

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



Agenda of:	January 20, 2021
Item No.:	4.a.
Staff:	Gina Hamilton

TENTATIVE PARCEL MAP

FILE NUMBER: P17-0008/Steward

APPLICANT: James Steward

OWNER: James and Jennifer Steward

REQUEST: Tentative Parcel Map to subdivide a 50.0 acre parcel into two parcels of 30.0 acres (Parcel A) and 20.0 acres (Parcel B).

LOCATION: Located on the west side of State Highway 193, approximately 0.4 mile north of the intersection with Black Oak Mine Road, in the Garden Valley area, Supervisorial District 4. (Exhibits A and B)

APN: 060-430-075 (Exhibit C)

ACREAGE: 50.0 Acres

GENERAL PLAN: Agricultural Lands (AL) (Exhibit D)

ZONING: Rural Lands (RL-20) (Exhibit E)

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

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 CEQA Guidelines; and
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 P17-0008, based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of Tentative Parcel Map P17-0008 would allow the subdivision of a 50.0 acre parcel into two parcels ranging in size from 30.0 acres (Parcel A) and 20.0 acres (Parcel B) (Exhibit F). The subject parcel is zoned Rural Lands (RL-20) and has a General Plan Land Use Designation of Agricultural Lands (AL). As conditioned, both proposed parcels will meet the required development standards for the RL-20 zone including minimum lot size and lot width (Exhibit G). 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 50.0 acres and is currently developed with three existing residences, a mobile home (e.g., manufactured home), a barn, a wellhouse, and a shop. The elevation of the project site ranges from approximately between 2300 and 2450 feet elevation on an east-facing slope. The average slope gradient is 11 percent.

Vegetation communities on the project site include Sierran mixed conifer, canyon oak woodland, California annual grassland, wet meadow (wetlands), blackberry vines, and valley-foothill riparian. Three unnamed drainages and Slat Creek, an intermittent creek, cross the property; each has wetlands and/or ponds associated with it. In addition, a Georgetown Divide Public Utilities District (GDPUD) canal crosses the property. Based on review of the Biological Resources Report prepared for the project site (Exhibits H, I), no species listed under either the United States or California Environmental Protection Act were found on the project site and habitat was found for four state- or federal-listed species. Two species of concern were found on the project site.

There are two access points to the existing parcel. The northern access point is located near the middle of the eastern boundary and provides direct access from Highway 193. The southern access point is from Twin Pines Loop, which connects with Highway 193. Both access points connect with an existing internal roadway (Old Highway 193) which runs generally parallel to Highway 193. Residences on the northern portion of the parcel are accessible by a driveway that connects to Old Highway 193. The residence on the southern portion of the parcel is accessed by a driveway that connects to Old Highway 193 at its junction with Twin Pines Loop.

The parcel currently contains three residences, a mobile home, a wellhouse, a workshop, and a barn. As of December 2, 2020, there is an existing code enforcement case on the parcel (Case# 206327), issued in April 2012. Per Table 130.21.020 – Agricultural, Rural, and Resource Zone Districts Use Matrix in the County Zoning Ordinance, the project parcel is allowed by right to contain one primary dwelling, one secondary dwelling, and a guesthouse.

ADJACENT LAND USES

Adjacent-neighboring parcels to the north, east, south, and west are developed with existing residences and other structures.

Onsite and Surrounding Land Uses

	Zoning	General Plan Designation	Land Use/Improvements
Site	Rural Lands-20 acres (RL-20)	Agricultural Lands (AL)	Three residences, one mobile home, accessory structures (barn, wellhouse, workshop)
North	Limited Agricultural-10 Acres (LA-10)	Rural Residential (RR)	Rural residential
South	Rural Lands (RL-10)	Rural Residential (RR)	Rural residential
East	Rural Lands (RL-10), Rural Lands (RL-20), Limited Agriculture-10 Acres (LA-10)	Rural Residential (RR), Agricultural Lands (AL)	Highway 193, Rural residential
West	Planned Agricultural-20 acres (PA-20)	Agricultural Lands (AL)	Agriculture

PROJECT DESCRIPTION

A request for a Tentative Parcel Map to subdivide a developed 50.0 acre parcel into two parcels ranging in size from 30.0 acres (Parcel A) and 20.0 acres (Parcel B), (Exhibit F). Access to the proposed parcels would be provided from the existing paved access roads as described above and as shown on Exhibit F.

Each parcel could have up to two residential units by right (a primary residence and a secondary dwelling), for a total of four residential units possible. Each parcel could also contain one guesthouse. The property is already developed with two existing residences and a mobile home on Parcel A, and one residence on Parcel B. The project would be conditioned such that the existing mobile home on Parcel A would be removed or converted to an allowed accessory structure or use on Parcel A by a building permit obtained through Building Services. The project would also be conditioned to require that the applicant obtain all appropriate building permits associated with the previous expansion of the primary and secondary dwellings on Parcel A and for the existing residence and wellhouse on Parcel B. No additional improvements or construction is proposed as part of the proposed Tentative Parcel Map.

No oak woodlands are proposed for removal under this application. 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) which would be reviewed at time of permit review and issuance. Any future development on the site would be required to comply

with General Plan Policy 7.3.3.4, which includes a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands.

Each of the three existing residences and the mobile home has its own existing onsite wastewater treatment system. The primary residence on Parcel A receives metered water service from connection to public water service through GDPUD. Existing utilities service/electricity is from Pacific Gas and Electric (PG&E).

ANALYSIS

General Plan Consistency: The project is consistent with all applicable General Plan policies including: Policy 2.2.1.2 (Residential Density/ Agricultural Lands Land Use Designation), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.2.2.B (Agricultural District Overlay), Policy 2.2.5.21 (compatibility with adjoining land uses), Policies TC-Xa through TC-Xi (Transportation and Circulation Element), Policy 5.1.2.1 (adequacy of public services and utilities), Policy 5.2.1.2 (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), Policy 6.2.2.2 (wildfire safety), Policy 7.3.3.4 (riparian and wetland setbacks), Policy 7.4.4.4 (reducing impacts to oak resources), Policy 8.1.3.1 (Agricultural and Williamson Act Contract parcel buffers), Policy 8.1.3.2 (setbacks from agricultural lands), Policy 8.1.3.5 (effects on existing or potential agricultural use), and Policy 8.1.4.1 (agricultural land use conflicts). 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 Rural Lands (RL-20) 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.

Development Attribute	RL-20 Zone District	Proposed Parcel A	Proposed Parcel B
Minimum Lot Size	20 acres	30.0 acres	20.0 acres
Setbacks: (in feet) Agricultural (ag) structure, Front, secondary front, sides, rear	50 feet	> 30 feet*	> 30 feet**
Non-ag structure, Front, secondary front, sides, rear	30 feet	> 30 feet	> 30 feet
Building Height: (in feet) Ag structure	50 feet	< 50	< 50

Non-ag structure	45 feet	< 50	< 50
Lot Frontage (in feet)	150 feet	Consistent	Consistent
* Agricultural structure on Parcel A is the existing old barn ** Agricultural structure on Parcel B is the existing wellhouse			

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 Environmental Management Department (EMD), County Air Quality Management District (AQMD), County Transportation Division (DOT), California Department of Transportation (Caltrans), County Department of Agriculture, County Surveyor’s Office, and the Garden Valley Fire Protection 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 J). 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.

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.....Vicinity Map

Exhibit B.....Project Site

Exhibit C.....Assessor's Parcel Map

Exhibit D.....General Plan Map

Exhibit E.....Zoning Map

Exhibit F.....Proposed Tentative Parcel Map

Exhibit G.....County Department of Agriculture Memo

Exhibit H.....Biological Resources Report

Exhibit I.....Biological Resources Update Information

Exhibit J.....Proposed Mitigated Negative Declaration and Initial
Study

FINDINGS

Tentative Parcel Map P17-0008/Steward Zoning Administrator/January 20, 2021

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received 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 that a maximum of two residential dwellings used to support the agricultural use are allowed on lands with the Agricultural Lands (AL) land use designation.

Rationale: Policy 2.2.1.2 establishes the maximum allowable density for Agricultural Lands (AL) single-family residential development to be two residential dwellings per parcel. There are currently three residential dwellings on proposed Parcel A and one residential dwelling on Parcel B. The project would be conditioned to remove one of the dwellings on Parcel A or convert one of the dwellings on Parcel A to an allowed accessory structure or use. The project would be consistent with this policy.

2.2 The project is consistent with General Plan Policy 2.2.2.2.B.

Policy 2.2.2.2.B states, in pertinent part: The minimum residential parcel size for lands containing choice agricultural soils within an Agricultural (A) District shall be twenty (20) acres or the minimum lot size established by the underlying land use designation, whichever is greater.

Rationale: The proposed parcel map would create two lots: one 30-acre lot and one 20-acre lot. The project is consistent with this policy.

2.3 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.

2.4 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 parcels compatible in size and character to the existing residential lots surrounding the project site. Adjacent properties to the north, east, and south contain rural residential land uses. The property to the west contains rural residential agricultural uses. Adjacent properties have land use designations of Rural Residential (RR) and Agricultural Lands (AL). The project is consistent with this policy.

2.5 The project is consistent with General Plan Policy TC-Xa.

- (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 parcels and would allow for the future development of one additional residence; 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 parcels and would allow for the future development of one additional residence; therefore this policy does not apply.

2.6 The project is consistent with General Plan Policy TC-Xb.

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.

2.7 The project is consistent with General Plan Policy TC-Xc.

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.

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

Level of Service 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. Level of Service 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) Level of Service (LOS) for any County-maintained road or state highway.

2.9 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 thresholds in criteria A, B, or C of this policy are met.

2.10 The project is consistent with General Plan Policy TC-Xf.

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 parcels and would allow for the future development of one additional residence and will not worsen traffic on the County road system. Therefore this policy does not apply.

2.11 The policy 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 the project would not worsen traffic conditions.

2.12 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.

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

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.

2.14 The project is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 states that prior to the approval of any discretionary development, the approving authority shall make a determination of the adequacy of the public services and utilities to be impacted by that development. Where, according to the purveyor responsible for the service or utility as provided in Table 5-1, demand is determined to exceed capacity, the approval of the development shall be conditioned to require expansion of the impacted facility or service to be available concurrent with the demand, mitigated, or a finding made that a CIP project is funded and authorized which will increase service capacity.

Rationale: The project was reviewed by the County EMD. The project would be conditioned such that prior to filing of the final map, each existing septic system on the project site shall be evaluated for adequacy to the satisfaction of EMD. Any existing systems found to be inadequate shall be brought into compliance prior to the filing of the final map. Additionally, currently the primary residence currently receives water service from GDPUD and electric service from PG&E. The project would be conditioned such that prior to filing of the final map, the applicant shall obtain “will serve” letters or proof of existing service from GDPUD and PG&E for the other existing residences on the parcel. Any future development on the site would be required to obtain services as part of the building permit process. The project is consistent with this policy.

2.15 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 property currently receives water service from GDPUD. Currently the primary residence receives water service from GDPUD. The project would be conditioned such that prior to filing of the final map, the applicant shall obtain a “will serve” letter or proof of existing service from GDPUD for the other existing residences on the parcel. Any future development on the site would be required to obtain water service as part of the building permit process. The project was reviewed by the Garden Valley Fire Protection District and no concerns regarding adequate water supply, storage, conveyance and site access for fire protection were identified. The project is consistent with this policy.

2.16 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 project was reviewed by the Garden Valley Fire Protection District and no concerns regarding adequate water supply, storage, conveyance and site access for fire protection were identified. The project is consistent with this policy.

2.17 The project is consistent with General Plan Policy 6.2.2.2.

Policy 6.2.2.2 requires the preparation of a Fire Safe Plan for all development located within an area of high fire hazard for wildland fire.

Rationale: As conditioned, prior to filing of the final map, applicant shall have a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection. The project is consistent with this policy.

2.18 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 project was reviewed by the Garden Valley Fire Protection District and no concerns regarding adequate water supply, storage, conveyance and site access for fire protection were identified. The project is consistent with this policy.

2.19 The project is consistent with General Plan Policy 7.3.3.4.

Policy 7.3.3.4 requires that the Zoning Ordinance shall provide buffers and special setbacks for the protection of riparian areas and wetlands. The County shall encourage the incorporation of protected areas into conservation easements or natural protection areas.

Rationale: As shown on the Tentative Parcel Map, both parcels are already developed with two residences, a mobile home, and a barn on Parcel A, and one residence, a wellhouse, and workshop on Parcel B. Some future additional development could occur on each parcel. Any future development would be required to comply with General Plan Policy 7.3.3.4, which includes a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. The project is consistent with this policy.

2.20 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 associated with future 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.

2.21 The project is consistent with General Plan Policy 8.1.3.1.

Policy 8.1.3.1 states: Agriculturally zoned lands including Williamson Act properties shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands. Parcels used to buffer agriculturally zoned lands should have a similar width to length ration of other parcels when feasible).

Rationale: The adjacent parcels to the west are currently in a Williamson Act Contract. The two proposed parcels would be greater than 10 acres thereby buffering the Williamson Act properties to the west of the parcel. (See also Exhibit G.) The project is consistent with this policy.

2.22 The project is consistent with General Plan Policy 8.1.3.2.

Policy 8.1.3.2 requires that agriculturally incompatible uses adjacent to agricultural zoned lands shall provide a minimum setback of 200 feet from the boundary of the agriculturally zoned lands. (Per Chapter 130.80 Glossary of the Zoning Ordinance (“Incompatible Uses: Agricultural), residential structures are considered incompatible with agricultural lands).

Rationale: The project site, the parcel adjacent to the west, and much of the vicinity is located within a County-designated Agricultural District. The project site and the parcel adjacent to the west have a land use designation of Agricultural Lands (AL). The existing dwelling on Parcel B is approximately 140.5 feet from the western parcel boundary. The project would be conditioned such that prior to filing of the final map, applicant shall apply for and obtain approval of administrative relief for an agricultural setback for the existing dwelling on Parcel B.

2.23 The project is consistent with General Plan Policy 8.1.3.5.

Policy 8.1.3.5 states: The County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.”

Rationale: The parcel adjacent to the west of the project site is zoned Planned Agricultural-20 acres (PA-20) with a General Plan land use designation of Agricultural Lands (AL) and is currently actively used for agricultural purposes. The parcel to the north is zoned Limited Agricultural-10 Acres (LA-10) with a General Plan land use designation of Rural Residential (RR) and is not currently actively used for agricultural purposes.

Finding for A: While no construction is proposed as part of this project, there is the potential for some future construction to occur on the resulting parcels, including the potential for a guesthouse on Parcel A, which could replace the existing unpermitted mobile home, as well as a secondary dwelling and guesthouse on Parcel B, and any allowable accessory structures. Any new structures would need to meet required setbacks. Guesthouses are not intended for long-term occupancy. It is not expected that the addition of one additional dwelling and a guesthouse on Parcel B would intensify or add new conflicts between the project site and adjacent agricultural uses.

Finding for B: The proposed project does not include changes to existing allowed land uses or rezoning. No new construction is proposed as part of the project. The proposed project would not result in an island effect relative to the existing agricultural lands to the west and north.

Finding for C: The proposed project is a request for a parcel map to subdivide a 50-acre acre parcel into two parcels of 30.0 acres (Parcel A) and 20.00 acres (Parcel B). These parcel sizes exceed the minimum parcel size for lands adjacent to lands under Williamson Act Contract, such as the lands to the west. (See discussion for Policy 8.1.3.1 above.) No new construction is proposed as part of the parcel map and any future new construction on the resulting parcels would need to meet required setbacks. The proposed project would not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

The proposed project is scheduled for review by the County Agricultural Commission on January 14, 2021. Recommendations by the Agricultural Commission will be provided prior to the Zoning Administrator hearing for the proposed project. The project is consistent with this policy.

2.24 The project is consistent with General Plan Policy 8.1.4.1.

Policy 8.1.4.1 states: On any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider and provide a recommendation on the agricultural use (except for parcels assigned urban or other non-agricultural uses by the land use map for the 1996 General Plan) or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved

Rationale: The project site has a General Plan land use designation of Agricultural Lands (AL) and is located within a County-designated Agricultural District. The proposed project is scheduled for review by the County Agricultural Commission on January 14, 2021. Recommendations by the

Agricultural Commission will be provided prior to the Zoning Administrator hearing for the proposed project. The project is consistent with this policy.

3.0 ZONING FINDINGS

3.1 The project is consistent with Table 130.21.030 (Agricultural, Rural, and Resource Zones Development Standards).

Zoning Ordinance Table 130.21.030 (Agricultural, Rural, and Resource Zones Development Standards) prescribes site-specific development standards including minimum lot size, setback, and building heights within the Rural Lands, 20 Acres (RL-20) Zone District.

Rationale: As proposed, the proposed parcels will meet the required minimum lot size. All existing structures meet the setback and building height standards. The project is consistent with the standards in Table 130.24.030.

3.2 The project is consistent with Section 130.30.050.E.1. (Special Setbacks for Agricultural and Timber Resource Protection).

Zoning Ordinance Section 130.30.050 E establishes setbacks related to parcels located in County-designated Agricultural Zones.

Rationale: The project site is zoned Rural Lands-20 and the parcel adjacent to the west is zoned PA-20. The project site, the parcel adjacent to the west, and much of the vicinity is located within a County-designated Agricultural District. The existing dwelling on Parcel B is approximately 140.5 feet from the western parcel boundary. The project would be conditioned such that prior to filing of the final map, applicant shall apply for and obtain approval of administrative relief for an agricultural setback for the existing dwelling on Parcel B.

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

Zoning Ordinance Section 130.30.050.G establishes setbacks for the protection of wetlands and sensitive riparian habitat.

Rationale: Any future development would be required to comply with General Plan Policy 7.3.3.4, which includes a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. The project is consistent with 130.30.050.G.

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

Zoning Ordinance Section 130.39 establishes standards for implementing the County's ORMP.

Rationale: Based on review of the Biological Resources Report, the project site contains approximately 1.8 acres of canyon oak woodland. 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 (Section 120.44.030.A and B).

Rationale: The project proposes to create two parcels of 30.0 acres (Parcel A) and 20.0 acres (Parcel B). The project parcel has a General Plan land use designation of Agricultural Lands (AL). The proposed Tentative Parcel Map has been found consistent with all applicable General Plan policies as discussed in the General Plan Findings section above.

4.2 The project site is physically suitable for the proposed type and density of development (Section 120.44.030.C and D).

Rationale: The project is consistent with the allowed uses and density requirements of the Rural Lands (RL-20) zone. As proposed and conditioned, the proposed parcels will meet the required minimum lot size, lot width, and building density requirements of the RL-20 zone.

4.3 The proposed subdivision or improvements are not likely to cause serious public health hazards or substantial environmental damage (Section 120.44.030.E and F).

Rationale: An Initial Study/Mitigated Negative Declaration (Exhibit J) 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 serious public health hazards or substantial environmental damage. The project is compatible with the existing rural residential and agricultural uses of the area.

4.4 The project site is suitable to allow for compliance with the requirements of Public Resources Code Section 4291 (Section 120.44.030.G).

Rationale: Public Resources Code Section 4291 provides for defensible space and fire safety in Mountainous, Forest-, Brush-, and Grass-Covered Lands. The Garden Valley Fire Protection District reviewed the proposed Tentative Parcel Map. The Fire Protection District's comments regarding implementation of defensible space and visible address signs are included as conditions of approval. In addition, the project has been conditioned to prepare a Fire Safe Plan, as required by General Plan Policy 6.2.2.2, prior to filing of the final map. As proposed and conditioned, the project site is suitable for compliance with the provisions of Public Resources Code Section 4291.

4.5 The proposed subdivision would not conflict with any public access easements (Section 120.44.030.H).

Rationale: Preliminary subdivision plans and easement documentation has been reviewed by the County's Surveyor's Office staff for potential conflicts with existing or proposed easements, and no conflicts have been found on the project parcels. To further ensure no potential easement conflicts will occur on the project site, the County's Surveyor's Office staff will conduct a final easement review of the project parcels, as part of standard procedure, prior to recordation of the final map.

CONDITIONS OF APPROVAL

**Tentative Parcel Map P17-0008/Steward
Zoning Administrator/January 20, 2021**

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:

This project is a request for a Tentative Parcel Map to create two parcels of 30.0 acres (Parcel A) and 20.0 acres (Parcel B). Each existing residence has its own on-site sewage disposal system. Public water service is provided to the parcel by Georgetown Divide Public Utilities District (GDPUD) and utilities/electricity by Pacific Gas and Electric (PG&E).

The development, use, and maintenance of the property, the size, shape and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Planning Services Division:

2. **Permit Time Limits:** Tentative Parcel Map P17-0008 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 future development, the following language will be incorporated on any grading or building permit plans: In the event that archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a “unique archaeological resource”, contingency funding, and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code.

Construction work could continue on other parts of the project site while archaeological mitigation takes place.

4. **Human Remains:** In the event of future development, the following language will be incorporated on any grading or building permit plans: 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 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, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

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.

5. **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.

6. **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.

7. **Pre-Construction Breeding Bird Surveys (Mitigation Measure BIO-1):**

Pre-construction surveys for nesting birds, including raptors, conducted no more than 30 days prior to construction activities, is recommended if construction is scheduled during the normal nesting season (March 1-August 31). A 30-foot setback from trees with active nests is recommended for most species.

If raptor nests are found on or immediately adjacent to the site, however, consultation with the California Department of Fish and Wildlife (CDFW) must be initiated to determine appropriate avoidance measures. No mitigation should be required if tree removal and grading are not scheduled during the normal nesting season.

Monitoring Requirement: This mitigation measure shall be noted on grading and construction plans. The Planning and Building Department shall verify the completion of survey prior to issuance of grading and building permits.

Monitoring Responsibility: El Dorado County Planning and Building Department.

8. **Riparian Habitat and Wetland Protection:** Future development of the site would be required to comply with General Plan Policy 7.3.3.4, which includes a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands.

9. **Adequate Utilities and Water Supply:** Prior to filing of the final map, the applicant shall obtain “will serve” letters or proof of existing service from GDPUD and PG&E for all existing residences on the parcel, other than the primary residence on proposed Parcel A.

10. **Fire Safe Plan:** Prior to filing the final map, applicant shall have a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection.

11. **Wildfire Hazards:** The proposed project shall meet the current 2019 CA Fire Code, El Dorado County Fire Ordinance 2019-02, National Fire Protection Association (NFPA) standards, and other appropriate standards to ensure site-specific wildland fire risks would be minimized during construction and operation of the proposed project.

12. **Easements:** Prior to filing the final map, applicant shall ensure that by the County's Surveyor's Office conduct a final easement review of the project parcels, as part of standard procedure, To further ensure no potential easement conflicts will occur on the project site.

Planning Services Conditions Specific to Parcel A:

13. **Conversion of Manufactured Home (Mobile Home) on Parcel A:** Prior to recording of the final map, through the efforts of the property owner, the existing manufactured home (e.g., mobile home) on Parcel A shall be removed or converted to an allowed accessory structure or use on Parcel A. In the event that the mobile home is converted, a building permit for conversion shall be obtained through Building Services and structure shall be appropriately designated on the final map. If the mobile home is removed, applicant shall obtain written confirmation from County Code Enforcement.
14. **Obtain Building Permit for Expansion of Primary Dwelling on Parcel A:** Prior to recording of the final map, applicant shall obtain a building permit for the unpermitted expansion of the existing primary dwelling on Parcel A and designate structure as the primary dwelling final map.
15. **Obtain Building Permit for Expansion of Secondary Dwelling on Parcel A:** Prior to recording of the final map, applicant shall obtain a building permit for the existing secondary dwelling on Parcel A and designate structure as the secondary dwelling final map.

Planning Services Conditions Specific to Parcel B:

16. **Obtain Building Permit for Wellhouse on Parcel B:** Prior to recording of the final map, the wellhouse on Parcel B shall be permitted through the efforts of the property owner in collaboration with the County Building Department.
17. **Obtain Building Permit for Dwelling on Parcel B:** Prior to recording of the final map, the existing dwelling on Parcel B shall be permitted through the efforts of the property owner in collaboration with the County Building Department.
18. **Obtain Administrative Relief for Agricultural Setback for Dwelling on Parcel B:** Prior to recording of the final map, applicant shall apply for and obtain approval of administrative relief for an agricultural setback for the existing dwelling on Parcel B.

El Dorado County Department of Transportation:

Standard Conditions:

19. **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.
20. **Consistency with County Codes and Standards:** Obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from DOT and pay all applicable fees prior to filing of the final map. Ensure the project improvement plans and grading plans conform to the *County Grading, Erosion and Sediment Control Ordinance, Grading Design Manual, the Drainage Manual, Storm Water Ordinance (Ord. No. 5022), Off-Street Parking and Loading Ordinance, all applicable State of California Water Quality Orders, the State of California Handicapped Accessibility Standards, and the California Manual on Uniform Traffic Control Devices (MUTCD)*.
21. **Stormwater Management:** Comply with the West Slope Development and Redevelopment Standards and Post Construction Storm Water Plan.
22. **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.
23. **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 future improvements.

Grading or Improvement plans for future improvements 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.

24. **Electronic Documentation:** Upon completion of any future 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:

25. All survey monuments must be set prior to the filing the Parcel Map.
26. Situs addressing for the project shall be coordinated with the County Surveyors Office prior to filing the Final Map.
27. Prior to filing the final 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 P17-0008 by (that agency) have been satisfied.”** The letter is to be sent to the County Surveyor and copied to the Applicant.

El Dorado County Environmental Management Department:

28. Prior to filing the final map, each existing septic system on the project site shall be evaluated by a septic system designer for any houses, granny flats, or mobile homes that were constructed, installed, or expanded without the required permits from Building Services. An evaluation of the septic system is not required for structures that were built with the appropriate permits. Each existing septic system proposed to serve any houses, granny flats, or mobile homes shall demonstrate a soil percolation rate of 120 minutes per inch or lower and must contain one or more dispersal areas meeting the minimum dispersal area requirements to the satisfaction of Environmental Management. Any systems found to be inadequate shall be brought into compliance prior to the filing of a final map.
29. Any future development or expansion of existing development would be required to submit a septic system site evaluation and design as part of their building permit. This may include anything from bedroom additions for existing permitted structures to building a second dwelling. Similarly, any future subdivisions of these parcels would require that each new parcel have adequate sewage disposal area prior to subdivision approval by Environmental Management.

Garden Valley Fire Protection District:

30. Prior to filing the final map, applicant shall implement 100 feet of defensible space around all structures.
31. Prior to filing the final map, applicant shall install 36-inch x 4-inch reflective address signs at the entrance to both parcels.