot 1 (5.00 acres), Lot 2 (5.00 acres), Lot 3 (5.00 acres), Lot 4 (5.00 acres), Lot 5 (5.83 acres), and Lot 6 (5.00 acres). Access to the parcels would be from a new private road and encroachment at South Shingle Road, approximately 300 feet north of Big Branch Road; the new private road would terminate in a cul-de-sac. Each parcel would have its own private driveway that would provide access from the new private road. No access to or encroachment at Big Branch Road is proposed as part of this project. The proposed new access road would be 20 feet wide with either asphalt or chip seal surface with 1-foot unpaved shoulders on each side (Exhibit F). Each parcel would have its own septic system and private well. Electric service would be provided by connecting to Pacific Gas and Electric (PG&E).

**Design Waiver:** The proposed project initially included a request for a Design Waiver to modify County Standard Plan 101C which requires paving or chip seal to be provided where roadway slope exceeds 12 percent. The preliminary Site Plans featured approximately 170 linear feet of the proposed new private road to have a slope of 13.9 percent. The Design Waiver would have allowed that section of the roadway exceeding 12 percent slope to be constructed with aggregate base instead of the required paving or chip seal. No other on-site or off-site infrastructure is proposed. In June 2023 the design of the proposed new roadway was updated and would not exceed 12 percent slope therefore the Design Waiver is no longer requested. The public review period for the Initial Study - Proposed Mitigated Negative Declaration occurred December 22, 2022, through January 20, 2023, and the document included the request for the Design Waiver; however, as mentioned above, the Design Waiver is no longer necessary since the proposed new roadway would not exceed 12 percent slope.

**Homeowners Association (HOA) and Covenants, Codes, and Restrictions (CC&Rs):** The Wildland Fire Safe Plan (WFSP) with Amendment A (Exhibit N) requires the formation of a Homeowners Association (HOA) and creation of Covenants, Codes, and Restrictions (CC&Rs) for funding the implementation, maintenance, and enforcement of the road maintenance and fire

safe actions. As required in Amendment A, the WFSP shall be reviewed and updated every five (5) years, and a Notice of Restriction (NOR) shall be filed prior to approval of the final map.

## **STAFF ANALYSIS**

**General Plan Consistency:** The project is consistent with all applicable General Plan policies including: Policy 2.2.1.2 (Low Density Residential Land Use Designation), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.21 (Compatibility with Adjoining Land Uses), Policies TC-Xa through TC-Xi (Transportation and Circulation Element), Policy 5.1.2.1 (Adequacy of Public Services and Utilities), Policy 5.2.3.4 (Groundwater Systems), Policy 5.3.2.4 (Septic Systems), Policy 5.7.1.1 (Adequate Emergency Water Supply, Storage, Conveyance Facilities, and Access for Fire Protection), Policy 6.2.2.2 (Wildland Fire Safe Plan), Policy 6.3.1.1 (Building Site Standards and Asbestos), Policy 7.4.2.8 (Biological Resources), and Policy 7.4.2.9 (Important Biological Corridor Overlay). Further analysis of each policy is discussed in the Findings section below.

**Zoning Ordinance Consistency:** Staff has determined that the proposed project, as conditioned, is consistent with all applicable standards and requirements of Title 130 of the County Zoning Ordinance. The subject parcel is zoned RE-5 and the proposed project has been analyzed in accordance with all applicable development standards for this zone district. No development is proposed at this time; however, future residential development of each lot would be reviewed at the time of grading and building permit submittal for compliance with the zoning development standards, including meeting standard RE-5 setbacks and 25-foot setbacks from any intermittent stream, wetland, and/or sensitive riparian habitat, as there is a pond on the property. As conditioned, the proposed project would be consistent with the RE-5 zoning requirements, as more fully described in the Findings section below.

**Private well water and on-site septic system:** The El Dorado County Environmental Management Department (EMD) reviewed the project and provided comments on February 3, 2022. There is an existing well on the property located in the south/west area of the parcel. Each proposed parcel would have its own private well and on-site septic system. Wells on each parcel produced between eight (8) and 68 gallons per minute with a median well production of 50 gallons per minute and an average well production of 43.6 gallons per minute between five (5) separate wells. These well production figures meet the requirement to demonstrate an adequate water supply for the project. Soil depth was 11 feet for each of the proposed parcels, meeting the EMD's "Local Agency Management Plan" (LAMP) requirement for adequate soil depth. Soil percolation rates for Parcel 1,2,3,5, and 6 meet the LAMP requirement for new parcels utilizing a septic system to have an average soil percolation rate of 120 minutes per inch or less. Parcel 4 has a soil depth of 11 feet and a soil percolation rate of 128 minutes per inch, which does not meet LAMP requirements for land divisions. The El Dorado County LAMP defines usable dispersal material as soil with a percolation rate between 1 and 120 minutes per inch. Options to meet this LAMP requirement include merging Parcel 4 with an adjacent parcel that has a lower percolation rate or identifying an alternative sewage dispersal area on the parcel with a soil percolation rate between one (1) and 120 minutes per inch. An updated percolation test was conducted by Wheeldon Geology on February 24, 2022 for Parcel 4 which demonstrated a

sewage disposal area that would meet LAMP requirements. These requirements have been incorporated as Conditions of Approval.

**Fire protection services:** The El Dorado County Fire Protection District reviewed the project and provided comments regarding the ability to provide service to the parcels. The project was initially required to install fire hydrants supplied by El Dorado Irrigation District (EID). After a fire flow analysis was completed by EID, the underground infrastructure would not be able to support the project. With the number of parcels and parcel sizes, it was determined by the Fire District to allow the El Dorado County Fire Protection District Water Supplies for Suburban and Rural Fire Fighting Standard D-003. Each parcel that is developed would submit plans indicating water storage tank and drafting hydrant location. Size would be determined by square footage which is indicated in Table A of Standard D-003.

Regarding requirements for road length, as determined by the Fire District, the road distance of the project does not require a second access, only a requirement for a turnaround at the end that complies to California Fire Code (CFC) and Local Ordinances and Standards. As shown on the TM, Road A would be a 50-foot-wide road and public utility easement with a cul-de-sac at the end designed to El Dorado County Standard Plan 114. The El Dorado County Fire Protection District has accepted this design and would review the improvement plans again at submittal of the grading and building permits, to review in accordance with their standards. These requirements have been incorporated as Conditions of Approval.

**Wildland Fire Safe Plan:** The project site is located in a High Fire Severity Zone. A WFSP was prepared for the project dated August 18, 2010, with Amendment A, dated October 5, 2021 (Exhibit N). The attachment that was included with the CEQA document, a Proposed Mitigated Negative Declaration, only included Amendment A, and not the original WFSP; however, the Staff Report includes both the WFSP and Amendment A. The WFSP with Amendment A requires the formation of an HOA and the creation of CC&Rs for funding the implementation, maintenance, and enforcement of the road maintenance and fire safe actions. As stated in Amendment A, the WFSP shall be reviewed and updated every five (5) years, and an NOR shall be filed prior to approval of the final map.

**Stormwater:** The project was reviewed by the County Stormwater Coordinator - West Slope. The County provided formal comments stating that the County is subject to the State of CA Phase II MS4 Permit and thus the County's post construction water quality requirements follow those outlined in that Permit in Section E.12. Projects typically qualify as a "Regulated" project under the MS4 Permit / West Slope Development and Redevelopment Standards and Post Construction Stormwater Plan Requirements if improvements (i.e., parking lots, rooftops, driveways, etc.) create or replace 5,000 square feet or more of impervious surface. Regulated Projects are required to provide treatment of stormwater from the 85th percentile/24-hour storm event prior to the water leaving the site or entering a waterbody. Additional hydromodification requirements may be required as well. An Erosion and Sediment Control Plan will need to be included in the plan submittal. If the project would disturb an acre or more of land, the Legally Responsible Person (LRP) is required to obtain Construction General Permit (CGP) coverage through the State Water Resources Control Board (SWRCB). The CGP requires the development

and implementation of a Stormwater Pollution Prevention Plan (SWPPP). The requirements have been incorporated as Conditions of Approval.

**Staff Analysis and Conclusion:** The proposed project has been designed to be consistent with all of the applicable requirements for a TM, as discussed in the analysis above, and below in the Findings and Conditions of Approval in this Staff Report.

## **PROJECT COMMENTS**

The project was distributed to all applicable local and state agencies for review and comment, including El Dorado County Department of Transportation, El Dorado County Environmental Management Department, El Dorado County Air Quality Management District, El Dorado County Storm Water Coordinator - West Slope, El Dorado County Fire Protection District, and PG&E. Comments received have been considered and if applicable, incorporated as Conditions of Approval for the project.

## **PUBLIC NOTICE**

The project was duly noticed with a public notification range of 1,000 feet and a legal advertisement was published in applicable local newspapers. No formal public outreach was conducted by the County. No physical sign posting or public outreach plan is required for this project pursuant to the County Zoning Ordinance.

## **ENVIRONMENTAL REVIEW**

In accordance with CEQA, staff has prepared an Initial Study analyzing the potential environmental effects resulting from the implementation of the project. Based on the Initial Study, a Mitigated Negative Declaration has been prepared (Exhibit P).

The CEQA Guidelines Section 15075, filing a Notice of Determination, is required to initiate a 35-day statute of limitations on legal challenges to the County's decision. The applicant shall submit a **\$50.00** recording fee to Planning Services for the County Recorder to file the Notice of Determination within 48 hours of any decision-making body approving the project. Checks shall be made payable to El Dorado County. In addition to the Notice of Determination recording fee, the applicant shall submit the current California Department of Fish and Wildlife CEQA review fee for a Mitigated Negative Declaration, to Planning Services. The 2023 fee is **\$2,764.00**: <https://wildlife.ca.gov/Conservation/Environmental-Review/CEQA/Fees>.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Findings	
Conditions of Approval	
Exhibit A.....	Location Map
Exhibit B.....	Aerial Map
Exhibit C.....	Assessor's Parcel Page
Exhibit D.....	General Plan Land Use Map
Exhibit E.....	Zoning Map
Exhibit F.....	Tentative Subdivision Map
Exhibit G.....	Tentative Subdivision Map with Aerial Photo
Exhibit H.....	Slope Analysis Map
Exhibit I.....	Preliminary Grading and Drainage Plan
Exhibit J.....	Original Parcel Map PM 41-65-3
Exhibit K.....	Site Map of Percolation Test and Soil Test Trench Locations
Exhibit L.....	List of Existing Wells
Exhibit M.....	TIS Initial Determination Form and OSTR Report
Exhibit N.....	Wildland Fire Safe Plan with Amendment A
Exhibit O.....	Biological Resource Assessment and Rare Plant Survey
Exhibit P.....	Proposed Mitigated Negative Declaration Initial Study