



## Legislation Text

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**File #:** 07-1802, **Version:** 5

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HEARING - To consider a request submitted by Neighbors Against Shinn Ranch Development appealing the Planning Commission's June 9, 2016, approval of Tentative Map Time Extension TM07-1441-E/Shinn Ranch Tentative Map on property identified by Assessor's Parcel Numbers 319-260-89, 331-070-01, 331-620-04, 331-620-05, 331-620-13, 331-620-18, 331-620-23, and 331-620-30, consisting of 182.9 acres, in the El Dorado area, submitted by Silverado Homes, Inc.; and staff recommending the Board take the following actions:

- 1) Determine that pursuant to the California Environmental Quality Act 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 04, 2007, as described in the California Environmental Quality Act Findings; and
- 2) Deny the appeal, thereby upholding the Planning Commission's June 9, 2016 approval of TM07-1441-E extending the expiration of the approved tentative map for a total of two years to December 4, 2018, and approve minor text edits to the map based on the Findings (Attachment 5C) and subject to the Conditions of Approval (Attachment 5D) as presented. (Supervisorial District 3) (Est. Time: 1 Hr.)

### **DISCUSSION / BACKGROUND**

This is a request submitted by Neighbors Against Shinn Ranch Development appealing the Planning Commission's June 9, 2016, approval of Tentative Map Time Extension TM07-1441-E/Shinn Ranch Tentative Map for two one-year time extensions to approved Tentative Map TM07-1441-R creating 146 residential lots, resulting in a new expiration date of December 4, 2018 on property, identified by Assessor's Parcel Numbers 319-260-89, 331-070-01, 331-620-04, 331-620-05, 331-620-13, 331-620-18, 331-620-23, and 331-620-30, consisting of 182.9 acres, located on the south side of Mother Lode Drive, east of the intersection with Kingvale Road, in the El Dorado area, Supervisorial District 3. (County Planner: Jennifer Franich) (Previously Adopted Mitigated Negative Declaration)

### Project Description

The Project is two one-year time extensions for a previously approved 146-unit Tentative Subdivision Map on 182.9 acres in the El Dorado area. The site is zoned Single-unit Residential-Planned Development (R1-PD), Two-acre Residential (R2A), One-Acre Residential-Planned Development (R1A-PD) and Estate Residential Five-Acre (RE-5).

The Map had an original expiration date of December 4, 2009, which was extended to December 4, 2016, as a result of state legislations including Senate Bill SB 1185, Assembly Bill AB 333, Assembly Bill AB 208, and Assembly Bill AB 116. The two one-year time extensions extend the expiration date of the Map to December 4, 2018.

There were no revisions to the Conditions of Approval, except for Condition 1 which describes the Project. The changes were to reflect the new expiration date for the Tentative Map. The Project also included a request to make minor text edits to the Map, including a correction to lot numbering and

edits to the development summary description to correct the General Plan designations, proposed zoning, assessor's parcel numbers, accurate site acreage, and total number of lots, in accordance with the approved revised vesting tentative map. None of the Conditions of Approval revisions allow for greater development than previously analyzed and approved, alter the configuration of the lots, or change the timing of the improvements.

The Planning Commission heard and approved the Project at their June 9, 2016, hearing as recommended by staff. The Planning Commission minutes are attached (Attachment 5B). The Zoning Ordinance allows a Planning Commission's decision to be appealed to the Board of Supervisors within ten (10) working days. Neighbors Against Shinn Ranch Development filed an appeal (and \$200 appeal fee) within ten (10) working days of the Planning Commission's decision. The appeal has been scheduled to be heard by the Board within thirty (30) calendar days of the Planning Commission's decision.

### Appeal

The appeal (Attachment 5A) presents several claims, including that the Project approval violates California Environmental Quality Act (CEQA), the General Plan and zoning laws, and that legal violations were not addressed with the original Tentative Map approval but should have been addressed in considering the time extension request. The appeal items are listed below with responses immediately following.

#### 1) Measure E approval (June 2016).

County Response: There are three (3) reasons that Measure E does not affect this time extension:

A) At the time of the hearing for this item, Measure E was not yet in effect as the election results had not yet been certified.

B) Conditions imposed on time extension requests must be related to the length of time a map is valid.

C) The Shinn Ranch Project is a Vesting Tentative Map, which vests the Project to the standards in effect when the vesting map was "deemed complete," which was September 20, 2007.

#### 2) Fire safety, access, and water availability.

County Response: Public health and safety were considered with the Project design and Conditions of Approval.

Existing roads will be improved and new roads will be constructed within the development. Primary access will be over Kingvale Road from Pleasant Valley Road with an emergency access to Shinn Ranch Road. Public water will be provided to the Project site by El Dorado Irrigation District, who provided a letter dated March 12, 2007, indicating that it has adequate existing water and wastewater capacity and supplies to serve the proposed Project. The Diamond Springs - El Dorado Fire Protection District reviewed the project and will require new fire hydrants for the site, road improvements as shown on the vesting tentative map, and an approved fire safe plan that identifies "defensible space" requirements, emergency access routes, signage, emergency water standards, annual fuel modification maintenance plans, and other measures to address wildland fire hazards. Project annexation into the Diamond Springs - El Dorado Fire Protection District Community Facilities District for the provision of fire suppression and emergency medical services would also be required

prior to final map recordation. The request for two one-year time extensions did not result in any changes to the Project, and the Conditions of Approval and Mitigation Measures remain in effect.

### 3) Potential tribal burial sites.

County Response: According to the Cultural and Archaeological Resource Studies conducted for the Project (March 1997, September 1998, February 2006 and June 2007), no known burial sites are located within the Project site.

On May 14, 2007, SB 18/Government Code §65352 consultation for the Shinn Ranch Project was initiated with tribes including Shingle Springs Band of Miwok Indians, El Dorado Miwok Tribe, Lone Band of Miwok Indians, and Nashville - El Dorado Miwok. No requests for consultation were provided to the County.

Mitigation Measure MM CUL-4 requires that "If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited." The request for two one-year time extensions did not result in any changes to the Project, and the Conditions of Approval and Mitigation Measures remain in effect.

### 4) Notification of application and hearings.

County Response: County staff provided notice as required for the Project.

Notices were mailed to property owners within five hundred (500) feet of the Project boundaries for the Planning Commission hearing on October 11, 2007, and the Board hearing on December 4, 2007, for the Shinn Ranch Vesting Tentative Map (TM07-1441), General Plan Amendment (A07-0007), Rezone (Z07-0016), and Planned Development (PD07-0012). Notice was also published in the Mountain Democrat. Proper notice was also given for the Planning Commission public hearing for the revisions to the approved Vesting Tentative Map on April 26, 2012 (TM07-1441-R).

### 5) CC&Rs and character of surrounding development.

County Response: CC&Rs for surrounding properties do not affect the subject parcels.

The surrounding land use pattern was considered with the Project design and Conditions of Approval. The approval of the two one-year time extensions did not result in any changes to the Project, and the lot configuration, setbacks, and other development standards apply.

### 6) Traffic, access, and intersections.

County Response: With required improvements, access to the site and circulation on-site would not result in traffic-related hazards.

Primary site access will be provided via Kingvale Road and Pleasant Valley Road, with an

emergency entry off Shinn Ranch Road. On-site circulation includes the improvement of on-site roads. County staff, the Planning Commission, and the Board found that Project implementation would not substantially increase traffic hazards or introduce new hazards. The Diamond Springs - El Dorado Fire Protection District reviewed the project and confirmed that the proposed access and on-site roadways are adequate for the development. Improvement plans include off-site improvements including the design and construction of a left-hand turn lane at the intersection of Kingvale Road and Motherlode Drive, a left-hand turn lane at the intersection of "A" Drive and Pleasant Valley Road, acceleration and deceleration lanes at the intersection of Kingvale Road and Motherlode Drive, and acceleration and deceleration lanes at the intersection of "A" Drive and Pleasant Valley Road. The two one-year time extensions do not result in any changes to access to the Project.

7) Animal shelter site.

County Response: The El Dorado County Animal Services and Shelter has been constructed at 6435 Capitol Avenue in Diamond Springs.

8) Public hearings and CEQA.

County Response: As stated above, the County complied with public notification requirements in effect at the time that the applications were processed.

The Project complied with CEQA and was analyzed according to rules and regulations that govern land use development in order to protect health, safety and the environment. The impacts of the Tentative Map were adequately addressed through the Project design, Mitigation Measures and Conditions of Approval. Appropriate Findings were made. A Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, determined to be completed in compliance with CEQA and adequate for the proposed Project, were adopted by the Board on December 4, 2007, and were carried forward in the 2012 revision to the Tentative Map. The Planning Commission determined that for the extension request, pursuant to the CEQA Guidelines Sections 15162 and 15164, there was no substantial evidence requiring the preparation of a Subsequent Mitigated Negative Declaration or an Addendum to the existing Mitigated Negative Declaration.

9) Environmental impacts (noise, light, and air pollution, aesthetics).

County Response: As stated above, the Project was determined to comply with CEQA and was analyzed according to rules and regulations that govern land use development in order to protect health, safety and the environment.

The Mitigated Negative Declaration, prepared August 24, 2007, analyzed environmental impacts associated with the Project, and addressed any potentially significant impacts through the Project design, Mitigation Measures and Conditions of Approval. The two one-year time extensions do not result in any changes to the Project, and all Mitigation Measures and Conditions of Approval continue to apply. The Planning Commission determined that for the time extension request, pursuant to CEQA Guidelines Sections 15162 and 15164, there was no substantial evidence requiring the preparation of a Subsequent Mitigated Negative Declaration or an Addendum to the existing Mitigated Negative Declaration.

Conclusion: It is staff's recommendation that the appeal filed by Neighbors Against Shinn Ranch

Development should be denied.

**CONTACT**

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