

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



Agenda of:	August 17, 2022
Item No.:	4.a.
Staff:	Matthew Aselage

TENTATIVE PARCEL MAP

FILE NUMBER: P21-0004/Jomescho

APPLICANT/OWNER: Thomas R. Van Noord/Jomescho Family Trust

REQUEST: Tentative Parcel Map dividing an approximately 55-acre property into four (4) parcels ranging between ten-acres to approximately 20.25 acres of total parcel area.

LOCATION: On the south side of Thompson Hill Road, approximately 200-feet east of the intersection with Lotus Road, in the Gold Hill area, Supervisorial District 4. (Exhibit A)

APN: 105-190-042 (Exhibit B)

ACREAGE: 55 Acres

GENERAL PLAN: Rural Residential (RR) (Exhibit C)

ZONING: Rural Lands – Ten-acre minimum (RL-10) (Exhibit D)

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

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

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff in accordance with the CEQA Guidelines;
2. Adopt the Mitigation Monitoring Reporting Program in accordance with CEQA Guidelines Section 15074(d), incorporated as Conditions of Approval; and

3. Approve Tentative Parcel Map P21-0004, based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of this Parcel Map would allow the subdivision of an approximately 55-acre parcel into four (4) parcels as follows: 10.06 acres (Parcel One), 10.55 acres (Parcel Two), 14.02 acres (Parcel Three), 20.29 acres (Parcel Four). The existing parcel is zoned Rural Lands – Ten-Acres (RL-10) consistent with the General Plan land use designation of Rural Residential (RR). The resultant parcels meet the required development standards in the RL-10 zone including minimum parcel size and parcel width. No new on-site improvements or residential developments are proposed at this time. The proposed parcel map would result in the creation of parcels for sale, leasing or financing, on which development would be anticipated. Staff has determined that the project is consistent with the General Plan RR Land Use Designation and the RL-10 zone, as well as other applicable County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

OTHER PROJECT CONSIDERATIONS

Important Biological Corridor (-IBC)

The project parcel is mapped as being located within an Important Biological Corridor (IBC). This designation requires completion of a Biological Resources Technical Report for all discretionary projects. This requirement has been sufficiently met by the applicant with the inclusion of a biological resources report completed by Ruth A. Wilson, a certified biologist, in August of 2017 and updated in December of 2020. The Biological Resources Report found that several mammalian species occur on site or have the potential to occur on site, including Black-tailed deer. The report also found that the mitigation measures required under the County's Important Biological Corridor Overlay would be sufficient to mitigate any potential impacts to wildlife movement. There is no oak canopy removal and no grading proposed for this project. The project site contains five (5) small culverts providing drainage crossing points across Thompson Hill Road, two (2) intermittent creeks, one (1) pond, and one (1) ephemeral drainage. No rare plants were found on-site; however, the site contains suitable habitat for rare plant species. Any fencing on site should be limited to those needed to contain livestock and pets, and to protect crops.

BACKGROUND/EXISTING CONDITIONS/SITE CHARACTERISTICS

The project parcel consists of approximately 55 acres and is located in a less populated area in the Gold Hill area. The site ranges in elevation from approximately 1330 feet to approximately 1560 feet above mean sea level. Topography on site consists of three (3) northerly-sloping ridges separated by two (2) unnamed intermittent creeks. These two (2) intermittent creeks flow from south to north across the property. Additionally, one (1) ephemeral drainage carries water northwesterly from the ridge in the eastern portion of the site. Wetlands are found adjacent to both intermittent creeks, including a pond located near the proposed parcel line between proposed Parcels Two and Three. The property is currently undeveloped. The adjacent-

neighboring parcels to the east are zoned as Agriculture – 40-acres (AG-40); to the south and north are zoned as RL-10; and to the west are Residential Estate – Five-Acres (RE-5) and RL-10 properties. Approximately half of the surrounding properties are currently developed with rural residential uses and the rest remain undeveloped. The neighboring property to the east is zoned as AG-40 and developed with agricultural uses, which requires a minimum setback of 200-feet from all common boundaries with this agriculturally zoned parcel (Exhibit D).

PROJECT DESCRIPTION

This project is a Tentative Parcel Map that would create four (4) residential parcels from an existing 55-acre parcel as follows: 10.06-acres (Parcel One), 10.55-acres (Parcel Two), 14.02-acres (Parcel Three), and 20.29-acres (Parcel Four) (Exhibit F). The property is currently undeveloped, and no development is proposed as part of this project. Fire and vehicular access to each of the proposed parcels will be from individual driveways encroaching onto Thompson Hill Road (a county-maintained road). The proposed parcels would be served by PG&E for electric and gas utilities. Private well and septic systems will provide water and sewer service for all of the proposed parcels. The current proposal does not identify specific building envelopes and therefore does not identify the location of appurtenant utility uses and access drives. Future residential siting would determine the actual location of on-site improvements, which will be reviewed at time of development permit issuance. Each resultant parcel complies with the minimum parcel area required for such development.

ANALYSIS

General Plan Consistency: The project is consistent with all applicable General Plan policies including Policy 2.2.1.2. (Low-Density Residential Land Use Designation), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.21(Compatibility with Adjoining Land Uses), Policy 5.1.2.1 (Adequacy of Public Services and Utilities), Policy 5.2.1.2 (Adequate Quantity and Quality of Water for all Uses, Including Fire Protection), Policy 5.2.3.4 (Groundwater Systems), Policy 5.3.2.3 (Rural Sewage Disposal/Alternative Wastewater Systems), Policy 5.7.2.1 (Fire Protection in Rural Regions and Rural Centers), Policy 6.2.3.2 (Adequate Access for Emergencies), Policy TC-Xa (Indefinite Transportation and Circulation Policies), Policy TC-Xb (Available Roadway Capacity), Policy TC-Xc (Developer Traffic Impact Fees), Policy TC-Xd (Level of Service), Policy TC-Xe (Impact of Increased Project Trips), Policy TC-Xf (Conditions for Worsened Circulation Impacts), Policy TC-Xg (Developer’s Responsibility for Transportation Improvements), Policy TC-Xh (Traffic Impact Fees), and Policy TC-Xi (U.S. Highway 50 Capacity). Further details are discussed in the Findings section below.

Zoning Ordinance Consistency: Staff has determined that the proposed project, as conditioned, is consistent with all applicable standards and requirements of Title 130 of the County Ordinance Code (Zoning Ordinance). The project parcel is zoned RE-5 and the project has been analyzed in accordance with all applicable development standards for this zone district. Any future development would be required to comply with standard RE-5 zoning setbacks (see Table 1). The proposed parcels meet the required minimum Parcel size and Parcel widths as illustrated in the table below and described in the Findings for this project.

**Table 1
 Development Standards for the Rural Lands Zone from Table 130.21.030
 (Agricultural, Rural, and Resource Zones Development Standards)**

Development Attribute		Proposed Parcel One	Proposed Parcel Two	Proposed Parcel Three	Proposed Parcel Four
Minimum Parcel Size (in acres)	10	10.06	10.55	14.02	20.29
Minimum Parcel Width (in feet)	100	Approx. 750	Approx. 731	Approx. 118-feet at narrowest point	Approx. 1,163
Setbacks (in feet) Front: Secondary Front: Side: Rear:	30 30 30 30	No development is proposed as part of this proposal and the property is currently undeveloped. Any future development must comply with these zoning development standards.			

AGENCY COMMENTS:

The project was distributed to all applicable local, County, and state agencies for review and comment. Comments were received from the El Dorado County Agricultural Department, El Dorado County Air Quality Management District (AQMD), El Dorado County Department of Transportation (DOT), El Dorado Irrigation District (EID), El Dorado County Environmental Management Department (EMD), the Local Agency Formation Commission (LAFCO), El Dorado County Office of the County Surveyor, Pacific Gas and Electric (PG&E), El Dorado County and Storm Water Management. The County’s Agricultural Department verified that this site is adjacent to two (2) Agricultural Preserves (both to the east) and is therefore subject to a 200-foot agricultural uses setback applied only to the common lot line between the subject project site and the adjacent agricultural district land. EID confirmed that the project parcel does not currently have EID service for either water or sewer. A main line extension would be needed for both services. LAFCO required that the project site be annexed into the El Dorado County Fire Protection District (EDCFPD) for fire protection services. At minimum, an application for annexation must be submitted prior to recordation of the final map. No other agencies provided comments regarding this project.

ENVIRONMENTAL REVIEW:

Staff has prepared an Initial Study (Exhibit H). There is no substantial evidence that the proposed project would have a significant effect on the environment with implementation of three mitigation measures and a Mitigated Negative Declaration has been prepared. Pre-construction breeding bird and rare plants surveys and riparian habitat and wetland protection mitigation measures identified in the Initial Study have been included as Conditions of Approval for this project. The implementation of these mitigation measures will result in minimal removal of flora and no expected removal of fauna on site. There will be no removal of oak resources or other protected species as a result of this parcel map project; however, future development on the site could result in removal of oak resources. Future residential development will be required to comply with these measures if any oak impacts should occur.

The applicant shall submit to Planning Service a \$50.00 recording fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.

SUPPORT INFORMATION

Attachments to Staff Report:

- Findings
- Conditions of Approval

- Exhibit A.....Location/Vicinity Map
- Exhibit B.....Assessor’s Parcel Map
- Exhibit C.....General Plan Land Use Designation Map
- Exhibit D.....Zoning Map
- Exhibit E.....Agricultural District Map
- Exhibit F.....Tentative Parcel Map
- Exhibit G.....PG&E Utility Distribution Easement
- Exhibit H.....Proposed Mitigated Negative Declaration and Initial Study

FINDINGS

Tentative Parcel Map P21-0004/Jomescho Zoning Administrator/August 17, 2022

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgement of the County and has been completed in compliance with the California Environmental Quality Act (CEQA) and is adequate for this proposal.
- 1.2 The Initial Study identified no significant impacts to the environment as a result of this project.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department, Planning Services Division, at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 identifies that the purpose of the Rural Residential (RR) land use designation establishes areas for residential and agricultural development, which typically have limited infrastructure and public services while primarily remaining in the current natural state. Lands designated as RR are used as a transition between Low Density Residential (LDR) zones and Natural Resource (NR) zones.

Rationale: The proposed project has a current land use designation of RR and is bound by RR lands to the north, south, and west, and property with the Agricultural Land (AL) land use designation to the east. The proposed project does not propose any change in the land use designation of the site and does not propose to install infrastructure beyond that needed to serve the proposed parcels. The proposed project is consistent with this policy.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

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

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

2.3 The project is consistent with General Plan Policy 2.2.5.21.

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

Rationale: The project site is currently undeveloped. The adjoining properties to the west, north, and south are similarly zoned with about half being developed with rural residential uses; to the east is a larger agriculturally zoned parcel which is developed with rural residential uses. Proposed Parcels Three and Four share a common line with the agriculturally zoned parcel. Residential development on both of these proposed parcels can be expected to be consistent with the 200-foot agricultural setback as the parcel width measures approximately 950 feet. Therefore, the project has been located and designed to be compatible with adjoining land uses.

2.4 The project is consistent with General Plan Policy 5.1.2.1

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

Rationale: The project parcel is currently undeveloped, and no development is proposed for this site at this time. The site has adequate groundwater to serve all proposed parcels as verified by the El Dorado County Environmental Management Department (EMD); The project parcel does not have service with the El Dorado Irrigation District (EID) and a main line extension for both water and wastewater service would be needed. At this time, the proposed project assumes the future installation of septic systems on each parcel as part of future residential development. Soil percolation tests have been provided to EMD for review. EMD has approved the percolation tests for each resultant parcels, confirming adequate septic capability for each. The proposed parcels exceed the five-acre minimum parcel size requirement for parcels to contain both a well and septic system. As confirmed by Pacific Gas and Electric (PG&E), There is a utility easement running across the property. The project proponent provided evidence of this in the form of an Utility Distribution Easement (Exhibit G) document dated February 14, 2019 which provides PG&E with an easement for purposes of “electric, gas, and communication lines.” The easement boundary lines must be demarcated on the final recorded map. PG&E has provided no additional comments or requests. Therefore, public services and utilities are adequate for this project.

2.5 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 states that an 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 El Dorado Local Agency Formation Commission (LAFCO) as the project site is not currently within a fire district. Adequate water quantity has been confirmed within a Fire Safe Plan dated April, 2022 and approved by El Dorado County Fire Protection District (EDCFPD). EMD has confirmed adequate quality of water for residential needs. The project, as conditioned, is consistent with this policy.

2.6 The project is consistent with General Plan Policy 5.2.3.4.

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

Rationale: EMD reviewed this project and found a report in their records for an existing well on the parcel shows that the well produced 60-gallons per minute of water when it was drilled. EMD determined that no additional information is needed to demonstrate an adequate water supply for the four (4) proposed parcels of this project. Therefore, the project as proposed is consistent with this policy.

2.7 The project is consistent with General Plan Policy 5.3.2.3.

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

Rationale: EMD reviewed this project and submitted percolation tests. EMD has found that each proposed parcel would have an adequately sized effluent dispersal area. Percolation tests have been approved by EMD. Therefore, the project as proposed is consistent with this policy.

2.8 The project is consistent with General Plan Policy 5.7.2.1.

General Plan Policy 5.7.2.1 (Fire Protection in Rural Regions and Rural Centers) requires 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: EDCFPD currently provides fire protection service within the area of the project site. The project site is within the EDCFPD sphere of influence, but not within the current local fire district boundary. The project has been

conditioned to be annexed into the EDCFPD as a condition of final approval for the project. At minimum, an application for annexation into the EDCFPD must be submitted with LAFCO prior to final map recordation. Further, a fire safe plan has been submitted and approved by the EDCFPD. Adequate water supply, storage, conveyance facilities, and access for fire protection was analyzed within the submitted Fire Safe Plan. Therefore, the project as conditioned is consistent with this policy.

2.9 The project is consistent with General Plan Policy 6.2.2.2.

General Plan Policy 6.2.2.2 (High and Very High Fire Zone Development Limitations) precludes development in areas of high and very high wildland fire hazard or in areas identified as wildland-urban interface (WUI) communities within the vicinity of Federal lands that are a high risk for wildfire unless such development can be adequately protected from wildland fire hazard, as demonstrated in a WUI Fire Safe Plan prepared by a qualified professional as approved by the El Dorado County Fire Prevention Officers Association. The WUI Fire Safe Plan shall be approved by the local Fire Protection District having jurisdiction and/or California Department of Forestry and Fire Protection.

Rationale: A Fire Safe Plan dated April 11, 2022 has been reviewed and approved by the EDCFPD. This fire safe plan confirms that the project site can be developed for residential uses with adherence to fire safe conditions of approval. Therefore, the project is in compliance with this policy.

2.10 The project is consistent with General Plan Policy 6.2.3.2.

General Plan Policy 6.2.3.2 (Adequate Access for Emergencies) requires the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: EDCFPD currently provides fire protection service within the area of the project site. However, the project site is not within a local fire district. The project has been conditioned to annex into the EDCFPD. Adequate access has been verified by the EDCFPD. Therefore, the project is in compliance with this policy.

2.11 The project is consistent with General Plan Policy 7.4.2.9.

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

Rationale: A Biological Resources Report dated August of 2017 and updated in December of 2020 was completed by Ruth Wilson, a qualified biologist. This report provides an evaluation of potential biological impacts and includes the initial study mitigation measures as Conditions of Approval to ensure that impacts remain less than significant. These mitigation measures satisfy this policy.

2.12 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 (LOS) 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 four (4) 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 LOS F without first getting the voter's approval.

Rationale: This policy is not applicable to the project.

(3) and (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 policy is not applicable as the project.

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

(7) Before giving approval of any kind to a residential development project of five (5) 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 four residential parcels; therefore, this policy does not apply.

2.13 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 to this project.

2.14 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 fully 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 to this project.

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

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 County's Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes."

Rationale: This project will not worsen LOS for any county-maintained road or state highway.

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

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

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

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

2.17 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 (5) 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 LOS standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at ten-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County's ten-year CIP.

For all other discretionary projects that worsen (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; or (2) ensure the construction of the necessary road improvements are included in the County's 20-year Capitol Improvement Plan.

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

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

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

Rationale: This policy is not applicable to this project.

2.19 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 will pay Traffic Impact Mitigation fees at the time a building permit is issued.

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

General Plan 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.

3.0 ZONING FINDINGS

3.1 The project is consistent with Section 130.23.030.

Section 130.21.030 (Agricultural, Rural, and Resource Zone Development Standards/RL-10 Zones Development Standards) prescribes site-specific development standards for new parcels, allowed uses and associated structures within the RL-10 Zone District.

Rationale: The proposed parcels meet the required minimum parcel size of 10 acres, and parcel width as required in Section 130.24.030.

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 four (4) parcels from an approximately 55-acre parcel. The resulting parcels would be as follows: 10.06-acres (Parcel One), 10.55-acres (Parcel Two), 14.02-acres (Parcel Three), and 20.29-acres (Parcel Four). The project parcel is in the Gold Hill area. The parcel's General Plan Land Use Designation is Rural Residential (RR). The proposed Parcel Map has been found consistent with all applicable General Plan policies as set forth in Finding 2.2.

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

Rationale: The site is currently undeveloped and no development is proposed as part of this project. The proposed parcels meet the required minimum parcel size and parcel width, and will allow for future development consistent with development standards of the RL-10 Zone District.

4.4 The proposed subdivision is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat (Section 120.44.030.E).

Rationale: An Initial Study – Mitigated Negative Declaration (Exhibit H) has been prepared for this project. After reviewing the environmental reports prepared for the proposed Tentative Parcel Map it has been determined

that the Tentative Parcel Map will not result in substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.

4.5 The proposed subdivision is not likely to cause serious public health hazards (Section 120.44.030.F).

Rationale: The proposed subdivision has been reviewed for potential public health hazards. Each proposed parcel will meet the minimum five-acre size requirement for parcels served by a well and a septic system. The project has been conditioned to reduce potential impacts associated with potential future residential development and occupancy including the El Dorado County Agricultural Department, the LAFCO, and EMD. These conditions will ensure the project would not cause serious public health hazards.

4.6 The proposed subdivision design and improvements are suitable and in compliance with the requirements of Public Resources Code Section 4291(Section 120.44.030.G).

Rationale: EDCFPD provides fire protection services in the area of the project. However, the project site is not within a fire protection district. As conditioned by LAFCO, the project site will be required to annex into the EDCFPD after the County's parcel map approval process. At minimum, an application for annexation into the EDCFPD must be submitted to LAFCO prior to final map recordation. The project site is required to continue meeting all standard fire safe requirements including maintaining defensible space of 100-feet from each side and from the front and rear of structures on site. Further, prior to issuance of building permits, a fire safe plan must be submitted to and approved by the EDCFPD. With adherence to the EDCFPD's proposed conditions of approval, the project will be in compliance with the requirements of Public Resources Code Section 4291.

4.7 The proposed design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision (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. The project does not propose any changes to currently existing easements. Further, there are no off-site improvements proposed or required which would necessitate changes to, nor development within, any existing easements. No

development may occur within any easement areas without alliance from the easement beneficiary(ies). Therefore, the project as proposed will not result in any changes to an existing easement.

CONDITIONS OF APPROVAL

**Tentative Parcel Map P21-0004/Jomescho
Zoning Administrator/August 17, 2022**

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

The project description is as follows:

This project is a Tentative Parcel Map that would create four (4) residential parcels from an existing 55-acre parcel as follows: 10.06-acres (Parcel One), 10.55-acres (Parcel Two), 14.02-acres (Parcel Three), and 20.29-acres (Parcel Four) (Exhibit F). The property is currently undeveloped and no development is proposed as part of this project, although future development of the resulting parcels can be anticipated. Fire and vehicular access to each of the proposed parcels will be from individual driveways encroaching onto Thompson Hill Road (a County-maintained road). The proposed parcels will be served by PG&E for electric utilities. PG&E did not confirm availability of gas utilities. Private well and septic systems are proposed water and sewer service for all the proposed parcels. Future residential siting will determine the final location of all required on-site improvements including driveway and septic disposal areas, which will be reviewed at time of building permit issuance. The current proposal does not identify specific building envelopes; however, each resultant parcel complies with the minimum parcel area required for development.

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. 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.

Planning Services Division

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

4. **Notice of Decision (NOD) Recording Fee:** The applicant shall submit to the Planning Services Division a \$50.00 recording fee for the County Recorder to file the Notice of Decision. Checks shall be payable to El Dorado County. No permits shall be issued or parcel map filed until said fees are paid.
5. **Archaeological Resources:** In the event of future development, the following language will be incorporated on any grading or building permit plans: In the event that archaeological 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.
6. **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 (2) 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.

7. **MM BIO-1 Pre-Construction Breeding Bird Surveys:** To comply with the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code, and to avoid and reduce direct and indirect on-site and off-site development impacts on migratory, non-game breeding birds and their nests, young, and eggs to less than significant levels, the following measures would be implemented:
- a. If construction is scheduled during the normal nesting season (February 1 – August 31), then pre-construction surveys for nesting birds, including raptors, must be conducted no more than 30-days prior to these construction activities.
 - b. A 30-foot setback from trees with active nests is recommended for most species. However, if raptor nests are found on or immediately adjacent to the site, then consultation with the California Department of Fish and Wildlife (CDFW) must be initiated to determine appropriate avoidance measures.
 - c. No mitigation will be required if tree removal and grading activities are not scheduled during the normal nesting season.

Monitoring Requirement: Planning Services shall verify completion of the requirement prior to issuance of grading and building permits in coordination with the applicant.

Monitoring Responsibility: El Dorado County Planning and Building Department, Planning Services

8. **MM BIO-2 Rare Plant Protection:** Although no state or federal-listed plant species were found on the project site, pre-construction plant surveys on Parcels One and Two are required at the grading permit phase to protect any potential species which may have grown on the serpentine soils present on those two parcels.

Monitoring Requirement: Planning Services shall verify completion of the requirement prior to issuance of grading permits.

Monitoring Responsibility: El Dorado County Planning and Building Department, Planning Services

9. **MM BIO-3 Riparian Habitat and Wetland Protection:** A 60-foot setback from the ephemeral channels, intermittent channels, wetland areas, and ponds shall be shown prior to recordation of the final map.

Monitoring Requirement: Planning Services shall verify completion of the requirement prior to recordation of the Final Parcel Map.

Monitoring Responsibility: El Dorado County Planning and Building Department, Planning Services.

10. **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.
11. **Easements:** Prior to filing the final map, applicant shall ensure that the El Dorado County 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.
12. **Adequate Utilities:** Prior to filing the final map, applicant shall provide the Planning Department with a "will serve" letter from PG&E for the proposed resultant parcels.

El Dorado County Agricultural Department

13. **Agricultural Setbacks:** All agriculturally incompatible uses adjacent to agricultural zoned lands shall provide a minimum setback of 200-feet from the boundary of the agriculturally zoned lands, unless an administrative permit reducing this setback has been approved prior to issuance of any grading permit.

El Dorado County Air Quality Management District (AQMD)

14. **Paving:** Project construction may involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
15. **Painting/Coating:** Project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.

16. **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).
17. **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.
18. **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.

Local Agency Formation Commission (LAFCO)

19. The project site shall submit a full application for annexation into the El Dorado County Fire Protection District (EDCFPD). Confirmation that this has occurred will be required from LAFCO prior to final map recordation. Near the end of the tentative parcel map planning process for the subject project, the applicant must contact LAFCO staff to schedule a pre-application meeting.

El Dorado County Fire Protection District (EDCFPD)

20. **Fire Department Access:** Approved fire department access roads and driveways shall be provided for every facility, building, or portion of a building. The fire apparatus access roads and driveways shall comply with the requirements of Section 503 of the El Dorado County Fire Protection District as well as State Fire Safe Regulations as stated below:
 - a. Each dead-end road shall have a turnaround constructed at its terminus.
 - b. Where parcels are zoned five-acres or larger, turnarounds shall be provided at a maximum of 1,320-foot intervals.
 - c. The fire apparatus access roads and driveways shall extend to within 150-feet of all portions of each facility and all portions of the exterior of the first story of the building as measured by an approved route around the exterior of the building or facility.
 - d. Driveways and roadways shall have unobstructed vertical clearance of 15 feet and a horizontal clearance providing a minimum two feet on each side of the required driveway or roadway width.

21. **Driveway Surface:** Roadways shall be designed to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide all-weather driving conditions. All-weather surfaces shall be asphalt, concrete or other approved driving surface. Project proponent shall provide engineering specifications to support design, if request by the local Agency Having Jurisdiction (AHJ).
22. **Driveway Grades:** The grade for all roads, streets, private lanes and driveways shall not exceed 16 percent. If paved or concrete, higher grades may be allowed with an approved hard surface as approved by the AHJ and Cal Fire.
23. **Turning Radius:** The required turning radius of a fire apparatus access road/driveway shall be determined by the fire code official. Current requirements are 40-foot minimum inside curves.
24. **Gates:** All gates shall meet the El Dorado County Fire Protection Gate Standard B002, including an approved Knox access.
25. **Funding Mechanism for Emergency Fire Access Components:** The property owner shall be responsible to ensure the maintenance of emergency access roadways, driveways, gates, vegetative clearances, and other fire access components.

El Dorado County Surveyor's Department

26. **Monumentation:** All survey monuments must be set prior to filing the Parcel Map.
27. **Disturbed Monuments:** All boundary monuments disturbed during project construction shall be reset by a Professional Land Surveyor or Qualified Engineer as defined by Section 8771 of the California Business and Professions Code (Land Surveyors Act).
28. **Addressing:** Situs addressing for the project shall be coordinated with the County Surveyors Office prior to filling the Final Map.
29. **Final Map Condition Compliance:** Prior to finaling 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 (Subject Project) by (that agency) have been satisfied.”** The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.