

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



Agenda of:	November 18, 2020
Item No.:	5.a.
Staff:	Bianca Dinkler

TENTATIVE PARCEL MAP

FILE NUMBER: P20-0001/Sunshine Ranch

APPLICANT: Brian Allen/CTA Engineering & Surveying

OWNER: David S. Helwig/Helwig Vineyards LLC

REQUEST: Tentative Parcel Map to subdivide a 166.83 acre parcel into two parcels of 59.90 acres (Parcel 1) and 106.93 acres (Parcel 2).

LOCATION: Located on north and the south side of Bailey Way, at the intersection with D'Agostini Drive, in the Mount Aukum area, Supervisorial District 2. (Exhibits A, B, C)

APN: 046-071-040 (Exhibit D)

ACREAGE: 166.83 Acres

GENERAL PLAN: Natural Resources (NR)/Agricultural Lands (AL) (Exhibit E)

ZONING: Planned Agricultural Twenty-Acre (PA-20)/Limited Agricultural Forty-Acre (LA-40) (Exhibit F)

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

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 the CEQA Guidelines Section 15074(d), incorporated as Conditions of Approval; and
3. Approve Tentative Parcel Map P20-0001, based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of Tentative Parcel Map P20-0001 would allow the subdivision of a 166.83 acre parcel into two residential parcels ranging in size from 59.90 acres (Parcel 1) and 106.93 acres (Parcel 2) (Exhibit G). The subject parcel is zoned Planned Agricultural Twenty-Acre (PA-20)/Limited Agricultural Forty-Acre (LA-40) and has a General Plan Land Use Designation of Natural Resources (NR)/Agricultural Lands (AL). All proposed parcels will meet the required development standards for the Planned Agricultural Twenty-Acre (PA-20)/Limited Agricultural Forty-Acre (LA-40) zone including minimum lot size and lot width. Staff has determined that the project is consistent with applicable County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

EXISTING CONDITIONS/SITE CHARACTERISTICS

The project site is 166.83 acres and developed with a single-family dwelling on Parcel 1 and a proposed single-family dwelling on Parcel 2. The property is developed with an established vineyard, Helwig Vineyards. The site elevation is approximately 1,360 feet to 1,840 feet above mean sea level and the topography has moderate to steep slopes. Access to Parcel 1 is from an existing private driveway off of Bailey Way; access to Parcel 2 would be from private driveway off of Big Horn Court. The South Fork of the Cosumnes River runs along the southern boundary of the property. The south property line is adjacent to Amador County. There are four soil types present on-site: Ahwahnee very rocky coarse sandy loam, 30-50 percent slopes; Sierra rocky sandy loam, 5 to 15 percent slopes (SgC); Sierra very rocky sandy loam, 15 to 30 percent slopes (ShD); and Sierra very rocky sandy loam, 30-50 percent slopes (ShE). The parcel is not located within a Rare Plant Mitigation area. Based on results of the Wetlands and Biological Resources Assessment prepared by Barnett Environmental February 4, 2020, wetlands and other waters of 0.276 acres (Flat Creek) were mapped within the Study Area. The tributary of Flat Creek flows east to west through the north-central portion of the property and forms the northern boundary of the 10-acre site planned for residential development and ranges in width from six to eight feet. The stream has moderately steep gradient with a channel dominated by boulders, cobbles with occasional shallow lenses of sand and gravel. Vegetation on site varies. The northern 56.6 acres is predominantly vineyards interspersed with mixed hardwood conifer woodland containing interior live and black oaks, conifers such as Ponderosa pine, and incense cedar. The approximately ten acre central portion of the parcel targeted for single-family residential development has been cleared of most gray/ghost and Ponderosa pine trees by the time of survey with a few remaining large interior live and black oaks. The southwest 55.9 acres of the property support mixed hardwood conifer woodland with no shrub understory and limited herbaceous groundcover. The dominant over story species is black oak, interior live oaks, occasional Ponderosa pine and gray/ghost pine trees with some buckeye. Special Status Plants and Wildlife include Brandagee's Clarkia, a small herbaceous annual with pink to purple flowers. The plant

species was not observed during the November 2019 site survey and has a very low potential to occur within the Study Area. The predominant hardwood conifer and riparian habitats (within deeper ravines within the Study Area) have a high wildlife value and provide cover, nesting habitat, and foraging habitat for many species. Special Status Species that have potential to occur but are not known to occur within the Study Area include: California red legged frog, California yellow legged frog, Western Pond Turtle, and Great Grey Owl. Although there is low potential of presence of these species, a mitigation measure is included to require a preconstruction survey, as recommended in the Wetlands & Biological Resources Assessment. The recommended mitigation measure contained within the Initial Study prepared for the project (Exhibit Q) is included as exhibits with this staff report. The adjacent-neighboring parcels are developed with residential and agricultural uses and are similarly zoned Planned Agricultural Twenty-Acre (PA-20)/Limited Agricultural Forty-Acre (LA-40) and has a General Plan Land Use Designation of Natural Resources (NR)/Agricultural Lands (AL).

PROJECT DESCRIPTION

A request for a Tentative Parcel Map to subdivide a 166.83 acre parcel into two parcels of 59.90 acres (Parcel 1) and 106.93 acres (Parcel 2) (Exhibit G). The property is developed with an existing single-family dwelling on Parcel 1 and a proposed single-family dwelling on Parcel 2. Access to Parcel 1 would be from a private driveway off of Bailey Way; access to Parcel 2 would be from a private driveway off of Big Horn Court. Parcel 1 has its own existing onsite wastewater treatment system and private well; Parcel 2 would develop its own onsite wastewater treatment system and private well. Electricity/utilities services would be provided by connection to Pacific Gas & Electric (PG&E). Any future development would be reviewed at time of building permit submittal. An Arborist Report was prepared for the project by California Tree and Landscape Consulting, Inc., January 15, 2020 (Exhibit N). No oak woodlands, individual native oak trees, or heritage trees, as defined in Section 130.39.030, have been identified to be impacted or removed as a result of the proposed project. Any future tree removal would require compliance with the Oak Resources Conservation Ordinance of Section 130.39.070.C (Oak Tree and Oak Woodland Removal Permits) and would be reviewed at time of future building permit submittal.

ANALYSIS

General Plan Consistency: The project is consistent with all applicable General Plan policies including: Policy 2.2.1.2 (Natural Resources (NR)/Agricultural Lands (AL) Land Use Designation), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.21 (compatibility with adjoining land uses), Policies TC-Xa through TC-Xi (Transportation and Circulation Element), Policy 5.1.2.2 (Table 5-1 Minimum Levels of Service/private wells), Policy 5.2.1.2 (adequate quantity and quality of water for all uses, including fire protection), Policy 5.7.2.1 (fire protection in Rural Regions), Policy 6.2.3.1 (adequate fire protection), and Policy 7.4.4.4 (reducing impacts to oak resources). Further analysis of each policy is discussed in the Findings section below.

Zoning Ordinance Consistency: Staff has determined that the proposed project, as conditioned, is consistent with all applicable standards and requirements of Title 130 of the County Zoning Ordinance. The project parcel is zoned Planned Agricultural Twenty-Acre (PA-20)/Limited Agricultural Forty-Acre (LA-40) and the project has been analyzed in accordance with all applicable development standards for this zone district. As conditioned, the proposed parcels will conform to 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.

Table 130.21.030 - Agricultural, Rural, and Resource Zone Development Standards

Development Attribute	LA	PA	Parcel 1	Parcel 2 <small>*Split zoned PA-20 and LA-40, resulting parcel meets minimum lot size</small>
Minimum Lot Size	10 acres or as designated	10 acres or as designated	59.90 Acres	106.93 Acres
Setbacks (in feet) Agricultural (ag) structure, Front, secondary front, sides, rear	50	50	50+	50+
Non-ag structure, Front, secondary front, sides, rear	30	30	30+	30+
Building Height: (in feet) Ag structure	50	50	No ag structures proposed	No ag structures proposed
Non-ag structure	45	45	No non-ag structures proposed	Proposed residence will meet this requirement
Lot Frontage (in feet)	200	150	200+	200+

Consistency with the 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/CONDITIONS OF APPROVAL

The project was distributed to all applicable local, County and state agencies for review and comment. Comments were received from the County Department of Transportation, County Environmental Management Department, County Surveyor's Office, and the El Dorado Irrigation District. All agencies that recommended conditions have been incorporated into the project as applicable.

PUBLIC OUTREACH

No formal public outreach was conducted as a public outreach plan is not required for the 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 sent to the County 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

Staff has prepared an Initial Study (Exhibit Q). 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. Mitigation Measure BIO-1 would protect any possible future impact to biological resources, specifically special status species plants and wildlife.

The applicant shall submit to Planning Services a \$50.00 recording fee and the current Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. Please submit 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 Map
Exhibit B.....	Vicinity Map
Exhibit C.....	Site Aerial Map
Exhibit D.....	Assessor's Parcel Page
Exhibit E.....	General Plan Land Use Map
Exhibit F.....	Zoning Map
Exhibit G.....	Tentative Parcel Map
Exhibit H.....	Aerial Site Map
Exhibit I.....	Comments, Wilton Rancheria
Exhibit J.....	Comments, Department of Transportation
Exhibit K.....	Comments, Environmental Management Department
Exhibit L.....	Comments, County Surveyor
Exhibit M.....	Comments, PG&E
Exhibit N.....	Arborist Report
Exhibit O.....	Geotechnical Engineering Study
Exhibit P.....	Wetlands & Biological Resources Assessment
Exhibit Q.....	Proposed Mitigated Negative Declaration and Initial Study

FINDINGS

Tentative Parcel Map P20-0001/Sunshine Ranch Zoning Administrator/November 18, 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 CEQA and is adequate for this proposal.
- 1.2 No significant impacts to the environment as a result of this project were identified in the Initial Study.
- 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 the purpose of the Natural Resource (NR) designation is to identify areas that contain economically viable natural resources and to protect the economic viability of those resources and those engaged in harvesting/processing of those resources including water resources development from interests that are in opposition to the managed conservation and economic, beneficial use of those resources. The important natural resources of the County include forested areas, mineral resources, important watershed, lakes and ponds, river corridors, grazing lands, and areas where the encroachment of development would compromise these natural resource values. Land under both public and private ownership that contain these resources, including wilderness areas and other lands managed for resource values and multiple use, are included in this category. This designation shall be applied to those lands which are 40 acres or larger in size and contain one or more important natural resource. Compatible uses on private land may include agriculture, rangeland, forestry, wildlife management, recreation, water resources development, and support single-family dwellings. The maximum allowable density for this designation is one dwelling unit per 160 acres or larger outside the National Forest Service lands and within “timber production” areas and one dwelling unit per 40 acres within river canyons outside of the “timber production” areas. This designation is considered appropriate only in the Rural Regions. Isolated parcels outside the National Forest Service lands and below 3,000 feet elevation may be exempt from the one dwelling unit per 160 acre parcel size. If it is determined that such lands are unsuitable for “timber production,” one dwelling unit per 40 acres maximum density can be considered. Any modifications of this land use designation shall require one of the following findings: (1) No important natural resource exists on the property; or (2) If a project is proposed, it will significantly enhance the long-term production and preservation of the on-site resources through the application of development strategies such as fuels management plans, timber management plans, self-imposed setbacks buffers, and open space; and the Agricultural Lands (AL) designation is applied to lands described in Policy 8.1.1.8. A maximum of two residential dwellings used to support the agricultural use are allowed. The AL designation may be applied in Rural Regions only.

Rationale: Policy 2.2.1.2 establishes the maximum allowable density for Natural Lands (NR), and Agricultural Lands (AL). The proposed parcel sizes would range from 59.90 acres (Parcel 1) and currently is developed with one single-family dwelling; and 106.93 acres (Parcel 2) with a proposed future single-family dwelling, which meets the allowed densities. 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 analyzed the project proposal for consistency with applicable General Plan policies as discussed in the General Plan discussion in the staff report. The project is consistent 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 proposed Tentative Parcel Map would create two new residential lots compatible in size and character to the existing residential parcels surrounding the project site. Adjacent properties to the north, east, south, and west are similarly zoned Planned Agricultural Twenty-Acre (PA-20)/Limited Agricultural Forty-Acre (LA-40) and General Plan Land Use Designation of Natural Resources (NR)/Agricultural Lands (AL). The project is consistent with this policy.

2.4 General Plan Policy TC-Xa does not apply to the project.

- (1) Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service F (gridlock, stop-and go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange, or intersection in the unincorporated areas of the County.

Rationale: The project would create two residential parcels; therefore this policy does not apply.

- (2) The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original table TC-2, of the 2004 General Plan that are allowed to operate at a Level of Service F without first getting the voter's approval.

Rationale: This is not applicable as the Project not requesting any modifications to Table TC-2.

- (3) Intentionally blank as noted in the General Plan.

- (4) Intentionally blank as noted in the General Plan.

- (5) The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

Rationale: This is not applicable as the Project is not requesting the County create an Infrastructure Financing District.

- (6) Intentionally blank as noted in the General Plan.

(7) Before giving approval of any kind to a residential development project of five or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Rationale: The project would create two residential parcels; therefore this policy does not apply.

2.5 General Plan Policy TC-Xb does not apply to the project.

Policy TC-Xb ensures that potential development in the County does not exceed available roadway capacity.

Rationale: This policy is not applicable as this policy refers to the County preparing a Capital Improvement Program (CIP), preparing a Traffic Impact Mitigation (TIM) Fee Program, and monitoring traffic volumes.

2.6 General Plan Policy TC-Xc does not apply to the project.

Policy TC-Xc directs that developer paid traffic impact fees combined with any other available funds shall pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development.

Rationale: This policy is not applicable as this policy directs how the County will pay for building the necessary road capacity.

2.7 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 (as defined by General Plan Policy TC-Xe) LOS for any County-maintained road or state highway.

2.8 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:

- A. A 2 percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily;
or
- B. The addition of 100 or more daily, or
- C. 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 project is consistent with this policy.

2.9 General Plan Policy TC-Xf does not apply to the project.

At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County’s 10-year CIP.

At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County’s 10-year CIP.

Rationale: The project would create two residential parcels and will not worsen traffic on the County road system. Therefore this policy does not apply.

2.10 General Plan Policy TC-Xg does not apply to the project.

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 the project does not worsen traffic conditions.

2.11 The 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 would pay TIM fees at the time a building permit is issued.

2.12 General Plan Policy TC-Xi does not apply to the project.

General Plan Policy TC-Xi directs the County to coordinate and work with other agencies to plan for the widening of U.S. Highway 50.

Rationale: This policy is not applicable to the project as it is direction to the County to coordinate with other agencies.

2.13 The project is consistent with General Plan Policy 5.1.2.2.

General Plan Policy 5.1.2.2 states that provision of public services to new discretionary development shall not result in a reduction of service below minimum established standards to current users, pursuant to Table 5-1. As shown in Table 5-1 - Minimum Levels of Service, the levels of service for private wells shall be reviewed by Environmental Management.

Rationale: The project was reviewed by the County Environmental Management Department. The proposed parcels meet the El Dorado County Local Agency Management Plan (LAMP) requirements for land divisions of parcels served by an onsite wastewater treatment system. Each parcel has confirmed adequate soil depth, a soil percolation rate below 120 minutes per inch, and a dispersal area identified. Adequate well water supply is available for both parcels. The project is consistent with this policy.

2.14 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, shall be provided for with discretionary development.

Rationale: The project was reviewed by the County Environmental Management Department. Adequate well water supply is available for both parcels. The Pioneer Fire Protection District and El Dorado County Fire Protection District reviewed the project but did not provide any comments or concerns. Standard conditions of approval 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. The project is consistent with this policy.

2.15 The project is consistent with General Plan Policy 5.7.2.1.

General Plan Policy 5.7.2.1 requires that prior to approval of new development the responsible fire protection district shall be requested to review all applications to determine the ability of the district to provide protection services. The ability to provide fire protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as conditions of approval.

Rationale: The Pioneer Fire Protection District and the El Dorado County Fire Protection District reviewed the project but did not provide any comments or concerns. Standard conditions of approval 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. The project is consistent with this policy.

2.16 The project is consistent with General Plan Policy 6.2.3.1.

Policy 6.2.3.1 as a requirement for approving new development, the County must find, based on information provided by the applicant and the responsible fire protection district that, concurrent with development, adequate emergency water flow, fire access, and firefighting personnel and equipment will be available in accordance with applicable State and local fire district standards.

Rationale: The Pioneer Fire Protection District and the El Dorado County Fire Protection District reviewed the project but did not provide any comments or concerns. Standard conditions have been incorporated into the project to ensure conformance Fire Safe Regulations, Public Resources Code § 4291 and weed abatement, which requires annual defensible space be provided around all structures in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, or any land that is covered with flammable material. This ensures adequate emergency water flow, fire access, and firefighting personnel and equipment available to the proposed parcels. As conditioned the project is consistent with this policy.

2.17 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: No trees are proposed for removal as a result of the project. Any future impacts to oak trees from residential development after recordation of the new parcels would be mitigated as part of future building and/or grading permit review. The project is consistent with this policy.

3.0 ZONING FINDINGS

3.1 The project is consistent with Table 130.21.010 (Agricultural, Rural, and Resource Zones Development Standards).

Zoning Ordinance Table 130.21.010 (Agricultural, Rural, and Resource Zones Development Standards) prescribes site-specific development standards required within the Planned Agricultural (PA) and Limited Agricultural (LA) Zone Districts. The **PA**, Planned Agricultural Zone, applies to the development of agricultural enterprises and uses whether encumbered by a farmland conservation contract or not. This zone shall be utilized to identify those lands most capable of supporting horticulture, aquaculture, ranching, and grazing, based on existing use, soil type, water availability, topography, and similar factors. Agricultural enterprise is intended to be the primary use of these lands, but compatible commercial uses, as listed in Table 130.21.020 (Agricultural, Rural, and Resource Zone Districts Use Matrix) below in this Chapter, may also be allowed in compliance with the provisions of this Chapter. Minimum lot size designators shall be applied to this zone based on commodity type, soil type, surrounding uses, and other appropriate factors. The designator shall represent the number of acres and shall be in the following increments: 10, 20, 40, 80, and 160; and the **LA**, Limited Agricultural Zone, applies to the development of agricultural enterprises and uses, whether encumbered by a farmland conservation contract or not. This zone shall be utilized to identify those lands most capable of supporting horticulture, aquaculture, ranching, and grazing, based on existing use, soil type, water availability, topography, and similar factors. The LA zone is distinguished from the PA zone in that it provides limited opportunities for ranch marketing and commercial winery uses, and shall generally be applied where those more intensive commercial uses may be undesirable. Minimum lot size designators shall be applied to this zone based on commodity type, soil type, surrounding uses, and other appropriate factors. The designator shall represent the number of acres and shall be in the following increments: 10, 20, 40, 80, and 160.

Rationale: The project site is zoned Planned Agricultural Twenty-Acre (PA-20)/Limited Agricultural Forty-Acre (LA-40). The proposed Tentative Parcel Map would create two parcels of 59.90 acres (Parcel 1) and 106.93 acres (Parcel 2). Parcel 2 would have split zoning of PA-20 and LA-40

however would meet the required minimum parcel size. Both parcels meet the required minimum lot size, lot width, and building density requirements required in Table 130.21.030 - Agricultural, Rural, and Resource Zones Development Standards.

3.2 The project is consistent with Section 130.30.050 G. (Protection of Wetlands and Sensitive Riparian Habitat)

Rationale: A 25-foot setback from the stream (Flat Creek) and a 100-foot setback from the South Fork of the Cosumnes River would be required (reference Table 130.30.050 H.1). The existing residential development on Parcel 1 and proposed building site on Parcel 2 is located at an adequate distance and there would be no disturbance to these natural features. As conditioned the project is consistent with 130.30.050 G.

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

Rationale: Based on review of the Arborist Report (California Tree and Landscape Consulting, Inc., January 15, 2020) no trees are proposed for removal at this time. Future residential development could propose oak tree removal and review of such a proposal and payment of an oak woodland in-lieu mitigation fee would be applied at time of future building permit issuance. The project is consistent with Chapter 130.39.

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 two parcels of 59.90 acres (Parcel 1) and 106.93 acres (Parcel 2). The property has a General Plan Land Use Designation of Natural Resources (NR)/Agricultural Lands (AL). The proposed Tentative Parcel Map has been found to be consistent with all applicable General Plan policies as discussed in the General Plan Findings section above.

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 Planned Agricultural Twenty-Acre (PA-20)/Limited Agricultural Forty-Acre (LA-40) Zone and will comply with all applicable development standards for new lots in the zone. As proposed and conditioned, the Tentative 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 Planned Agricultural Twenty-Acre (PA-20)/Limited Agricultural Forty-Acre (LA-40) Zone. As proposed and conditioned, the proposed parcels will meet the required minimum lot size, lot width, and building density requirements of the Planned Agricultural Twenty-Acre (PA-20)/Limited Agricultural Forty-Acre (LA-40).

4.4 **The proposed Parcel Map conforms to Subdivision Ordinance Section 120.44.030.**

Rationale: Section 120.44.030 *Findings requiring disapproval*. The approving authority shall not approve a tentative map of the approving authority makes any of the following findings:

- A. That the proposed map is not consistent with applicable general and specific plans;
- B. That the design or improvement of the proposed division is not consistent with applicable general and specific plans;
- C. That the site is not physically suitable for this type of development;
- D. That the site is not physically suitable for the proposed density of development;
- E. That the design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;
- F. That the design of the division or the type of improvements is likely to cause serious public health hazards;
- G. That the design of the division or the improvements are not suitable to allow for compliance of the requirements of Public Resources Code § 4291;
- H. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the approving authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Conclusion: The proposed Tentative Parcel Map does not conflict with any of the findings listed above A. - H. and therefore the proposed project is consistent with Section 120.44.030.

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

Rationale: An Initial Study - Mitigated Negative Declaration (Exhibit Q) has been prepared for the 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. The project is compatible with the residential development of the area.

CONDITIONS OF APPROVAL

**Tentative Parcel Map P20-0001/Sunshine Ranch
Zoning Administrator/November 18, 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 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:

A request for a Tentative Parcel Map to subdivide a 166.83 acre parcel into two parcels of 59.90 acres (Parcel 1) and 106.93 acres (Parcel 2). The property is developed with an existing single-family dwelling on Parcel 1 and a proposed single-family dwelling on Parcel 2. Access to Parcel 1 would be from a private driveway off of Bailey Way; access to Parcel 2 would be from a private driveway off of Big Horn Court. Parcel 1 has its own existing onsite wastewater treatment system and private well; Parcel 2 would develop its own onsite wastewater treatment system and private well. Electricity/utilities services would be provided by connection to Pacific Gas & Electric (PG&E). Any future development would be reviewed at time of building permit submittal.

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

- 2. **Permit Time Limits:** Tentative Parcel Map P20-0001 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. **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.

4. **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.

5. **Oak Resources Conservation; In-Lieu Fee Payment:** The applicant shall mitigate for any impacts to oak resources for future development via payment of the required in-lieu fee as identified in the ORMP. This fee, if applicable, shall be submitted to Planning Services prior to approval of any future improvement plans.

6. **Pre-Construction Survey (MM BIO-1):** Planning Services shall verify this mitigation measure is implemented prior to issuance of any grading/building permits if future construction is proposed on-site: (a) A qualified biologist shall conduct a preconstruction survey for the possible presence of special status species plants and wildlife identified in the Biological Resources Assessment: Brandagee's Clarkia, California red legged frog, California yellow legged frog, Western Pond Turtle, and/or Great Grey Owl. If any of these special status species are found within the construction work area, the biologist shall contact California Department Fish & Wildlife as appropriate; (b) Install temporary fencing between the work area and environmentally sensitive habitat. The fencing shall be checked regularly and maintained until all construction is complete. No construction activity shall be allowed until the fencing is installed; and (c) All temporarily disturbed areas shall be stabilized upon completion of construction. These areas will be properly protected from washout and erosion using appropriate erosion control devices including coir netting, hydroseeding, and revegetation.
7. Planning Services shall verify that 25-foot setbacks from Flat Creek and 100-foot setbacks from the South Fork of the Cosumnes River are shown and recorded on the Final Parcel Map.

El Dorado County Department of Transportation (*standard conditions*)

8. **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.
9. **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 Department of Transportation 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)*.
10. **Stormwater Management:** Comply with the West Slope Development and Redevelopment Standards and Post Construction Storm Water Plan.
11. **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.

12. **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.

13. **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

14. All survey monuments must be set prior to the filing the Parcel Map.
15. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 120.44.120 (B)(2).
16. The roads serving the development shall be named by filling a completed Road Name Petition with the County Surveyor's Office. Proof of any signage required by the Surveyor's Office must be provided to the Surveyor's Office prior to filing the Parcel Map.
17. Situs addressing for the project shall be coordinated with the County Surveyors Office prior to filing the Final Map.
18. 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 P 20-0001 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 (AQMD) (standard conditions)

19. Asbestos Dust: Current County records indicate the subject property is located within the Asbestos Review Area. An Asbestos Dust Mitigation Plan (ADMP) Application with applicable fees shall be submitted to and approved by the AQMD prior to the project construction if the project moves more than 20 cubic yards of soil, pursuant to AQMD Rule 223.2, Fugitive Dust - Asbestos Hazard Mitigation. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223, Fugitive Dust - General Requirements, and Rule 223.2 Fugitive Dust - Asbestos Hazard Mitigation.
20. Paving: Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
21. Painting/Coating: The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
22. 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).
23. Construction Emissions: During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (CARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, Title 13, Article 4.8, Chapter 9, California Code of Regulations (CCR)). Questions on applicability should be directed to CARB at [1-866-634-3735](tel:1-866-634-3735) CARB is responsible for enforcement of this regulation.
24. 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 (standard condition)

25. Prior to filing the Final Parcel Map, the parcels served by an onsite wastewater treatment system (septic system) and/or well shall comply with applicable requirements by the Environmental Management Department.

Pioneer Fire Protection District (standard condition)

26. Any future development shall comply with applicable requirements, current Fire Code, District Ordinances, and Standards of the Pioneer Fire Protection District, to include submittal of a Wildfire Safety Plan prior to recordation of the Final Parcel Map.