

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



<b>Agenda of:</b>	December 16, 2020
<b>Item No.:</b>	7.a.
<b>Staff:</b>	Matthew Aselage

**TENTATIVE PARCEL MAP**

**FILE NUMBER:** P19-0007/Devlin

**APPLICANT/OWNER:** Michael and Shasta Devlin Trustee

**ENGINEER:** James Wilson, Site Consulting, Inc.

**REQUEST:** Tentative Parcel Map dividing a 39.5 acre property into three parcels ranging in size from 7.3 acres to 22.2 acres.

**LOCATION:** On the west side of Farish Road, approximately a half mile east of the intersection with Greenstone Road, in the El Dorado area, Supervisorial District 3 (Exhibit A).

**APN:** 319-190-036 (Exhibit B)

**ACREAGE:** 39.5 Acres

**GENERAL PLAN:** Low Density Residential-Important Biological Corridor (LDR-IBC) (Exhibit C)

**ZONING:** Residential Estate – 5 acre minimum (RE-5) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration prepared based on an Initial Study in accordance with the California Environmental Quality Act (CEQA) Guidelines (Exhibit G)

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

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff in accordance with the CEQA Guidelines;

2. Adopt the Mitigation Monitoring Reporting Program in accordance with CEQA Guidelines Section 15074(d), incorporated as Conditions of Approval; and
3. Approve Tentative Parcel Map P19-0007, based on the Findings and subject to the Conditions of Approval as presented.

## **EXECUTIVE SUMMARY**

Approval of Tentative Parcel Map P19-0007 would allow the subdivision of a 39.5-acre parcel into three parcels of approximately 7.3 acres (Lot 1), 10 acres (Lot 2) and 22.2 acres (Lot 3) (Exhibit F). The existing parcel is zoned Residential Estate - 5 (RE-5) consistent with the General Plan land use designation of Low Density Residential (LDR) with an Important Biological Corridor (-IBC) overlay. The resultant parcels meet the required development standards in the RE-5 zone including minimum lot size and lot width. No buildings are proposed to be built with this parcel map, but would result in the creation of lots for sale, leasing or financing. Staff has determined that the project is consistent with the General Plan LDR Land Use Designation and the RE-5 zone, as well as other applicable County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

## **OTHER PROJECT CONSIDERATIONS**

### **Important Biological Corridor (-IBC)**

The project parcel is mapped within an important biological corridor. This distinction requires completion of a biological resources technical report for all discretionary projects. This requirement has been sufficiently met by the applicant with the inclusion of a biological resources report completed by Ruth A. Wilson, a certified biologist, in July of 2019. The biological resources report details habitat for three species of special concern including Western pond turtle, Oak titmouse, and Wrentit. This report also details potential habitat for twenty-one species of special concern which were not specifically observed on site during on-site biological studies including the Western bumble bee, Coast horned lizard, Cooper's hawk, Grasshopper sparrow, Long-eared owl, Western burrowing owl, Lark sparrow, White-tailed kite, Merlin, Loggerhead shrike, Fox sparrow, Nuttall's woodpecker, Purple martin, Lawrence's goldfinch, Ringtail, Pallid bat, Townsend's big-eared bat, North American porcupine, Silver-haired bat, Hoary bat, and Yuma myotis bat. Flora observed on site includes Oak resources, Ponderosa pines, and annual grasses. Five potential protected species that may occur on site, but were not observed during on-site biological studies includes Pine Hill ceanothus, Red Hill soaproot, El Dorado bedstraw, Oval-leaved viburnum, and Big-scale balsamroot. Future development will be required to comply with pre-construction surveys to detect and protect any potential species existing on site.

## **BACKGROUND/HISTORY**

The project parcel is located in a less populated area to the west of the town of El Dorado. The portion of the project site which makes up proposed Parcel C had an approximately 1500 square

foot pre-1950's home which was demolished (Permit # -0307322, issued 2/26/2019) in 2019. There is an existing garage on the proposed Parcel C site which has been converted to an approximately 900 square foot residential home. Each proposed parcel has existing well water developments; however, only proposed Parcel C has a septic system. There have been no permits issued for this property since the February 2019 demolition permit was issued (Exhibit F).

## **EXISTING CONDITIONS/SITE CHARACTERISTICS**

The project parcel consists of approximately 39.5 acres. The site ranges in elevation from approximately 1500 feet above mean sea level to approximately 1650 feet. Proposed parcels A and B currently contain one well each, but neither has an existing leach field. Both parcels contain a small shed, but no other structures. Additionally, proposed parcels A and B are currently not served by a driveway; however, there is an existing dirt ranch road which runs from the Farish Road entry onto proposed parcel A and provides an exit along the northeast corner of proposed parcel B. Further, there are seasonal drainages spanning across both proposed parcels A and B which require a 50 foot minimum setback along with a pond existing on the northern adjoining property which requires a 100 foot minimum setback. Proposed parcel C contains a barn, three wells and one leach field, three sheds, one shop, and an approximately 900 square foot residence. Additionally, proposed parcel C contains a paved driveway connecting the home on site to Irish Port Lane as well as a dirt ranch road which connects the home on site to the shop on site. Further, a large portion of proposed parcel C contains wetlands which require a 50 foot minimum setback as well as a pond which requires a minimum 100 foot setback. The current parcel adjoins two County-maintained roadways, Farish Road along a portion of the southern property line of proposed parcel A, and Irish Port Lane along a portion of the southern property line of proposed parcel C. The neighboring properties are similarly zoned and designated as RE-5 (Exhibit D). Each of the adjacent properties have been developed residentially (Exhibit E).

## **PROJECT DESCRIPTION**

This project is a Tentative Parcel Map that would create three residential parcels of approximately 7.3 acres (Parcel A), 10 acres (Parcel B) and 22.2 acres (Parcel C) from an existing 39.5 acre parcel (Exhibit F). Fire and vehicular access to parcels A and B would be from Greenstone Road (a county-maintained road) via Farish Road (a private road), and parcel C has existing access from Davidson Road (a county-maintained road) via Irish Port Lane (a private road). Proposed off-site roadway improvements include the addition of six turnouts along Farish road between the entrance to Parcel A and the intersection with Greenstone Road. A hammerhead turnaround will be installed at the entrance to parcel A at the end of Farish Road-the driveway for parcel A will encroach onto Farish Road from this turnaround. The tentative parcel map provides possible house locations for parcels A and B. Based upon the possible house locations as shown on the tentative parcel map, access improvements will include one turnout along the private driveway in between the house site on parcel A and Farish Road and two turnouts along the existing dirt ranch road between the house site on parcel B and the Farish Road entrance. A turnaround will be installed at the entrance of parcel C. The actual extent of any grading, widening, or other improvements to existing roadways/driveways within the project area cannot be determined until the final siting of residences. However, the proposed residential

sites as depicted are consistent with all setback requirements, including wetland setbacks. The proposed parcels will be served by existing public utilities with the exception of water and sewer service. Water service will be provided via a well and sewage disposal will operate through a septic system. However, separate utility service and separate septic systems will be required for each parcel to the satisfaction of each utility provider.

## 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), 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 5.2.3.4 (Groundwater Systems), Policy 5.3.2.3 (Rural Sewage Disposal/Alternative Wastewater Systems), Policy 5.7.2.1 (Fire Protection in Rural Regions and Rural Centers), Policy 6.2.3.2 (Adequate Access for Emergencies), Policy 7.3.3.4 (Wetland Buffers), Policy 7.4.2.9 (Important Biological Corridor), Policy TC-Xd (Level of Service), Policy TC-Xe (Impact of Increased Project Trips), Policy TC-Xg (Developer's Responsibility for Transportation Improvements), and Policy TC-Xh (Traffic Impact Fees). 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 Estate (RE-5) and the project has been analyzed in accordance with all applicable development standards for this zone district. The parcel map identifies a range of setbacks for potential residences, with the shortest setback equaling 42 feet. Additionally, proposed wetland and riparian features setbacks exceed the minimum as required within zoning code standards. The setbacks on the map are consistent with the RE-5 zoning designation. The setbacks shown on the map do not create new setbacks and future development would be required to comply with standard RE-5 zoning setbacks (see Table 1). The proposed parcels meet the required minimum lot size and lot widths as illustrated in the table below and also described in the Findings.

**Table 1  
 Development Standards from Table  
 130.24.030(Residential Zones Development  
 Standards)**

Development Attribute	RE-5	Proposed Parcel A	Proposed Parcel B	Proposed Parcel C
Minimum Lot Size (in square feet)	5 acres	7.3 acres	10 acres	22.2
Minimum Lot Width (in feet)	100	Exceeds 100 feet	Exceeds 100 feet	Exceeds 100 feet
Setbacks (in feet)		No development is proposed as part of this proposal. However, all future development must comply with these zoning development standards. Additionally, the tentative map denotes pond setbacks as 105 feet and all other riparian features setbacks as 55 feet.		
Front	30			
Secondary Front	30			
Side	30			
Rear	30			
Pond	100			
Wetland, Streams, and Channels	50			

**AGENCY COMMENTS:**

The project was distributed to all applicable local, County and state agencies for review and comment. Comments were received from the Diamond Springs/El Dorado Fire Protection District, the El Dorado Irrigation District (EID), County Department of Transportation, and the County Environmental Management Department. None of these agencies expressed any issues or concerns regarding this project. These agencies provided standard conditions of approval which have been incorporated into the project.

**ENVIRONMENTAL REVIEW:**

Staff has prepared an Initial Study (Exhibit G). There is no substantial evidence that the proposed project would have a significant effect on the environment and a Mitigated Negative Declaration has been prepared. Pre-construction breeding bird surveys and riparian habitat and wetland protection mitigation measures have been placed as conditions for this project. The implementation of these mitigation measures will result in minimal removal of flora and no expected removal of fauna on site. Minimal removal of oak resources in addition to non-protected annual grass species will occur as part of this project. Future residential development will be required to comply with these mitigation measures.

The applicant shall submit to Planning Service a \$50.00 recording fee prior to filing of the Notice of Determination by the County. Please submit a check for the total amount to Planning Services and make the check payable to El Dorado County. No permits shall be issued until said fees are paid.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Findings  
Conditions of Approval

Exhibit A.....Location/Vicinity Map  
Exhibit B.....Assessor's Parcel Map  
Exhibit C.....General Plan Land Use Map  
Exhibit D.....Zoning Map  
Exhibit E.....Aerial Map  
Exhibit F.....Tentative Parcel Map  
Exhibit G.....Proposed Mitigated Negative Declaration and Initial  
Study

# **FINDINGS**

## **Tentative Parcel Map P19-0007/Devlin Zoning Administrator/December 16, 2020**

### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgement of the County and has been completed in compliance with the California Environmental Quality Act (CEQA) and is adequate for this proposal.
- 1.2 The Initial Study identified no significant impacts to the environment as a result of this project.
- 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 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 Low Density Residential (LDR) land use designation is to provide areas for the transition of land uses from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County. Lands designated as LDR can be located in Community Regions and in Rural Centers.

Rationale: The proposed Tentative Parcel Map is consistent with this policy. The site is within the Diamond Springs/El Dorado Community Region. The proposed project is compatible with the land use designation.

#### **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 2.2.5.21.**

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 project site has a single family residence located on proposed Parcel C. Proposed Parcels A and B are currently undeveloped. The adjoining properties are similarly zoned and designated as RE-5. Therefore, the project has been located and designed to be compatible with adjoining land uses.

**2.4 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 proposes to install a separate well and septic system for each parcel. A Report of Well Production dated January 3, 2019 and another dated May 29, 2019 identifies adequate well water availability. Further, an Onsite Wastewater Treatment Systems Report completed by Joe Norton (Professional Geologist #3784) identifies suitable areas- which exceed the required area- for sewage disposal per each proposed parcel.

**2.5 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: The project was reviewed by the Diamond Springs/El Dorado Fire Department, and the El Dorado Irrigation District (EID) for adequate public services capacity. The site will need installation of a water storage tank per each proposed parcel to meet the demands for domestic use and fire protection including both a residential fire sprinkler system and wildland fire suppression. The project, as conditioned, is consistent with this policy.

**2.6 The project is consistent with General Plan Policy 5.2.3.4.**

General Plan Policy 5.2.3.4 (Groundwater Systems) requires that all applications for divisions of land which rely on groundwater for domestic use, or any other type of use, shall demonstrate that groundwater is adequate as part of the review and approval process.

Rationale: Each of the proposed parcels contains existing wells for domestic water usage. Each parcel is consistent with the minimum five-acre parcel size to be served by a well. Adequate water supply has been demonstrated by the Well Production Reports submitted to the County Environmental Management Division.

**2.7 The project is consistent with General Plan Policy 5.3.2.3.**

General Plan Policy 5.3.2.3 (Rural Sewage Disposal/Alternative Wastewater Systems) requires the development of efficient and environmentally safe individual sewage disposal systems in rural areas.

Rationale: An “Onsite Wastewater Treatment Systems Report for Tentative Parcel Map” was drafted on May 10, 2019 by Joe Norton, a professional geologist. In this report, it stated that proposed Parcel C has an existing septic system. As for proposed Parcels A and B, it is concluded that the requirements of the El Dorado County Local Agency Management Plan and the Onsite Wastewater Treatment Systems Manual have been sufficiently met.

**2.8 The project is consistent with General Plan Policy 5.7.2.1.**

General Plan Policy 5.7.2.1 (Fire Protection in Rural Regions and Rural Centers) 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 Diamond Springs/El Dorado Fire Department currently provides fire protection service to the project site. The department has imposed standard conditions of approval to ensure adequate water supply, storage, conveyance and site access for fire protection remains adequate for each proposed parcel.

**2.9 The project is consistent with General Plan Policy 6.2.3.2.**

General Plan Policy 6.2.3.2 (Adequate Access for Emergencies) 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: Both Diamond Springs/El Dorado Fire Department and CALFIRE reviewed the application materials and will require additional site access or improvement to the existing roads. A Wildland Fire Safe Plan was prepared and approved for the project conditioning the project on roadway widths and turning radii, fire flow and sprinkler requirements, and vehicle ingress/egress. Compliance with these requirements will assure adequate emergency access and evacuation routes. The project is in compliance with this policy.

**2.10 The project is consistent with General Plan Policy 7.3.3.4.**

Policy 7.3.3.4 (Wetland Buffers) requires the application of a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands.

Rationale: A Wetland Delineation Report was completed for the subject property by Ruth Wilson, a professional biologist. This report identifies eight waters and seven wetlands. Each of these eight waters and seven wetlands are depicted on the proposed parcel map. In addition, the proposed parcel map depicts at least the correct minimum setbacks from each depicted water and wetland. Each of the three ponds- one of which exists entirely on site- are protected by a 105 foot setback. Each of the additional intermittent streams and wetlands are protected by a 55 foot setback.

**2.11 The project is consistent with General Plan Policy 7.4.2.9.**

Policy 7.4.2.9 (Important Biological Corridor) requires the applicant provide the County with a Biological Resources Technical Report to determine the presence of special-status biological resources that may be affected by the proposed project.

Rationale: A Biological Resources Report dated July 2019 was completed by Ruth Wilson, a qualified biologist. This report, in addition to a Wetland Delineation Report and an Oak Resources Technical Report provides an evaluation of expected biological impacts which satisfy this policy.

**2.12 The project is consistent with General Plan Policy TC-Xd.**

Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. LOS will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgement of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.”

Rationale: This project will not worsen LOS for any county-maintained road or state highway as defined by General Plan Policy TC-Xe.

**2.13 The project is consistent with General Plan Policy TC-Xe.**

For the purposes of this Transportation and Circulation Element, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- (1) A 2 percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily, or
- (2) The addition of 100 or more daily trips, or
- (3) The addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.

Rationale: This project will generate fewer than 10 trips in the peak hour, and fewer than 100 daily trips. The thresholds in criteria A, B, and C of this policy are not met.

**2.14 The project is consistent with General Plan Policy TC-Xg.**

Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. This policy shall remain in effect indefinitely unless amended by voters.

Rationale: This policy is not applicable as this project does not worsen traffic conditions.

**2.15 This project is consistent with General Plan Policy TC-Xh.**

All subdivisions shall be conditioned to pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision

Rationale: This project will pay Traffic Impact Mitigation fees at the time a building permit is issued.

**3.0 ZONING FINDINGS**

**3.1 The project is consistent with Section 130.23.030.**

Section 130.24.030 (Residential/RE-5 Zones Development Standards) prescribes site-specific development standards for new lots, allowed uses and associated structures within the RE-5 Zone District.

Rationale: The proposed parcels meet the required minimum lot size, and lot width as required in Section 130.24.030.

**3.2 The project is consistent with Section 130.30.050.G.**

Section 130.30.050.G (Protection of Wetlands and Sensitive Riparian Habitat) establishes standards for avoidance and minimization of impacts to wetlands and sensitive riparian habitats consistent with General Plan Policies 7.3.3.4, 7.4.2.5, and 7.4.2.8.

Rationale: A Biological Resources Report and a Wetland Delineation Report were completed in July of 2019 by Ruth A. Wilson, a professional biologist. The Wetland Delineation Report identifies a total of eight waters and seven wetlands existing entirely or partially on site. Mitigation measures outlined within the Biological Resources Report regarding potential development near these waters and wetlands include a 105 foot setback from perennial waters and 55 feet from intermittent or ephemeral waters and wetlands. These setbacks provide greater distance than required zoning development standards impose. This project is consistent with the General Plan as discussed in the General Plan Findings section above.

**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 three parcels from a 39.5-acre parcel. The resulting lots would be approximately 7.3 acres, 10 acres and 22.2 acres. The project parcel is in the Diamond Springs/El Dorado Community Region and the parcel's General Plan Land Use Designation is Low Density Residential Zone (LDR). 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 Low Density Residential Zone (LDR) 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 proposed density of development.**

Rationale: No additional development is proposed as part of this project. The existing single-family residence on site meets the type and density requirements of the Low Density Residential Zone (LDR). The proposed parcels, including existing structures/improvements, meet the required minimum lot size, lot width, and building setback standards of the LDR Zone District.

**4.4 The proposed subdivision is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.**

Rationale: An Initial Study – Mitigated Negative Declaration (Exhibit G) has been prepared for this project. After reviewing the reports prepared for the proposed Tentative Parcel Map, and with incorporation of recommended conditions and mitigation measures, it has been determined that the Tentative Parcel Map will not result in substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat and is consistent with existing and planned development in the Diamond Springs/El Dorado Community Region.

**4.5 The proposed subdivision is not likely to cause serious public health hazards.**

Rationale: The proposed subdivision has been reviewed for potential public health hazards. Each proposed parcel will meet the minimum 5-acre size requirement for parcels served by a well and a septic system. The project has been conditioned to mitigate any potential impacts associated with potential future residential development and occupancy including air quality, storm water management, and fire safety.

**4.6 The proposed subdivision design and improvements are suitable and in compliance with the requirements of Public Resources Code Section 4291.**

Rationale: A Wildland Fire Safe Plan was prepared for the project conditioning the project on roadway widths and turning radii, fire flow and sprinkler requirements, and vehicle ingress/egress. The Wildland Fire Safe Plan was approved by Kenneth Earle, DC, the Diamond Springs – El Dorado Fire Protection District, on June 27, 2019. Compliance with these requirements will assure compliance with the requirements of Public Resources Code Section 4291.

**4.7 The proposed design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.**

Rationale: There will be no changes to the currently existing 45 foot road and public utilities easement. However, proposed off-site road improvements along Farish Road include the expansion of the improved roadway surface to the entrance onto proposed Parcel A. The development activity as a result of the roadway expansion will occur entirely within the currently existing 45 foot road and public utilities easement.

# CONDITIONS OF APPROVAL

## **Tentative Parcel Map P19-0007/Devlin Zoning Administrator/December 16, 2020**

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 F.....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:

The project consists of a Tentative Parcel Map to subdivide a 37.45-acre parcel, into three parcels of approximately 7.30 acres (Parcel A), 10 acres (Parcel B) and 22.20 acres (Parcel C). Fire and vehicular access to proposed parcels A and B would be provided via an encroachment from Farish Road and to proposed parcel C would be provided via the current encroachment onto Irish Port Road. The proposed parcels will be served by public utilities, with the exception of on-site well water and septic sanitation. However, separate utility service will be required for each parcel to the satisfaction of each utility provider.

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.

### **Mitigated Negative Declaration**

2. **MM BIO-1 Pre-Construction Breeding Bird Surveys:** To comply with the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code, and to avoid and reduce direct and indirect impacts on migratory, non-game breeding birds and their nests, young, and eggs to less than significant levels, the following measures would be implemented:
  - a. Project activities that would remove or disturb potential nest sites shall be scheduled outside the breeding bird season, if feasible. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions.

- b. If project activities that would remove or disturb potential nest sites cannot be avoided during February 15 through September 15, a qualified biologist shall conduct a pre-construction clearance and nesting bird survey to search for all potential nesting areas, breeding birds, and active nests or nest sites within the limits of project disturbance up to 30 days prior to mobilization, staging, and other disturbances.
  - c. If no breeding birds or active nests are observed during the pre-construction survey(s), or if they are observed and would not be disturbed, then project activities may begin and no further mitigation would be required.
  - d. If a breeding bird territory or active bird nest is located during the pre-construction survey and potentially would be disturbed, a no-activity buffer zone shall be delineated on maps and marked (flagging or other means) up to 500 feet for special-status avian species or raptors, or 100 feet for non-special status avian species. The limits of the buffer shall be demarcated so as not to provide a specific indicator of the location of the nest to predators or people. Materials used to demarcate the nests shall be removed as soon as work is complete or the fledglings have left the nest. The biologist shall determine the appropriate size of the buffer zone based on the type of activities planned near the nest and bird species because some bird species are more tolerant than others to noise and other disturbances. The nest and buffer zone shall be field-checked weekly by a qualified biologist. The nest and buffer zone shall not be disturbed until the biologist has determined that the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young would no longer be impacted by project activities.
3. **MM BIO-2 Riparian Habitat and Wetland Protection:** The following setbacks from riparian features must be implemented.
  - a. A 55-foot setback from the ephemeral drainages shall be shown prior to recordation of the final map;
  - b. A 55-foot setback from all wetlands shall be shown prior to recordation of the final map;
  - c. A 105-foot setback from all perennial ponds shall be shown prior to recordation of the final map.
4. **MM CUL-1 Discovery of Historic or Archeological Finds:** If, during the course of construction activities within the project area, a previously unidentified or subsurface archaeological site or feature is discovered, work should stop at that location and a qualified cultural resource professional should be contacted to examine the discovery and determine its significance.

## Planning Services

5. **Permit Time Limits:** This Tentative Parcel Map 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.
6. **Notice of Exemption (NOE) Recording Fee:** The applicant shall submit to the Planning Services Division a \$50.00 recording fee for the County Recorder to file the Notice of Exemption. Checks shall be payable to El Dorado County. No permits shall be issued or parcel map filed until said fees are paid.
7. **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.

8. **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.

### **Office of the County Surveyor**

9. All survey monuments shall be set prior to filing the Parcel Map.
10. Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed conditions on the map. The letter shall state that “all conditions placed on P19-0007 by (that agency) have been satisfied.” The letter is to be sent to the County Surveyor and copied to the consultant and applicant.

### **El Dorado-Diamond Springs Fire Department**

11. **Gates:** All residential gates must be inset from the roadway at least 30’ and be 2’ wider than the driveway. Gates may be required to have an automatic opener that meets the specifications of El Dorado County Regional Fire Protection Standard B-002.
12. **Fire Flow Improvements:** Each new residence shall have a water storage tank to meet the demands for domestic use and fire protection including the residential fire sprinkler system and wildland fire suppression. Tank size will be determined at the building permit stage.
13. **Fire Service Components:** Any Fire Department Connection (FDC) to the sprinkler system and all Fire Hydrant(s) outlets shall be positioned so as not to be obstructed by a parked vehicle. All FDC’s and postindicator valves shall have signage affixed to them indicating the building they serve. There shall be one (1) fire service component set per building. Conformance with this condition shall be verified during review of the improvement plans.
14. **Roadways:** Roadways shall be designed to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide all-weather driving conditions. All-weather surfaces shall be asphalt, concrete or other approved driving surface. The project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction. All roadways shall meet El Dorado County DOT and CA Fire Code requirements.
15. **Roadway Grades:** The grade for all roads, streets, private lanes and driveways shall not exceed 16 percent.

16. **Traffic Calming:** This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway. All other proposed traffic calming devices shall require approval by the fire code official.
17. **Turning Radius:** The required turning radius of a fire apparatus access road/driveway is 40 feet inside and 56 feet outside. Any deviations from these requirements shall be determined by the fire code official.
18. **Fire Access During Construction:** To the satisfaction of the Fire Department, all access roadways and fire suppression water storage tanks shall be installed and in service prior to combustibles being brought onto the site.
19. **Fire Department Access:** Approved fire apparatus access roads and driveways shall be provided for every facility, building, or portion of a building. The fire apparatus access roads and driveways shall comply with the requirements of Section 503 of the Diamond Springs El Dorado Fire Protection District as well as State Fire Safe Regulations including the following:
  - a. Each dead-end road shall have a turnaround constructed at its terminus.
  - b. The fire apparatus access roads and driveways shall extend to within 150 feet of all portions of each facility and all portions of the exterior of the first story of the building as measured by an approved route around the exterior of the building or facility.
  - c. Driveways and roadways shall have an unobstructed vertical clearance of 15' and a horizontal clearance providing a minimum 2' on each side of the required driveway or roadway width. There must be at least 24' (20' road and 2' shoulder each side) of clearance across the access roadway. Allowances may be made to allow turnouts every 400' instead of two 10' traffic lanes.
20. **Fencing:** Any lots that back up to wildland open space shall be required to use non-combustible type fencing. Conformance with this condition shall be verified during review of the improvement plans.
21. **Setbacks:** All parcels shall conform to State Fire Regulations requirement for 30 foot setbacks for buildings and accessory buildings from all property lines.
22. **Wildland Fire Safe Plan:** The Wildfire Safe Plan shall be implemented and maintained per the Fire Department's approval that said plan complies with the State Fire Safe Regulations.

23. **Vegetative Fire Clearances:** Prior to June 1st each year, there shall be vegetation clearance around all Emergency Vehicle Access, buildings, up to the property line as stated in Public Resources Code Section 4291, Title 19 as referenced in the CA Fire Code. Conformance with this condition shall be verified during review of the improvement plans.
24. **Addressing:** Approved numbers or addresses shall be provided for all new and existing residential buildings in such a position as to be visible and legible from the street or road fronting the property.

### **Department of Transportation**

25. **Regulatory Permits and Documents:** All regulatory permits and agreements between the project and any State or Federal Agency shall be incorporated into the Project Grading and Improvement Plans prior to the start of construction 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 and 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.
26. **Storm Water Management:** This project must comply with the West Slope Development and Redevelopment Standards and Post Construction Storm Water Plan.