

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



Agenda of:	November 6, 2019
Item No.:	4.b.
Staff:	Tom Purciel

TENTATIVE PARCEL MAP

FILE NUMBER: P18-0013/Portico Estates

APPLICANT: Cayente Way Investors, LLC/Anthony Scotch

REQUEST: Tentative Parcel Map to divide a 5.0-acre parcel into four lots ranging in size from 1.20 acres to 1.29 acres.

LOCATION: Located on the north side of Cayente Way, at the intersection of Veld Way, in the Cameron Park area, Supervisorial District 4. (Exhibits A, B, C)

APN: 070-040-002 (Exhibit D)

ACREAGE: 5.0 Acres

GENERAL PLAN: High Density Residential (HDR) (Exhibit E)

ZONING: Single-Unit Residential (R1) (Exhibit F)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15315 of the CEQA Guidelines (Minor Land Divisions)

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Find Tentative Parcel Map P18-0013 exempt under Section 15315 of the CEQA Guidelines; and
2. Approve Tentative Parcel Map P18-0013, based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of Tentative Parcel Map P18-0013 would allow the subdivision of a single developed 5.0-acre parcel with two existing structures, an approximate 1,100 - square foot single-family residence

and a 960 - square foot detached garage, into four parcels of 1.29 acres, 1.20 acres, 1.21 acres and 1.22 acres in size (proposed parcels 1 through 4, respectively). Proposed parcel 1, consisting of 1.29 acres, would contain both existing structures. The existing parcel is zoned Residential, Single-Unit (R1) and designated in the General Plan as High Density Residential (HDR). As conditioned, all proposed parcels will meet the required development standards for new lots in the R1 zone including minimum lot size and lot width. Staff has determined that the project is consistent with the General Plan High Density Residential (HDR) Land Use Designation and the R1 zone, as well as other applicable County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

OTHER PROJECT CONSIDERATIONS

Legal Nonconforming Residential Setback:

Zoning Ordinance Table 130.24.030 (Residential Zone Development Standards) requires a minimum front yard setback of 20 feet from the nearest edge of a road easement or a street-fronting property line, whichever is closer. Based on County Assessor's records, the existing residence on proposed Parcel 1 was initially constructed prior to 1962, before building permits were required, and setbacks were reviewed, for residential structures. At that time the structure was erected approximately 10 feet from the edge of the existing 32-foot wide road easement. In 2002, the Planning Department documented the legal nonconforming building setback as part of a building permit to convert a storage room within the original residence footprint into additional living space (Building Permit No. 141887, Exhibit H). Zoning Ordinance Section 130.61.030.E (Legal Nonconforming Structures) allows for legally established structures, including existing structures that do not observe required building setbacks, to be continued, maintained and expanded provided any additions do not encroach further into the required setback. With the exception of the legal nonconforming front yard setback discussed above, the proposed lot lines will be consistent with all applicable development standards of Table 130.24.030.

BACKGROUND/HISTORY

A previous Tentative Subdivision map (TM07-1433, Portico Estates) to divide the existing 5.0-acre parcel into 15 residential lots ranging in size from 10,060 to 12,381 square feet was approved by the Board of Supervisors on July 29, 2008 (Exhibit I). On April 27, 2017, the Planning Commission approved a time extension extending the expiration of the approved tentative subdivision map for six years to July 29, 2023. To date, the applicant has not filed a Final Map application nor initiated any required improvements/permits to move forward with this 15-lot subdivision.

Subsequent to Planning Commission approval of the 6-year time extension for TM07-1433, the applicant submitted Tentative Parcel Map application P18-0013 to the County on December 5, 2018 for the same 5.0-acre lot. As outlined in Section 66426 of the California Subdivision Map Act (types of projects requiring tentative and final maps; exclusions), when consistent with applicable requirements of law, a subdivider may request either a tentative and final subdivision map to create five or more parcels, or a parcel map to create four lots or less. Since Parcel Map P18-0013 is not related to the previously approved Tentative Map and constitutes a separate request, both maps cannot be approved for the same lot. Although the previous Tentative Map approval remains valid, the applicant has expressed a desire to move forward with the current

project and not pursue recordation of the previously approved map. Therefore, prior to filing the final parcel map, the applicant will be conditioned to withdraw previously approved TM07-1433. In addition, after recording the final parcel map, Tentative Map TM07-1433 shall be deemed withdrawn and previous approvals will be deemed null and void.

EXISTING CONDITIONS/SITE CHARACTERISTICS:

The project parcel consists of approximately 5.0 acres. The site contains gently rolling topography with mixed oak woodland and annual grasses. Slopes range from approximately two percent to approximately eight percent. The southwest portion of the existing lot (proposed Parcel 1) contains an existing residence of approximately 1,100 square feet and a 960 square foot detached garage. The parcel is zoned Residential, Single-Unit (R1) with a corresponding General Plan land use designation of High Density Residential (HDR). Access to the project parcel is via an existing paved 32-foot non-exclusive road easement from the north side of Cayente Way, a County-maintained roadway (Exhibits B and G). The neighboring properties to the north and south are also zoned R1 and have been developed with single-unit tract homes. The neighboring properties to the east and west are zoned Residential, One-acre (R1A) and have been developed as large lot residential properties (Exhibit C). All properties in the vicinity are designated as HDR.

PROJECT DESCRIPTION:

This project is a request for a Tentative Parcel Map to create four parcels of 1.29 acres, 1.20 acres, 1.21 acres and 1.22 acres in size from an approximate 5.0-acre parcel. Fire and vehicular access to the proposed parcels will be provided via an existing paved 32-foot non-exclusive road easement from the north side of Cayente Way, a County-maintained roadway (Exhibit G). Proposed subdivision improvements would be limited to minor grading and roadway widening/shoulder improvements for access to the undeveloped lots as shown on the tentative parcel map. Grading for future home sites is not proposed and would be deferred to future building and grading permits for the new lots. Approximately 0.7 acres of oak woodland will be removed by the proposed roadway improvements and oak removal will be mitigated consistent with Section 130.39.070.C (Oak Tree and Oak Woodland Removal Permits – Discretionary Development Projects; Mitigation Requirement).

Proposed Parcel 1 is currently developed with a single family dwelling unit with full utilities including water and sewer by the El Dorado Irrigation District (EID) and electricity by Pacific Gas and Electric (PG&E).

Proposed Parcels 2, 3 and 4 will be required to connect to existing EID water service. As public sewer service is not feasible for proposed Parcels 2, 3 and 4, those parcels will be required to develop onsite septic systems to the satisfaction of the County Environmental Management Department. Electric service will be provided to proposed Parcels 2, 3 and 4 by PG&E.

ANALYSIS:

General Plan Consistency: The project is consistent with all applicable General Plan policies including Policy 2.2.1.2. (High Density Residential Land Use Designation), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.16 (appropriate planning for land divisions), Policy 2.2.5.19 (development below minimum land use densities) Policy 2.2.5.21 (compatibility with adjoining land uses), Policy 5.1.2.1 (adequacy of public services and utilities), Policy 5.2.1.2 (adequate quantity and quality of water for all uses, including fire protection), Policy 5.3.1.1 (connection to public wastewater collection facilities when feasible), Policy 5.7.1.1 (fire protection in Community Regions), Policy 6.2.3.2 (adequate access for emergencies) and Policy 7.4.4.4 (impacts to oak resources). Further details are 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 Ordinance Code (Zoning Ordinance). The project parcel is zoned Residential, Single-Unit (R1) and the project has been analyzed in accordance with all applicable development standards for this zone district. As conditioned, the proposed parcels will conform with the required minimum lot size, lot width, residential densities and other applicable development standards for new lots as shown below and more fully described in the Findings.

**Applicable Development Standards from Table 130.24.030
 (Residential Zones Development Standards)**

Development Attribute	R1 Zone District	Proposed Parcel 1	Proposed Parcel 2	Proposed Parcel 3	Proposed Parcel 4
Minimum Lot Size for Interior Lot	6,000 sq ft		1.20 Acres (Approx. 52,272 sf)	1.21 Acres (Approx. 52,708 sf)	1.22 Acres (Approx. 53, 143 sf)
Minimum Lot Size for Corner Lot	7,500 sq ft	1.29 Acres (Approx. 56,192 sf)			
Minimum Lot Width for Interior Lot (in feet)	60 feet		Approx. 159 feet	Approx. 160 feet	Approx. 161 feet
Minimum Lot Width for Corner Lot (in feet)	75 feet	Approx. 157 feet			
Residential Density Range	1 primary plus 2 nd dwelling unit per lot	Consistent	Consistent	Consistent	Consistent

Consistency with County Subdivision Ordinance

Staff has determined the project is consistent with all applicable standards and requirements of the County Subdivision Ordinance (Title 120 of the County Ordinance Code) for Tentative Parcel Maps including consistency with the General Plan, consistency with zoning regulations and the Minor Land Division Ordinance, and consistency with other specific findings for subdivision map approval. Such findings include documentation that the site is physically suitable for the proposed type and density of development and documentation that the proposed subdivision is not likely to cause substantial environmental damage. Further details are discussed in the Findings section below.

AGENCY COMMENTS:

The project was distributed to all applicable local, County and state agencies for review and comment. Comments were received from the El Dorado Irrigation District (EID), County DOT, the El Dorado County Fire Protection District, Pacific Gas and Electric (PG&E), the County Air Quality Management District (AQMD), the County Environmental Management Department, the Cameron Park Community Services District (CSD), the El Dorado Local Agency Formation Commission (El Dorado LAFCO), the Wilson Rancheria and the County Surveyor's office. With the exception of comments from the Cameron Park CSD and El Dorado LAFCO, none of these agencies expressed any site-specific issues or concerns regarding this project. These agencies recommended standard conditions of approval which have been incorporated into the project. Comments from the Cameron Park CSD and El Dorado LAFCO are discussed below.

Comments From Cameron Park CSD/El Dorado LAFCO:

On June 20, 2019, the Cameron Park CSD submitted comments requesting the project parcels be annexed into the Cameron Park CSD and recommended annexation be included as a condition of project approval. On June 21, 2019 El Dorado LAFCO submitted comments reviewing the Cameron Park CSD request for annexation and determined the annexation request to be appropriate as the project parcels are not currently within the boundaries of the Cameron Park CSD service area, but are within the CSD's Sphere of Influence for parks and recreation services.

Staff reviewed the CSD and LAFCO comments and determined annexation would not be appropriate for this project and is not recommending annexation into the Cameron Park CSD for the following two reasons: 1) The recent 15-lot Tentative Subdivision Map on the project parcel (TM07-1433) was distributed to the Cameron Park CSD in 2007 and, at that time, the CSD offered no comment regarding potential annexation into their district. 2) The project was considered by the Planning Commission on June 26, 2008, the Board of Supervisors on July 29, 2008 and further reviewed by the Planning Commission on April 27, 2017 as part of a time extension request and annexation was not reviewed nor considered at any time during processing of the subdivision map. As part of the previous tentative map approval, the applicant was only required to submit parkland dedication in-lieu fees to the Cameron Park CSD (final Condition No. 45) prior to filing the final map.

PUBLIC OUTREACH

No formal public outreach was conducted, and a public outreach plan was not required for this project pursuant to the County Subdivision Ordinance. However, the project was duly noticed for a Zoning Administrator public hearing with a public notification range of 1,000 feet and legal advertisement was published in applicable local newspapers. In addition, project notification was also sent to the County's Zoning Administrator email subscription list and posted on the Planning Services Zoning Administrator webpage. No physical sign posting is required for Tentative Parcel Maps.

ENVIRONMENTAL REVIEW:

Tentative Parcel Map P18-0013 has been found Categorical Exempt pursuant to Section 15315 (Minor Land Divisions) of the CEQA Guidelines, applying to the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

The project is exempt from CEQA review in that it satisfies all required criteria listed in Section 15315 of the CEQA Guidelines (categorical exemption for Minor Land Divisions) as listed above and further described as follows: 1) The property is located in an urbanized area as shown on the [2010 U.S. Census Bureau Sacramento Urbanized Area Reference Map](#),

2) the project parcel is zoned for residential use, 3) the project proposes four or fewer parcels, 4) the proposed Tentative Parcel Map conforms to all applicable General Plan policies and zoning regulations, 4) no variances or exceptions are requested as part of the project and the project conforms to all applicable subdivision design standards, 5) all required services and parcel access meet local standards, 6) the project parcel was not involved in a division of a larger parcel within the previous two years, and 7) the project parcel does not have an average slope greater than 20 percent, as further described in the Existing Conditions/Site Characteristics section above. For further details, please refer to staff's discussion in the Findings section below.

Filing of a Notice of Exemption is required in accordance with CEQA Guidelines Section 15062 to initiate a 35-day statute of limitations on legal challenges to the County's decision that the project is exempt from CEQA. The applicant shall submit a \$50.00 recording fee to Planning Services in order for the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....	Location Map
Exhibit B.....	Vicinity Map
Exhibit C.....	Site Aerial Photo
Exhibit D.....	Assessor's Parcel Page
Exhibit E.....	General Plan Land Use Map
Exhibit F.....	Zoning Map
Exhibit G.....	Tentative Parcel Map
Exhibit H.....	Building Permit No. 141887 (convert enclosed garage to living space)
Exhibit I.....	Approved Tentative Map No. TM07-1433 (Portico Estates)

FINDINGS

Tentative Parcel Map P18-0013/Portico Estates Zoning Administrator/November 6, 2019

1.0 CEQA FINDINGS

- 1.1 Tentative Parcel Map P18-0013 has been found to be Categorically Exempt pursuant to Section 15315 of the CEQA Guidelines applying to the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

Section 15315 of the CEQA Guidelines provides a categorical exemption for minor land divisions when all of the following findings can be made:

1. *The division of property is located in an urbanized area.*

Rationale: The project parcel is located in an urbanized area as shown on the 2010 U.S. Census Maps for the greater Sacramento Area.

2. *The property is zoned for residential, commercial or industrial use.*

Rationale: The project parcel is zoned for residential use.

3. *The subdivision consists of four or fewer parcels.*

Rationale: The proposed subdivision consists of four parcels.

4. *The subdivision is in conformance with the General Plan and zoning.*

Rationale: The project parcel conforms to all applicable General Plan policies and zoning regulations as discussed further in this Findings section.

5. *No variances or exceptions are required for the project.*

Rationale: No variances or exceptions are requested for the project and the project conforms to all applicable subdivision design standards.

6. *All services and access to the proposed parcels to local standards are available.*

Rationale: All required services are available and access to proposed parcels meets local standards.

7. *The parcel was not involved in a division of a larger parcel within the previous two years;*

Rationale: No previous subdivision activity has occurred on the project parcel.

8. *The parcel does not have an average slope greater than 20 percent;*

Rationale: The project parcel has slopes ranging from two to eight percent.

- 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 Planning and Building Department, Planning Services Division, at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 identifies that the purpose of the High Density Residential (HDR) land use designation is to provide areas suitable for intensive single-family residential development at densities from one to five dwelling units per acre. Lands designated as HDR shall be located in Community Regions and in Rural Centers.

Rationale: Policy 2.2.1.2 provides for single-family residential unit densities from one to five units per acre. As proposed, P18-0013 would create four lots with slightly lesser densities of approximately 0.8 units/acre. Although the project would create densities marginally less than the minimum densities prescribed in this policy, the project is otherwise consistent with the HDR Land Use Designation as the project is located within a Community Region (Cameron Park) and provides for intensive single-family residential development consistent with surrounding areas. Further, as also discussed in Finding 2.4 below, Policy 2.2.5.19 allows for discretionary project approvals that are otherwise compatible with the General Plan, but provide for development below the densities contemplated in the General Plan. As noted in Policy 2.2.5.19, the County can deem a reduced project density as being consistent with the General Plan. Therefore, the project is consistent with this policy.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

This policy requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Staff has prepared this section on General Plan findings to document the project's consistency with the policies of the General Plan.

2.3 The project is consistent with General Plan Policy 2.2.5.16.

General Plan Policy 2.2.5.16 requires an appropriate level of planning for land divisions based on the land use designation of the subject parcel. Such planning shall include, but not be limited to, documentation that project approval will not preclude the ultimate potential density.

Rationale: The proposed Tentative Parcel Map would create four lots of approximately 1.2 acres in size. As noted in Finding 2.1 above, Policy 2.2.1.2 explains the purpose of the High Density Residential (HDR) land use designation which is to provide areas suitable for intensive single-family residential development at densities from one to five dwelling units per acre. As the project would create four lots of approximately 1.2 acres in size, this project would allow for future subdivision of each lot up to the maximum densities provided in Policy 2.2.1.2. Therefore, the project would not preclude the ultimate potential density. The project is consistent with this policy.

2.4 The project is consistent with General Plan Policy 2.2.5.19.

General Plan Policy 2.2.5.19 allows for discretionary project approvals for a zoning designation that is otherwise compatible with the General Plan but would provide development below the densities contemplated in the General Plan.

Rationale: The project parcel is zoned Residential, Single-Unit (R1) and designated High Density Residential (HDR) on the General Plan Land Use Map. As shown on General Plan Table 10-4 (General Plan Land Use Designation and Zoning District Consistency Matrix), the R1 Zone District is compatible with the HDR Land Use Designation. Although the project would provide a marginally lower housing density of approximately 0.8 units/acre rather than the prescribed one to five units/acre in Policy 2.2.1.2, the project is otherwise consistent with all applicable General Plan policies. Therefore, the project is consistent with this policy.

2.5 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The southern portion of the project parcel (proposed Parcel 1) is currently developed with a primary residence and associated residential improvements. The project would allow for three additional residential lots of approximately 1.2 acres in size. The neighboring properties to the north and south are also zoned R1 and have been developed with high density single-unit tract homes. The neighboring properties to the east and west are zoned Residential, One-acre (R1A) and have been developed as large lot residential properties. The project would create new residential lots compatible in size and character to the existing lots surrounding the project site. Therefore, the project has been located and designed to be compatible with adjoining land uses.

2.6 **The project is consistent with General Plan Policy 5.1.2.1**

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project was reviewed by the County Department of Transportation (DOT) for adequate road access. The project was reviewed by the County Fire Protection District for emergency vehicular access and required fire flow requirements. The project was also reviewed by PG&E and the El Dorado Irrigation District (EID) for electric and public water service. Liquid waste service will be provided via on-site septic systems subject to final review and approval of the County Environmental Management Department. The above agencies and utility companies had no significant issues or concerns with the project and have determined public services and utilities would be adequate to serve the project. To ensure the project will comply with applicable regulations for public service, each entity recommended standard conditions of approval which have been incorporated into the project. Therefore, the project is consistent with this policy.

2.7 **The project is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: Proposed Parcel 1 contains an existing residence with full utilities, including public water and sewer service. Proposed Parcels 2, 3 and 4 would be required to connect to existing EID water service and the utility has confirmed adequate public water will be available to serve the new parcels, as documented by EID's Facility Improvement Letter (FIL) issued on March 21, 2019. The El Dorado County Fire Protection District has also reviewed the project plans and determined that required fire flow will be available to serve the project. With incorporation of standard

conditions of approval, both EID and the El Dorado County Fire Protection District have deemed water service to be adequate for the project.

2.8 The project is consistent with General Plan Policy 5.3.1.1.

General Plan Policy 5.3.1.1 requires high-density and multifamily residential, commercial and industrial projects to connect to public wastewater collection facilities if reasonably available as a condition of approval.

Rationale: The County Environmental Management Department reviewed the project and determined that the undeveloped portion of the project site (proposed Parcels 2, 3 and 4) will be greater than 200 feet away from an existing public sewer connection and therefore public sewer facilities are considered unavailable to serve proposed Parcels 2, 3 and 4. The County Local Agency Management Plan (LAMP) allows for the installation of septic systems on parcels when public sewer is considered unavailable. According to the LAMP, public sewer is considered unavailable when an existing public sewer facility, including any lot or premises currently served by such public sewer, is located more than 200 feet from any proposed building or exterior drainage facility. Accordingly, the project is consistent with this policy.

2.9 The project is consistent with General Plan Policy 5.7.1.1.

General Plan Policy 5.7.1.1 (fire protection in Community Regions) requires the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection would be provided concurrent with development.

Rationale: The County Fire Protection District (district) reviewed the project and determined that adequate water supply, storage and conveyance facilities, including access to those facilities, will be available to serve the project. The district recommended standard conditions of approval which have been incorporated into the project to ensure adequate water supply, storage, conveyance and site access for fire protection is developed and remains adequate for the proposed parcels. As conditioned, the project is consistent with this policy.

2.10 The project is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2 requires the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: Fire and vehicular access to the proposed parcels would be provided via an

existing paved 32-foot non-exclusive road easement from the north side of Cayente Way, a County-maintained roadway. Both the County Department of Transportation and the County Fire Protection District have reviewed the project and found that adequate emergency access exists for the project. To ensure adequate emergency access is maintained in perpetuity, these agencies recommended standard conditions of approval which have been incorporated into the project.

2.11 The project is consistent with General Plan Policy 7.4.4.4.

Policy 7.4.4.4 requires all development projects or actions resulting in impacts to oak woodlands and/or individual native oak trees, including Heritage Trees, mitigate for those impacts as outlined in the County Oak Resources Management Plan (ORMP).

Rationale: Oak woodlands will be impacted by this project associated with County DOT roadway/access improvements required prior to recording the final parcel map. Accordingly, a site-specific Oak Resources Technical Report has been submitted, consistent with the requirements of the ORMP, to document the oak resources impacted by required roadway improvements (removal of oak woodland) and the required mitigation fee to permit the oak removal. As conditioned, the applicant will be required to demonstrate payment of required mitigation fees prior to approval of subdivision improvement plans. Oak impacts associated with future residential development after recordation of the new lots will be mitigated as part of future residential building or grading permits.

3.0 ZONING FINDINGS

3.1 The project is consistent with Table 130.24.030 (Residential Zone Development Standards).

Zoning Ordinance Table 130.24.030 (Residential Zone Development Standards) prescribes site-specific development standards for new lots, including minimum lot size, lot width and required residential density within the Residential, Single-Unit (R1) Zone District.

Rationale: As proposed, the project parcels will meet the required minimum lot size, lot width and minimum residential density as required in Table 130.24.030.

3.2 The project is consistent with Chapter 130.39 (Oak Resources Conservation).

Rationale: As proposed and conditioned, the project is consistent with applicable sections of Chapter 130.39 (Oak Resources Conservation) including Section 130.39.070 (Oak Tree and Oak Woodland Removal Permits – Discretionary Development Projects). Based on arborist documentation submitted on September 24, 2019, required DOT roadway/access improvements will impact 0.7 acres of oak woodland and the project shall be subject to an oak woodland in-lieu mitigation fee of \$5,568.00. This fee will be due and payable prior to approval of project improvement plans.

4.0 PARCEL MAP FINDINGS

4.1 The proposed tentative map, including design and improvements, is consistent with the General Plan.

Rationale: The project proposes to create four parcels from an approximate 5.0-acre parcel. Resulting lot sizes would range from approximately 1.20 acres (52,272 square feet) to 1.29 acres (56,192 square feet). The project parcel is located in the Cameron Park Community Region and the parcel's General Plan Land Use Designation is High Density Residential (HDR). The proposed Parcel Map has been found consistent with all applicable General Plan policies as set forth in Finding 2.2.

4.2 The proposed Parcel Map conforms to the applicable standards and requirements of the County zoning regulations and Minor Land Division Ordinance.

Rationale: The proposed parcels have been analyzed and conditioned in accordance with the Residential, Single-Unit (R1) Zone and will comply with all applicable development standards for new lots in that zone. As proposed and conditioned, the Parcel Map conforms to the Minor Land Division Ordinance.

4.3 The site is physically suitable for the proposed type and density of development.

Rationale: The project is consistent with the allowed uses and density requirements of the Residential, Single-Unit (R1) Zone. As proposed and conditioned, the proposed parcels will meet the required minimum lot size, lot width, and building density requirements of the R1 Zone District.

4.4 The proposed subdivision is not likely to cause substantial environmental damage.

Rationale: The project has been found Categorical Exempt pursuant to Section 15315 (Minor Land Divisions) of the CEQA Guidelines. The proposed tentative parcel map will not result in substantial environmental damage and is consistent with existing and planned development in the Cameron Park Community Region.

CONDITIONS OF APPROVAL

Tentative Parcel Map P18-0013/Portico Estates Zoning Administrator/November 6, 2019

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 G.....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:

This project is a request for a Tentative Parcel Map to create four parcels of 1.29 acres, 1.20 acres, 1.21 acres and 1.22 acres in size from an approximate 5.0-acre parcel. Fire and vehicular access to the proposed parcels will be provided via an existing paved 32-foot non-exclusive road easement from the north side of Cayente Way, a County-maintained roadway. Proposed Parcel 1 is currently developed with a single family dwelling unit with full utilities including water and sewer by the El Dorado Irrigation District (EID) and electricity by Pacific Gas and Electric (PG&E).

Proposed Parcels 2, 3 and 4 will be required to connect to existing EID water service. As public sewer service is not feasible for proposed Parcels 2, 3 and 4, those parcels will be required to develop onsite septic systems to the satisfaction of the County Environmental Management Department. Electric service will be provided to proposed Parcels 2, 3 and 4 by PG&E.

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.

Planning Services Division

2. **Permit Time Limits:** Tentative Parcel Map P18-0013 shall expire 36 months from the date of approval unless a timely extension has been filed consistent with Section 120.74.020 (Expiration Period of Approved or Conditionally Approved Maps) of the Subdivision Ordinance.

3. Prior to filing the final parcel map, the applicant shall withdraw the previously approved Tentative Map TM07-1433.
4. After recordation of the final parcel map, previously approved Tentative Subdivision Map under file number TM07-1433 shall be deemed withdrawn and previous approvals shall be deemed null and void.
5. **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 the 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.

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. **Oak Resources Conservation; In-Lieu Fee Payment:** The applicant shall mitigate for impacts to oak resources via payment of the required in-lieu fee as identified in the ORMP. Based on arborist documentation submitted on September 24, 2019, the project would remove 0.7 acres of oak woodland and the required project oak woodland in-lieu fee is \$5,568.00. This fee shall be submitted to Planning Services prior to approval of subdivision improvement plans.

El Dorado County Department of Transportation (DOT):

Project-Specific Conditions:

8. **On-Site Road Improvements:** Construct the on-site roadway as indicated on the tentative parcel map.
9. **Encroachment Permit(s):** Obtain an encroachment permit from DOT and construct the roadway encroachment from Veld Way onto Cayente Way to the provisions of County *Standard Plan 103C*.

Off-site Improvements (Acquisition):

10. The Project may be required to construct off-site improvements. If the Developer does not secure, or cannot secure sufficient title or interest for lands where said off-site improvements are required, and prior to filing of any final or parcel map, enter into an agreement with the County pursuant to Government Code Section 66462.5. The agreement will allow the County to acquire the title or interests necessary to complete the required off-site improvements. The Form, Terms and Conditions of the agreement are subject to review and approval by County Counsel.

The agreement requires the Developer: pay all costs incurred by County associated with the acquisition of the title or interest; provide a cash deposit, letter of credit, or other securities acceptable to the County in an amount sufficient to pay such costs, including legal costs; If the costs of construction of the off-site improvements are not already contained in a Subdivision Improvement Agreement or Road Improvement Agreement, provide securities sufficient to complete the required improvements, including but not limited to, direct construction costs, construction management and surveying costs, inspection costs incurred by County, and a 20% contingency; provide a legal description and exhibit map for each title or interest necessary, prepared by a licensed Civil Engineer or Land Surveyor; provide an appraisal for each title or interest to be acquired, prepared by a certified appraiser; Approved improvement plans, specifications and contract documents of the off-site improvements, prepared by a Civil Engineer.

DOT Standard Conditions

11. **Maintenance Entity:** Prior to filing a final map, form an entity, or join an existing entity, for the maintenance of the private access roadway and drainage facilities. When joining an existing entity, amend and modify (as necessary) the existing entity to equitably incorporate maintenance of the Project improvements.
12. **Consistency with County Codes and Standards:** 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 by approved Design Waivers) from DOT and pay all applicable fees prior to filing of the final map. Ensure the project improvement plans and grading plans 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)*.
13. **Stormwater Management:** Construct post construction storm water mitigation measures to capture and treat the 85th percentile 24 hour storm event as outlined in the CA Phase II MS4 Permit and the County's West Slope Development and Redevelopment Standards and Post Construction Storm Water Plan. Show detention and/or retention facilities on the project improvement plans to fully mitigate any increased runoff peak flows and volumes in accordance with the County Drainage Manual. As an alternative to treating the entire project with a regional treatment system, the project may propose distributed source control measures to be constructed for the roadways, any other impervious surfaces and on each lot with the individual lot building permits to achieve the same effect. In which case, a deed restriction shall be recorded with the final map to ensure construction of individual lot source control measures.
14. **Geotechnical Report:** Prepare and submit a Geotechnical Report with the Project Grading or Improvement plans for review by the County Engineer. Incorporate the findings of the Report into Grading and Improvement Plans. The El Dorado County Grading Design Manual contains standards for content and scope of Geotechnical Reports, however, the County Engineer may require additional or specialized information.
15. **Water Quality Stamp:** Include a storm water quality message stamped into the concrete on new or reconstructed drainage inlets, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. Obtain approval of proposed message from County Engineer prior to construction.
16. **Regulatory Permits and Documents:** Incorporate all regulatory permits and agreements between the project and any State or Federal Agency into the Project Grading and Improvement Plans prior to the start of construction of improvements.

Grading or Improvement plans for any phase may be approved prior to obtaining regulatory permits or agreements for that phase, but grading/construction of improvements may not proceed until the appropriate permits or agreements are obtained and the grading/improvement plans reflect any necessary changes or modifications to reflect such permits or agreements.

Project conditions of approval shall be incorporated into the Project Improvement Plans when submitted for review.

17. **Electronic Documentation:** Upon completion of the required improvements, provide As-Built Plans to the County Engineer in TIFF format, and provide final Drainage and Geotechnical reports, and structural wall calculations to the County Engineer in PDF format.

Office of the County Surveyor

18. All survey monuments must be set prior to the filing the Parcel Map or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or the amount of bond or deposit shall be coordinated with the County Surveyors Office prior to the filing of the Parcel Map.
19. 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 the Surveyor's Office prior to filing the Parcel Map.
20. Situs addressing for the project shall be coordinated with the County Surveyors Office prior to filling the Final Map.
21. 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 PA 18-0013 by (that agency) have been satisfied."** The letter is to be sent to the County Surveyor and copied to the Applicant.

El Dorado County Air Quality Management District

22. Fugitive Dust: The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM₁₀) in the form of dust. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction if a Grading Permit is required from the Building Dept. (Rules 223 and 223.1)

23. Paving: Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
24. Painting/Coating: The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
25. Open Burning: Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire (Rule 300 Open Burning).
26. Construction Emissions: During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm> An applicability flow chart can be found here: http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf Questions on applicability should be directed to ARB at [1-866-634-3735](tel:1-866-634-3735). ARB is responsible for enforcement of this regulation.
27. Portable Equipment: All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (CARB). A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

El Dorado County Environmental Management Department

28. Prior to filing the final map, proposed parcels to be served by an onsite wastewater treatment system ("septic system") shall demonstrate a soil percolation rate of 120 minutes per inch or lower and must contain one or more dispersal areas meeting the minimum dispersal area requirements to the satisfaction of the Environmental Management Department, Environmental Health Division.
29. A test pit is required on each proposed parcel to be served by an onsite wastewater treatment system and a percolation test is required for each proposed dispersal area to the satisfaction of the Environmental Management Department, Environmental Health Division.

El Dorado Irrigation District

30. Proposed water lines and related facilities must be located within an easement accessible by conventional maintenance vehicles. When the water lines are within streets, they shall be located within the paved section of the roadway. No structures will be permitted within the easements of any existing or proposed facilities. The District must have unobstructed access to these easements at all times, and generally does not allow water or sewer facilities along lot lines.
31. Easements for any new District facilities constructed by this project must be granted to the District prior to District approval of water and/or sewer improvement plans, whether onsite or offsite. In addition, due to either nonexistent or prescriptive easements for some older facilities, any existing onsite District facilities that will remain in place after the development of this property must also have an easement granted to the District.
32. Prior to recordation of the final map, the applicant shall obtain a Meter Award Letter documenting establishment of water service for proposed Parcels 2, 3 and 4 to the satisfaction of the District. Typical Meter Award Letter requirements include:
 - a. A Facility Improvement Letter;
 - b. Extension of Facilities application and deposit;
 - c. Environmental documents (if required);
 - d. Agreements executed by the applicant approved and signed by EID;
 - e. Payment of the appropriate project fees and inspection estimate as determined by EID;
 - f. Land rights being or guaranteed to be conveyed to the District;
 - g. All Engineered Improvement Plans approved by the District Engineer;
 - h. Verification that all required improvements to provide services to the newly created lots have been constructed and accepted by EID or bonded for as determined by an approved Engineer's Cost Estimate;
 - i. Maintenance bonding requirements have been met;
 - j. Payment of all applicable water connection fees.

El Dorado County Fire Protection District

33. **Fire Flow:** The potable water system with the purpose of fire protection for this residential project shall provide a minimum fire flow of 1,500 gallons per minute at 20 psig residual with duration of two (2) hours. This requirement is based on a residential structure, Type V-B construction with a 50% reduction with the installation of a NFPA 13D sprinkler system. The structure shall have fire sprinklers installed in accordance with NFPA 13 and the Fire District requirements. This fire flow rate shall be in excess of the maximum daily consumption rate for this project. Prior to approval of project improvement plans, a set of engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire District for review and approval.

34. **Fire Hydrants:** This project requires the installation of three (3) Mueller Dry Barrel fire hydrants. The location of the fire hydrants shall be approved by the El Dorado County Fire Protection District prior to approval of project improvement plans.