

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: December 7, 2016

Item No.: 4.a.

Staff: Jennifer Franich

TENTATIVE PARCEL MAP

FILE NUMBER: P16-0002/Van Noord Parcel Map

APPLICANT/OWNER: Thomas Van Noord

ENGINEER: Ken Purcell

REQUEST: Tentative Parcel Map to create a subdivision of four single family residential lots measuring 11.63 to 56.8 acres.

LOCATION: North side of Thompson Hill Road approximately 500 feet east of the intersection with Lotus Road in the Gold Hill Area, Supervisorial District 4 (Exhibit A).

APN: 105-190-41 (Exhibit B)

ACREAGE: 112.87 acres

GENERAL PLAN: Agricultural Lands – Agricultural District (AL-A); Rural Residential – Important Biological Corridor (RR-IBC) (Exhibit C)

ZONING: Rural Lands Ten Acre (RL-10) and Rural Lands Twenty Acre (RL-20) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

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

1. Adopt the Mitigated Negative Declaration, based on the Initial Study prepared by staff; and

2. Approve Tentative Parcel Map P16-0002, based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of this Parcel Map would allow the division of a 112.87-acre property into four parcels ranging in size from 11.6 to 56.8 acres. The parcel is split-zoned with the majority of the site zoned as RL-10, and the northeast portion of proposed Parcel 4 zoned as RL-20. The proposed parcels are of sufficient size for the zones and provide sufficient grading and building area to avoid sensitive areas on site. Staff has determined that the proposed project is consistent with the Rural Residential land use designation and RL-10 and RL-20 zones, as well as other applicable El Dorado County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

SITE DESCRIPTION

The project site consists of 112.87 acres and is located at approximately 800 to 1,400 feet above mean sea level. The topography is steep in some areas of the site, and the land contains several sensitive areas. The area near Thompson Hill Road has an approximate slope of 7 percent, but slopes on the rest of the parcel vary from 35 percent to 44 percent. Two perennial creeks, Granite Canyon Creek and Granite Creek, an unnamed intermittent creek, one spring-fed channel, seven ephemeral channels, and one wetland are on the project site. The primary on-site vegetation communities include mixed serpentine chaparral, oak woodland mixed with gray and ponderosa pines, valley foothill riparian vegetation along the creeks, and annual grassland. The site is surrounded by other large-lot residential parcels similar to the development on-site. There are improved graveled access driveways, septic systems, and water meters for each home. Proposed Parcel 2 currently contains a large graded area. Proposed Parcels 3 and 4 also contain a graded area. No wells or septic systems are currently on the property.

PROJECT DESCRIPTION:

The Tentative Parcel Map would create four parcels from a 112.87 acre site. Parcel 1 would be 12.8 acres, Parcel 2 would be 56.8 acres, Parcel 3 would be 11.6 acres, and Parcel 4 would be 29.0 acres. Parcels 1 and 2 would be served by El Dorado Irrigation District domestic water service or private wells, and Parcels 3 and 4 would require the installation of wells. Sewer systems would be installed on each lot. Access to the parcels via private driveways would be from Thompson Hill Road, an existing public, county-maintained road. Site disturbance would avoid steep slopes, cultural resources, watercourses, wetlands, oak woodlands, and sensitive plant communities (Exhibit F).

ENVIRONMENTAL REVIEW:

Staff has prepared an Initial Study (Exhibit G). Staff has determined that 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.

SUPPORT INFORMATION

Findings

Conditions of Approval

Exhibit A.....	Location Map
Exhibit B.....	Assessors Map
Exhibit C.....	General Plan Land Use Map
Exhibit D.....	Zoning Map
Exhibit E.....	Tentative Parcel Map, July 11, 2016
Exhibit F.....	Site Plan, July 11, 2016
Exhibit G.....	Proposed Mitigated Negative Declaration and Initial Study
Exhibit H.....	Biological Resources Report including Special- Status Plant Survey, April, 2016
Exhibit I.....	Wildland Fire Safe Plan, December 11, 2015

FINDINGS

Tentative Parcel Map P16-0002/Van Noord Parcel Map Zoning Administrator/December 7, 2016

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 judgment of the County and has been completed in compliance with the California Environmental Quality Act (CEQA) and is adequate for this proposal.
- 1.2 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 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 Development Services Division, Community Development Agency, 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.

Policy 2.2.1.2 identifies Rural Residential (RR) as areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substandard access as well as “choice” agricultural soils. The RR designation shall be used as a transition between the LDR and the Natural Resource (NR) designation. Clustering of residential units under allowable densities is encouraged as a means of preserving large areas in their natural state or for agricultural production. Typical uses include single-family residences, agricultural support structures, and a full range of agricultural production uses, recreation, and mineral development activities.

Rationale: The project proposes to split a 112.87-acre lot into four lots. The land use designation is Agricultural Lands – Agricultural District (AL-A) on the northern portion of the lot, which is encumbered by steep slopes, and a creek channel. The remainder of the site is designated as Rural Residential – Important Biological Corridor (RR-IBC). The site is in a rural region, and land use proposed for the site is residential. As shown of the site plan (Exhibit F), the proposed lots range in size from 11.6 to 56.8 acres, with

development concentrated at the south of the site, near Thompson Hill Road and away from sensitive areas. This configuration leaves much of the site in its natural state. The proposed project is compatible with the land use designation.

2.2 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 surrounded by rural residential development, small-scale agriculture, and recreational uses. The new parcels would be similar in size to the surrounding parcels, and the proposed residential use would be compatible with the existing development in the vicinity. Access to the site would be from Thompson Hill Road, with development concentrated near the existing road. The use is consistent and compatible with the development pattern in the immediate surroundings.

2.3 The project is consistent with General Plan Policy 2.3.2.1

Disturbance of slopes thirty percent or greater shall be discouraged to minimize the visual impacts of grading and vegetation removal.

Rationale: The topography of the project site ranges from 800 to 1,400 feet above mean sea level. The topography is steep in some areas of the site, with slopes varying from 35 percent to 44 percent. The existing topography on the site would be retained, and no development would occur on slopes greater than 30 percent. The area near Thompson Hill Road has an approximate slope of 7%. Overall, 47.6 acres, or 42.2 percent of the site is at a 30 percent to 40 percent slope, while 26.8 acres, or 23.7 percent of the site, is at 40 percent natural slope or greater. Development is proposed for the existing graded areas, which would minimize the extent of grading and fill as well as tree removal. Vegetation would be preserved along the stream corridors, north portion of the site, and in areas with steep terrain.

2.4 The project is consistent with General Plan Policy 5.2.1.2.

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

Rationale: Each lot is would be served by an individual well and septic system, with the exception of Parcels 1 and 2, which could connect to EID public water. Condition of Approval 24 requires that water supply be determined prior to recording the final map. The wildfire safe plan requires a water tank to be installed at each residence to supply residential, fire sprinkler and firefighting water. The tank size is to be determined by the square footage

of the residence. With the creation of four parcels, a second dwelling unit could be constructed on each lot, for a total of eight possible households. If a second dwelling unit were constructed, the project would be required to provide a safe and reliable water source at the time of building permit application.

2.5 The project is consistent with General Plan Policy 5.7.2.1.

General Plan Policy 5.7.2.1, Fire Protection in Rural Regions, requires the applicant to demonstrate that sufficient emergency water supply, storage, and conveyance facilities for fire protection, together with adequate access are available, or are provided for, concurrent with development.

Rationale: The El Dorado County Fire Protection District (EDCFPD) would provide fire protection service to the project site and ensure that water supplied to the parcels is adequate to meet emergency fire needs. Both EDCFPD and the California Department of Forestry and Fire Protection (CALFIRE) reviewed the application and the Wildfire Safe Plan. Requirements include fire fuel hazard reduction, water tanks at each residence to supply residential, fire sprinkler and firefighting water, standpipes to act as fire hydrants, residential sprinkler systems, and specific building materials. With the incorporation of these requirements, the project is in compliance with these General Plan policies related to fire protection.

2.6 The project is consistent with General Plan Policy 6.2.2.2.

Policy 6.2.2.2, Wildland Fire Hazards, requires that the County preclude development in high and very high wildland fire hazard areas unless such development can be adequately protected from wildland fire hazards, as demonstrated in a Fire Safe Plan and approved by the local Fire Protection District and/or CALFIRE.

Rationale: The property is located in a Very High Fire Hazard Zone. CALFIRE reviewed the application and included conditions of approval regarding road design and maintenance. These include facilities for engine access and turn-around facilities, a new fire hydrant to serve both parcels, and review of plans at the time of building permit. These improvements would adequately protect the two proposed parcels from wildland fire hazards. Implementation of the Wildland Fire Safe Plan is required as a condition of approval to reduce the potential for project construction resulting in fire that could spread to the adjacent wildland and effect existing residences.

2.7 The project is consistent with General Plan Policy 6.2.3.2.

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

Rationale: Both El Dorado County Fire Protection District and CALFIRE reviewed the application materials and would not require additional site access or improvement to the existing roads. The Transportation Division reviewed the application and determined that encroachment permits accessing Thompson Hill Road would be required. No improvements to Thompson Hill or other public or private roads are needed. The project must prepare and adhere to the approved Wildland Fire Safe Plan for emergency vehicle access including roadway widths and turning radii, fire flow and sprinkler requirements, and vehicle ingress/egress. Compliance with these requirements will assure adequate emergency access and evacuation routes. The project is in compliance with this policy.

2.8 **The project is consistent with General Plan Policy 6.3.1.1**

Policy 6.3.1.1 requires that all discretionary projects and all projects requiring a grading permit, or a building permit that would result in earth disturbance, that are located in areas likely to contain naturally occurring asbestos (based on mapping developed by the California Department of Conservation [DOC]) have a California-registered geologist knowledgeable about asbestos-containing formations inspect the project area for the presence of asbestos using appropriate test methods.

Rationale: The project site may have areas with naturally occurring asbestos (NOA), based on a study conducted by the California Department of Conservation in 2000. The report and accompanying map indicates that the west side of the site, on what would become Parcels 1 and 2, consists of serpentinite (serpentine rock) and related ultramafic rocks and soils, which are the most likely locations for natural occurrences of asbestos in El Dorado County. The report does not indicate whether asbestos minerals are present or absent in bedrock or soil associated with a particular parcel of land, however, this would be accomplished through a detailed site-specific examination of the property. Mitigation Measure AQ-1 requires that soil testing be conducted prior to the issuance of grading permits. If NOA is detected, an Asbestos Dust Mitigation Plan would be required for the project.

2.9 **The project is consistent with General Plan Policy 7.1.2.1.**

General Plan Policy 7.1.2.1 directs that development or disturbance shall be restricted on slopes exceeding 30 percent unless necessary for access.

Rationale: The proposed structures would be constructed on areas of the property that avoid any slopes exceeding 30 percent. The area proposed for new development would be in areas that are relatively flat, or have been previously graded, and avoid any steep slopes of 30 percent. The proposed new road would be improved from an existing driveway and does not

traverse any slopes of 30 percent or greater. The project is in compliance with the policy related to steep slopes.

2.10 The project is consistent with General Plan Policy 7.3.2.1

Policy 7.3.3.1 requires that projects that would result in the discharge of material to or that may affect the function and value of river, stream, lake, pond, or wetland features, include a delineation of all such features. For wetlands, the delineation shall be conducted using the U.S. Army Corps of Engineers (USACE) Wetland Delineation Manual

Rationale: A wetland delineation (Site Consulting, Inc.) was prepared for the project under a Preliminary Jurisdictional Determination in April of 2016 in accordance with U.S. Army Corps of Engineers' Wetland Delineation Manual (Exhibit H). Two perennial creeks, one intermittent creek, one spring-fed channel, seven channels and one wetland were found on the project site. The total potentially jurisdictional area within the project study area is 47,434 square feet or 1.09 Acres. No development is proposed for these areas, and no discharge or fill is proposed to be directed to these waters. Access driveways would not cross any streams or wetlands, and the sites proposed for residential structures avoid these sensitive areas. With the incorporation of Mitigation Measure BIO-1, which limits development in sensitive areas on-site, the project would not result in discharge of material to or affects to the function and value of river, stream, lake, pond, or wetland features.

2.11 The project is consistent with General Plan Policy 7.3.3.4

General Plan Policy 7.3.3.4 required that the zoning ordinance be amended to provide buffers and setbacks for the protection of riparian areas and wetlands. Until the setbacks are established in the Zoning Ordinance, the County shall apply a minimum setback of 100 feet for all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands would be used. The recent Zoning Ordinance Update, adopted on December 15, 2015, identifies ministerial development setbacks of 25 feet from intermittent stream, wetland, or sensitive riparian habitat, or a distance of 50 feet from any perennial lake, river, or stream. Discretionary development that has the potential to impact wetlands or sensitive riparian habitat shall require a biological resource evaluation to establish the area of avoidance and any buffers or setbacks required to reduce the impacts to a less than significant level.

Rationale: Two perennial creeks, one intermittent creek, one spring-fed channel, seven channels and one wetland were found on the project site. The total potentially jurisdictional area within the project study area is 47,434 square feet or 1.09 Acres. Wetland features, stream corridors, and riparian areas have been avoided in the project design, and the project is

conditioned to obtain all necessary permits and approvals from regulatory agencies prior to any work that could affect these features and to implement best management practices during construction to protect these features. Access driveways would not cross any streams or wetlands, and the sites proposed for residential structures avoid these sensitive areas. The project proposes minimum setbacks from wetlands and ephemeral, intermittent, and perennial waters. For wetlands, ephemeral waters, and intermittent waters, no development shall occur within 55 feet. For perennial creeks (Granite Canyon Creek and Granite Creek), no development shall occur within 110 feet.

2.12 The project is consistent with General Plan Policy 7.4.1.5

Policy 7.4.1.5 requires that species, habitat, and natural community preservation/conservation strategies be prepared to protect special status plant and animal species and natural communities and habitats when discretionary development is proposed on lands with such resources, unless it is determined that those resources exist, and either are or can be protected, on public lands or private Natural Resource lands.

Rationale: The project site was evaluated for the presence of listed animal and plant species (Site Consulting, Inc., 2016). As mitigated and conditioned, the project will be required to protect potential habitat for Stebbins's morning-glory (*Calystegia stebbinsii*) and Layne's butterwort (*Packera layneae*), as well as other species of concern. The project proposes minimum setbacks of 55 feet from the edge of existing wetlands and streams. Pre-construction surveys for nesting birds and raptors, conducted no more than 30 days prior to construction activities, will be conducted if construction is scheduled during the normal nesting season (March 1 - August 31).

2.13 The project is consistent with General Plan Policy 7.4.1.6.

Policy 7.4.1.6 requires that all development projects involving discretionary review shall be designed to avoid disturbance or fragmentation of important habitats to the extent reasonably feasible. Where avoidance is not possible, the development shall be required to fully mitigate the effects of important habitat loss and fragmentation. Mitigation shall be defined in the Integrated Natural Resources Management Plan (INRMP) (see Policy 7.4.2.8 and Implementation Measure CO-M).

Rationale: The project site was evaluated for the presence of listed animal and plant species (Site Consulting, Inc., 2016). As mitigated and conditioned, the project will be required to protect potential habitat for Stebbins's morning-glory (*Calystegia stebbinsii*) and Layne's butterwort (*Packera layneae*), as well as other species of concern. The project proposes minimum setbacks of 50 feet from the edge of existing wetlands and streams. In addition, Mitigation Measures BIO-1 through BIO-4 would provide protections to

specific species of concern, through pre-construction surveys and actions to protect any found species.

2.14 This project is consistent with General Plan Policy 7.4.4.4.

General Plan Policy 7.4.4.4 requires the applicant to demonstrate that adequate development area exists on each of the proposed parcels where a single family dwelling and related improvements could be built without the removal of oak trees or without project mitigation.

Rationale: Oak woodland canopy currently covers approximately 78 acres, or 65.9 percent of the project site. Oak woodland covers the non-serpentine soils on-site, found on the eastern portion of Parcel 2, and on Parcels 3 and 4. The most common oak species is interior live oak (*Q. wislizeni*), comprising over 58 percent of the oak canopy. Black oaks (*Q. kelloggii*) comprise about 21.4 percent of the oak canopy, and the remainder of the oak canopy (19.9 percent) consists of blue oaks (*Q. douglasiana*). Under General Plan Policy 7.4.4.4, Option A, 70 percent of the existing canopy must be retained. As proposed, the project would retain 100 percent of the oak tree canopy at the site because the proposed area for development does not contain oak trees. The proposed new homes would be reviewed at the time of building permit for compliance. An additional secondary dwelling unit could also be constructed on each of the two lots. Future residential development on either proposed parcel would be required to mitigate the loss of oak canopy in conformance with General Plan Policy 7.4.4.4 and the El Dorado County Oak Woodland Management Plan.

2.15 This project is consistent with General Plan Policy 7.4.2.9.

Policy 7.4.2.9 establishes the Important Biological Corridor (IBC) overlay, which was applied to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors.

Rationale: A portion of the site is located within the Important Biological Corridor (IBC). The project site was evaluated for conformity of the project to El Dorado County General Plan Policies related to oak trees, biological communities, and habitat conservation. The parcel map would not directly impede the intentions of this policy in a significant manner, because the size of the lots would allow large areas to be left as they exist currently. There would be no removal of oak tree canopy associated with the parcel map, the construction of the single-family homes, or the grading of the new driveways. This project will have no effect on wetland or riparian areas, as setbacks from waters and wetlands would not be encroached on by the proposed development. Protection of species of concern found on-site would be protected by the incorporation of Mitigation Measures BIO-1 through BIO-5. Additionally, future construction would be reviewed at

the time of grading and building permit for compliance with IBC standards.

2.16 This project is consistent with General Plan Policy 8.1.4.1

Policy 8.1.4.1 requires that the County Agricultural Commission 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

Rationale: The project application was reviewed by the El Dorado County Agricultural Commission on October 12, 2016 for compliance with the General Plan. Although the project would include the addition of a new housing unit in an area designated for agriculture, the portion of the lot designated for agriculture would not be developed. In addition, the housing units are proposed to be located outside of the 200-foot agricultural setback from the Agricultural District boundary and the Agricultural Lands (AL) land use designation. The Agricultural Commission found that the addition of 4 housing structures on approximately 113 acres will be compatible with agricultural activities both on and off the site.

- 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

Rationale: The project is located on a site that is split-zoned for agricultural land and residential development. No change in land use is proposed. The proposed project creates 4 lots on approximately 113 acres, and is surrounding by existing large-lot residential development. The Agricultural Commission found that the parcel map would not create an island effect.

- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

Rationale: No change in land use is proposed, and the project does not include any changes to the size or configuration of the property. There is adequate space to accommodate the 200-foot setback between proposed parcel 4 and the parcel to the East, which is designated by the General Plan as Agricultural Lands (AL) and is currently under contract as an Agricultural Preserve. The Agricultural Commission found that any buffering effect currently provided by the site would not be affected by the addition of a new dwelling unit.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 130.

The parcel is zoned Rural Lands Ten-Acre (RL-10) and Twenty-Acre (RL-20). The project has been analyzed in accordance with Zoning Ordinance Section 130.28.210 (Development Standards) for minimum lot size, widths and building setbacks.

Rationale: The proposed lots meet the minimum lot size and width standards. The project, as proposed and conditioned, is consistent with the Zoning Ordinance because the parcels have been designed to comply with the Estate Residential Five-Acre (RE-5) development standards as provided within Section 130.28.210 of the County Code.

4.0 PARCEL MAP FINDINGS

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

Rationale: The proposed Parcel Map is consistent with the General Plan as set forth in Findings 2.1 through 2.15.

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

Rationale: The parcels have been analyzed in accordance with Section 130.28.210 (Development Standards) of the Zoning Ordinance and comply with the required minimum lot area and minimum lot width requirements. As proposed and conditioned, the Parcel Map conforms to the Minor Land Division Ordinance.

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

Rationale: The proposed development meets the density requirements of the Low Density Residential (LDR) land use designation and conforms to the

minimum parcel size and development standards of the Rural Lands Ten-Acre (RL-10) and Twenty-Acre (RL-20) zone districts.

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

Rationale: The project impacts have been analyzed in the Initial Study, which resulted in a Mitigated Negative Declaration. The project would not cause substantial environmental damage.

CONDITIONS OF APPROVAL

Tentative Parcel Map P16-0002/Van Noord Parcel Map Zoning Administrator/December 7, 2016

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 ETentative Parcel Map, July 11, 2016

Exhibit F.....Site Plan, July 11, 2016

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval.

The project description is as follows:

The project allows the creation of four parcels ranging in size from 11.6 to 56.8 Acres from a 112.87-acre site identified by Assessor's Parcel Number 105-190-41. All parcels shall be served by individual wells and septic systems. The approval includes the following:

Lot Number	Gross Area	Improvements
1	12.8 acres	New Single-family home, driveway improvements, well or EID connection, septic system
2	56.8 acres	New Single-family home, driveway improvements, well or EID connection, septic system
3	11.6 acres	New Single-family home, driveway improvements, well, septic system
4	29.0 acres	New Single-family home, driveway improvements, well, septic system

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.

Development 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.

3. **Fish and Wildlife Fee:** 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 or final map filed until said fees are paid.
4. **Steep slopes:** Development or disturbance of the project site shall be restricted to areas with slopes not exceeding 30 percent.
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.

Mitigation Measures

6. **Mitigation Measure AQ-1:** Prior to grading, excavation, and construction activities on Parcels 1 and 2, a California-registered geologist knowledgeable about asbestos-containing formations shall inspect the project area for the presence of asbestos using appropriate test methods. If the asbestos content level exceeds the permissible asbestos content level according to CARB, an Asbestos Hazard Dust Mitigation Plan is required.
7. **Mitigation Measure BIO-1:** Development shall avoid wetlands and ephemeral, intermittent, and perennial waters. For wetlands, ephemeral waters, and intermittent waters, no development shall occur within 55 feet. For perennial creeks (Granite Canyon Creek and Granite Creek), no development shall occur within 110 feet. The setbacks from all wetlands, waters, and creeks as delineated in Figure 8 of the Biological Resources Report (Wilson, 2016) shall be shown and recorded on the final map.

Monitoring Requirement: The applicant shall conduct all construction activities outside the 55-foot or 110-foot setback from wetlands and waters, as identified on Figure 8 of the Biological Resources Report prepared by Site Consulting Inc. The setbacks shall be identified on the Final Map prior to recordation, and this mitigation measure and the associated setback shall be noted on future grading and residential construction plans. Development Services Division shall verify the inclusion of this requirement on the Final Map, in a notice of restriction that shall be recorded on the property, and future grading and residential construction plans.

Monitoring Responsibility: El Dorado County Development Services Division.

8. **Mitigation Measure BIO-2:** If any grading or construction activities will occur during the nesting season (March 1 to August 31), a preconstruction survey for the presence of special-status bird species or any nesting bird species shall be conducted by a qualified biologist within 500 feet of proposed construction areas, no more than 30 days prior to construction activities. The survey shall be submitted to Planning Services for review. If active nests are identified in these areas, CDFW and/or USFWS shall be consulted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a 40-foot, fenced buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

Monitoring Requirement: The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and the necessary avoidance measures prior to initiation of construction activities. This mitigation measure shall be noted on the Final Map, in a notice of restriction that shall be recorded on the property, and future grading and residential construction plans. If a pre-construction survey is required, the Development Services Division shall verify the completion of survey prior to issuance of grading permit.

Monitoring Responsibility: El Dorado County Development Services Division.

9. **Mitigation Measure BIO-3:** Prior to the commencement of grading at the project site, temporary orange fencing shall be installed between construction areas and nearby avoided Brandegee’s clarkia (*Clarkia biloba ssp. brandageeae*) under the direction of a qualified botanist. The fenced area(s) shall be shown on the submitted project improvement plans.

Monitoring Requirement: A qualified botanist shall oversee the installation of temporary orange fencing prior to the commencement of grading at the project site, between construction areas and nearby avoided Brandegee’s clarkia (*Clarkia biloba ssp. brandageeae*). The fenced area(s) shall be shown on the submitted project improvement plans. This mitigation measure shall be noted on the Final Map, in a notice of restriction that shall be recorded on the property, and future grading and residential construction plans.

Monitoring Responsibility: El Dorado County Development Services Division.

10. **Mitigation Measure BIO-4:** Fences shall be limited to those that would not restrict wildlife movement, except fences immediately adjacent to barns or homes for the purposes of protecting livestock, crops or landscaping.

Monitoring Requirement: Development Services Division shall verify the inclusion of

this requirement on the Final Map, in a notice of restriction that shall be recorded on the property, and future grading and residential construction plans.

Monitoring Responsibility: El Dorado County Development Services Division.

11. **Mitigation Measure CUL-1:** No development will be permitted within the site boundary of Locus C, as identified in the Cultural Resources Study, without additional archaeological study.

Monitoring Requirement: The applicant shall conduct all construction activities outside the boundary of Locus C, as identified in the figures in the Cultural Resources Study (Historic Resource Associates, November 2015). This mitigation measure shall be noted on future grading and residential construction plans. Development Services Division shall verify the inclusion of this requirement on the Final Map, in a notice of restriction that shall be recorded on the property, and future grading and residential construction plans.

Monitoring Responsibility: El Dorado County Development Services Division.

12. **Mitigation Measure CUL-2:** In the event 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.

If the find is determined to be a “unique archeological resource”, the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). 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 or the site is determined a “nonunique archeological resource”.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

Monitoring Requirement: This mitigation measure shall be noted on future grading and residential construction plans. Development Services Division shall verify the inclusion of this requirement on the Final Map, and future grading and residential construction plans.

Monitoring Responsibility: El Dorado County Development Services Division.

13. **Mitigation Measure CUL-3:** 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. 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. This mitigation measure shall be incorporated as a note on the grading/improvement plans.

Monitoring Requirement: This mitigation measure shall be noted on future grading and residential construction plans. Development Services Division shall verify the inclusion of this requirement on the Final Map, and future grading and residential construction plans.

Monitoring Responsibility: El Dorado County Development Services Division.

Office of County Surveyor

14. All survey monuments shall be set prior to filing the Parcel Map.
15. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 120.44.120(B)(2).
16. Situs addressing for the project shall be coordinated with the County Surveyors Office prior to filling the Final Map.

17. Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed conditions on the map. The letter shall state that “all conditions placed on P16-0002 by (that agency) have been satisfied.” The letter shall be sent to the County Surveyor and copied to the consultant and the applicant.

CALFIRE/EDC Fire

18. **Wildland Fire Safe Plan:** This development shall implement, and maintain the approved Wildland Fire Safe Plan (Exhibit I) that is approved by the Fire Department as complying with the State Fire Safe Regulations.

Transportation Division

19. **Road and Public Utility Easements:** The applicant shall irrevocably offer to dedicate a 30-foot wide road and public utility easement on Thompson Rd for the road and public utility purposes as shown on the Tentative Parcel Map. Slope easements shall be included as necessary. This offer will be accepted by the county.
20. **Consistency with County Codes and Standards:** The developer shall 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 the Transportation Division and pay all applicable fees prior to filing of the final map.

Additionally, the project improvement plans and grading plans shall conform to the County Grading, Erosion and Sediment Control Ordinance, Grading Design Manual, the Drainage Manual, 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).

Air Quality Management District

21. **Fugitive Dust:** The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction. (Rules 223 and 223.1)
22. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
23. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.

24. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
25. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>
An applicability flow chart can be found here: http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf
Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
26. **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.

Environmental Management

27. For the final map all parcels shall have a safe and reliable water source that meets the minimum criteria of EDC policy 800-02.