

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



**Agenda of:** November 16, 2016  
**Item No.:** 4.a.  
**Staff:** Rob Peters

**TENTATIVE SUBDIVISION MAP**

**FILE NUMBER:** TM14-1523/Rancheria Court Tanis Split

**APPLICANT:** Raymond Tanis

**AGENT:** Northern California Geomatics, Brendan Williams

**REQUEST:** Tentative subdivision map creating two residential lots ranging in size from 5.11 acres to 11.535 acres from the 16.645 acre site.

The following design waivers are being requested:

- a. Modification of Standard Plan 101C allowing existing Rancheria Court to remain unmodified; and
- b. Modification of Standard Plan 101C allowing reduction in the required roadway width to 12 feet for roadway serving Lot 1 through Lot 2.

**LOCATION:** On the northeast side of Rancheria Court approximately 900 feet east of the intersection with Rancheria Drive, in the Shingle Springs Area, Supervisorial District 4 (Exhibit A).

**APN:** 319-330-27 (Exhibit B)

**PARCEL SIZE:** 16.645 acres

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

**ZONING:** Residential Estate Five-Acre (RE-5) (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;
2. Adopt the Mitigation Monitoring Program in accordance with California Environmental Quality Act (CEQA) Guidelines, Section 15074(d), incorporating the Mitigation Measures as presented;
3. Approve the following design waivers, as the required findings can be made:
  - a. Modification of Standard Plan 101C allowing existing Rancheria Court to remain unmodified for the portion of the roadway between large rock outcropping and culvert; and
  - b. Modification of Standard Plan 101C allowing reduction in the required roadway width to 12 feet for roadway serving Lot 1 through Lot 2.
4. Approve Tentative Subdivision Map TM14-1523, based on the Findings and subject to the Conditions of Approval as presented.

**EXECUTIVE SUMMARY:**

This Tentative Subdivision Map would create two residential lots, approximately 11.535 acres and 5.11 acres in size, from a 16.645 acre site on the northeast side of Rancheria Court approximately 900 feet east of the intersection with Rancheria Drive, in the Shingle Springs Area. The tentative subdivision map is required for the lot split due to previous subdivision by the same applicant resulting in a total of five lots. The site is within the Important Biological Corridor (-IBC) General Plan Overlay Land Use Designation, as it has high wildlife habitat value. The project would result in the removal of oak canopy for proposed on- and off-site grading for road improvements, and for future residential development on proposed Lot 1. With the incorporation of the recommended conditions of approval and mitigation measures, staff recommends approval of this tentative subdivision map. As discussed in the Findings, staff has determined that the proposed project is consistent with the LDR-IBC land use designation and other applicable policies in the El Dorado County General Plan, as well as the provisions of the RE-5 zone and other Zoning Ordinance requirements.

**BACKGROUND:**

The existing lot containing the proposed project was created as part of a four-lot parcel map, Parcel Map 8-62 (Exhibit E). The parcel map was processed by the current project applicant, Raymond Tanis, and was tentatively approved as Tentative Parcel Map P75-0111 on July 7, 1975. The proposed project would create one additional lot and constitutes a subdivision of Lot A of Parcel Map 8-62 by the same applicant. This subdivision would result in the creation of a total of five lots

and requires approval of a tentative subdivision map. The existing residence and barn on proposed Lot 2 were both permitted with building permits (#189974-1 and #162322-1 respectively).

## **ANALYSIS:**

**Site Description:** The project site consists of 16.645 acres and is located at an elevation of approximately 1,300 feet above mean sea level. The site contains an existing residential dwelling with accessory structures and related improvements, including a well and wastewater septic system, accessed by an existing gravel driveway off of Rancheria Court, a private gravel road (Exhibit F). A 15-foot wide PG&E easement runs east to west along the southern property line. The dominant vegetative community is interior live oak woodland with understory shrubs and grasses. One Elderberry Bush (*Sambucus Mexicana*) was identified along the eastern border of proposed Lot 1. Approximately 0.065 acres of potential onsite jurisdictional waters and wetlands exist within proposed Lot 1 (Figure 8 of Attachment 8 to Exhibit M). The site contains two knolls that have slopes in excess of 30 percent. The off-site access roadway to the site is graveled and crosses two drainages. One of the drainages forms temporary ponds on each side of the roadway.

**Project Description:** The Tentative Subdivision Map would create two residential lots, approximately 11.535 acres and 5.11 acres in size, from a 16.645 acre site (Exhibit G). Proposed Lot 2 would be served by an existing well and an existing on-site septic wastewater system. The future residential dwelling on proposed Lot 1 would be served by an existing well and future on-site septic wastewater system. The project would result in the removal of oak canopy for proposed on- and off-site grading for road improvements, and for future residential development on proposed Lot 1 (Exhibit K).

Access to the proposed lots would be from Rancheria Court, an existing private road that would require improvements. The application includes a request for two design waivers to the County Design Improvements Standards Manual (DISM), including: a) modification of Standard Plan 101C allowing the existing Rancheria Court roadway to be unmodified; and b) modification of Standard Plan 101C allowing the roadway width passing through Lot 2 to be reduced from 18 feet to a 12-foot width (Exhibit L). Off-site access improvements to Rancheria Court would require roadway widening to Standard Plan 101C with a portion to be left unmodified, and roadway turnouts on each side of the unmodified section. On-site access improvements to Rancheria Court would consist of roadway widening to Standard Plan 101C on proposed Lot 2 up to the existing driveway that serves the existing residence and a 12-foot wide roadway with 1-foot shoulders thereafter terminating at a hammerhead turnaround for access to proposed Lot 1.

**Circulation:** The application for the proposed project was received on December 15, 2014 and deemed complete on January 14, 2015. Section 66474.2 of the Subdivision Map Act provides that the review and approval of a Tentative Map should be conducted in accordance with the rules, regulations, policies, and standards in effect at the time that the application for the Tentative Map is deemed complete. As such, the project is not subject to the recent amendments to the General Plan affected through the approval of the voter-approved ballot Measure E, effective July 29, 2016.

**Design Waiver:** Two design waivers from the Design and Improvement Standards Manual (DISM) are requested for the proposed project (Exhibit L). Findings of consistency for the proposed design waivers are provided in the Findings section of the staff report below. The requested design waivers are as follows:

- a. Modification of Standard Plan 101C allowing existing Rancheria Court to remain unmodified.

Discussion: The Transportation Division (TD) supports a modified design waiver allowing modification of Standard Plan 101C allowing Rancheria Court to remain unmodified for the portion of the roadway between the large rock outcropping and culvert (approximately Station 3+60 to Station 4+04), as identified on Exhibit J. Allowing the off-site portion of Rancheria Court to remain unmodified results in avoidance of potential impacts to existing potential jurisdictional waters of the U.S. that cross the existing roadway (Figure 8 of Attachment 9 to Exhibit M). The project includes fire turn outs on the southwest and northeast sides of the unmodified portion of the roadway. The Diamond Springs/El Dorado Fire Protection District (Fire District) and the California Department of Forestry and Fire Protection (CAL FIRE) reviewed the project and recommended conditions of approval that have been included in the project design and the recommended conditions of approval for the project. Planning Services and TD have reviewed the Design Waiver request and have recommended approval of the modified design waiver.

- b. Modification of Standard Plan 101C allowing reduction in the required roadway width from 18 to 12 feet for roadway serving Lot 1 through Lot 2.

Discussion: The TD supports a modified design waiver allowing modification of Standard Plan 101C allowing reduction to a 12-foot roadway width with 2-foot shoulders on each side for the portion of the roadway between the existing driveway to proposed Lot 2 to the proposed hammerhead turn around at the southern boundary of proposed Lot 1 (approximately Station 11+42 to Station 13+44), as identified on Exhibit I. The remainder of the on-site portions of Rancheria Court would be required to be 18-foot roadway with 1-foot shoulders. The Fire District and CAL FIRE reviewed the project and recommended conditions of approval that have been included in the project design and the recommended conditions of approval for the project. Planning Services and TD have reviewed the Design Waiver request and have recommended approval of the modified design waiver.

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Exhibit M) to determine if the project has a significant effect on the environment. Potentially significant effects of the project on the environment have been mitigated by recommended mitigation measures and conditions of approval that avoid or lessen the impacts to a point of insignificance; therefore a Mitigated Negative Declaration has been prepared and a Notice of Determination (NOD) will be filed. A \$50.00 filing fee for the NOD is required and the NOD must be filed within five working days from the project approval.

The filing of the NOD begins the statute of limitations time period for when litigation may be filed against the County's action on the project. If the NOD is filed the statute of limitations ends 30 days from its filing. If no NOD is filed, it ends 180 days from the date of final action by the County.

In accordance with California Fish and Game Code Section 711.4, the project is subject to a fee after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus the \$50.00 filing fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The fee is forwarded to the State Department of Fish and Wildlife and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....	Vicinity Map
Exhibit B.....	Assessor's Map
Exhibit C.....	General Plan Land Use Map
Exhibit D.....	Zoning Map
Exhibit E.....	Parcel Map 8-62
Exhibit F.....	Aerial Map
Exhibit G.....	Tentative Subdivision Map
Exhibit H.....	Slope Map
Exhibit I.....	Onsite Preliminary Grading Plan
Exhibit J.....	Offsite Preliminary Grading Plan
Exhibit K.....	Tree Canopy Map
Exhibit L.....	Design Waiver Request
Exhibit M.....	Proposed Mitigated Negative Declaration and Initial Study

## **FINDINGS**

### **Tentative Subdivision Map TM14-1523/Rancheria Court Tanis Split Zoning Administrator/November 16, 2016**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

#### **FINDINGS FOR APPROVAL**

##### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 Through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 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, conditions of approval, and mitigation measures 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.
- 1.4 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 Department - Planning Services 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 that the Low-Density Residential (LDR) land use designation establishes areas for single-family residential development in a rural setting. In Rural Regions, this designation shall provide a transition from Community Regions and Rural Centers into the agricultural, timber, and more rural areas of the County and shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available. The maximum allowable density is one dwelling unit per 5.0 acres.

Rationale: The Tentative Subdivision Map would create two residential lots, approximately 11.535 acres and 5.11 acres in size, from a 16.645 acre site. The site is in a Rural Region within the Shingle Springs area and is near the Rescue Rural Center. The existing land use at the site is residential. 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 located in a rural area of existing residential development. The proposed lot sizes are similar to those surrounding the site, and the residential use is consistent and compatible with the residential development pattern in the project vicinity.

**2.3 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 currently served by a domestic well. The Diamond Springs/El Dorado Fire Protection District (Fire District) and the California Department of Forestry and Fire Protection (CAL FIRE) both reviewed the project and recommended conditions of approval that would ensure the water supply would be adequate for the purposes of fire protection.

**2.4 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 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 the existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as conditions of approval.

Rationale: The Fire District and CAL FIRE reviewed the proposed project and have recommended conditions of approval which have been incorporated into the project design and conditions of approval for the project to ensure that the water supply would be adequate for the purposes of fire protection. With the incorporation of these requirements, the project is in compliance with this General Plan policy related to adequate fire protection.

**2.6 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: The Transportation Division, Fire District, and CAL FIRE have reviewed the application and have supported design waivers and recommended conditions of approval requiring on-and off-site road improvements to ensure that adequate access will be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area. The recommended conditions of approval have been incorporated into the project design and the conditions of approval for the project. With the incorporation of these requirements, the project is in compliance with this General Plan policy related to adequate access for emergencies.

**2.7 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 project site includes slopes that are 30 percent or greater; however, the project, as proposed, will not disturb 30 percent or greater slopes. The existing structures are built on areas of the property that avoid slopes exceeding 30 percent. The area proposed for new development avoids steep slopes of 30 percent. The project is in compliance with the policy related to steep slopes.

**2.8 This 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: As described in the *Wetland Delineation Report* prepared by Site Consulting Inc., dated April 2016, the project site contains approximately 0.013 acres of seasonal wetland and approximately 0.052 acres of potential on-site jurisdictional waters of the U.S. No proposed development would impact

these on-site wetlands and waters. The off-site roadway, which requires improvements to meet Transportation and Fire District requirements, crosses two drainages that would be avoided by implementing design waivers and recommended conditions of approval that have been incorporated into the project design. Future ministerial residential development would be required to meet the minimum setback requirements outlined in 130.30.030.G of the County Zoning Ordinance. The project is consistent with this General Plan Policy.

**2.9 This project is consistent with General Plan Policy 7.4.4.4.**

General Plan Policy 7.4.4.4 requires that for all new development projects that would result in soil disturbance on parcels that (1) are over an acre and have at least 1 percent total canopy cover or (2) are less than an acre and have at least 10 percent total canopy cover by woodlands habitats as defined in this General Plan and determined from base line aerial photography or by site survey performed by a qualified biologist or licensed arborist, that the project applicant shall adhere to the tree canopy retention and replacement standards.

Rationale: Proposed grading and future residential construction activities would result in approximately 0.88 acres of oak canopy removal, 0.73 acres on-site and 0.15 acres off-site, as described in the *Biological Resources Report; Oak Tree Survey, Preservation and Replacement Plan* prepared by Site Consulting Inc., dated April 2016 (Figure 8 of Attachment 8 to Exhibit M). The project would be required to mitigate 0.88 acres of oak canopy in compliance with said Report, General Plan Policy 7.4.4.4, and the Interim Interpretive Guidelines for that policy. The project would meet the required retention and replacement requirements of General Plan Policy 7.4.4.4 Option A and is therefore consistent with the General Plan Policy.

**2.10 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: The project site and related disturbance areas are located within the -IBC. The tentative subdivision map, as designed and conditioned, would not impede the intentions of this policy. The project incorporates the guidelines for development outlined in policy 7.4.2.9, including but not limited to, the size of the proposed lots allowing large areas to be left as they exist currently and the project incorporating higher oak woodland canopy-retention standards. Additionally, future construction would be reviewed at the time of grading and building permit for compliance with -IBC standards.

### 3.0 **ZONING FINDINGS**

#### 3.1 **The proposed use is consistent with Title 130.**

The project site is zoned Estate Residential Five-Acre (RE-5). The project has been analyzed in accordance with Zoning Ordinance Section 130.24 (Residential Zones) for minimum lot size, lot widths, and building setbacks.

Rationale: The proposed single-unit detached residential land uses are allowed uses within the RE-5 zone in accordance with Section 130.24.020. The proposed lots have been designed to comply with the RE-5 development standards, including minimum lot size and width standards identified in Section 130.24.030. The existing home and accessory structures are compliant with the setback requirements of Section 130.24.030. The tentative subdivision map identifies a potential building site for proposed Lot 1 that also complies with the setback requirements. The project, as proposed and conditioned, is consistent with the County Zoning Ordinance.

### **TENTATIVE SUBDIVISION MAP FINDINGS**

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

Rationale: The proposed Tentative Subdivision Map is consistent with the General Plan as set forth in Finding 2.0.

#### 4.2 **The proposed tentative map conforms to the applicable standards and requirements of the County's Zoning Ordinance and Major Land Division Ordinance.**

Rationale: As discussed in Finding 3.0 above, the tentative subdivision map conforms to the allowed uses and development standards within the RE-5 Zone. As proposed and conditioned, the parcel map conforms the Subpart 1 of the County Subdivision Ordinance (Major Land Divisions).

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

Rationale: The site is physically suitable for the proposed type and density of development. The proposed project is consistent with the density allowed within the LDR land use designation, as well as the development standards of the RE-5 zone. The project was designed in a manner that avoids significant disturbances of slopes in excess of 30 percent, has adequate water and septic wastewater system capabilities, and avoids impacts to potential on-and off-site jurisdictional waters and wetlands of the U.S.

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

Rationale: The proposed parcel map is not likely to cause substantial environmental damage as determined in the Mitigated Negative Declaration.

**5.0 DESIGN WAIVER APPROVAL FINDINGS**

**5.1 Modification of Standard Plan 101C allowing the existing Rancheria Court to remain unmodified for the portion of the roadway between large rock outcropping and culvert.**

**5.1.1 There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.**

Rationale: The subject site is unique in that the roadway giving access to the parcel is an existing gravel roadway that crosses two existing drainages. Requiring roadway widening for the entire length of Rancheria Court to accommodate one additional lot would result in extensive additional cost and likely additional state and federal permitting requirements, specifically with regard to impacts from additional grading to potential jurisdictional waters of the U.S. that are currently being avoided. The applicant has submitted a "Design Waiver Request" attached to this staff report in Exhibit L.

**5.1.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.**

Rationale: Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from additional grading, potential state and federal permitting requirements, and increased project costs. The proposed design waiver has been reviewed by the Transportation Division, Diamond Springs/El Dorado Fire Protection District, and CAL Fire, and is supported by each of these agencies as proposed and conditioned.

**5.1.3 The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.**

Rationale: The reduction in roadway width design waiver will not result in future development that would pose a hazard to the health, safety and welfare of the public. The proposed design waiver has been reviewed by the Transportation Division, Diamond Springs/El Dorado Fire Protection District, and CAL FIRE, and is supported by each of these agencies as proposed and conditioned.

**5.1.4 This waiver(s) would not have the effect of nullifying the objectives of Subpart I of Title 120 of the County Code or any other ordinance applicable to the division.**

Rationale: The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Subpart I of Title 120 of County Code (Major Land Divisions) or any of the other applicable ordinances discussed within the staff report. The project will create parcels that will be consistent with the development standards of the RE-5 zone district and other applicable requirements of the County Zoning Ordinance.

**5.2 Modification of Standard Plan 101C allowing reduction in the required roadway width from 18 feet to 12 feet for roadway serving Lot 1 through Lot 2.**

**5.2.1 There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.**

Rationale: The project site is located within an –IBC General Plan Overlay Land Use Designation which applies to lands identified as having high wildlife habitat values. The project site contains dense oak woodland canopy covering an excess of 90 percent of the site. The proposed roadway location contains oak woodland canopy that would be further impacted by additional grading if the entire roadway were to be widened to 18 feet to serve one parcel.

**5.2.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.**

Rationale: Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardships resulting from additional grading, additional oak woodland canopy removal, and increased project costs related to additional roadway widening and oak canopy mitigation. The proposed design waiver has been reviewed by the Transportation Division, Diamond Springs/El Dorado Fire Protection District, and CAL FIRE, and is supported by each of these agencies as proposed and conditioned.

**5.2.3 The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.**

Rationale: The reduction in roadway width design waiver will not result in future development that will pose a hazard to the health, safety and welfare of the public. The proposed design waiver has been reviewed by the Transportation Division, Diamond Springs/El Dorado Fire Protection District, and CAL FIRE, and is supported by each of these agencies as proposed and conditioned.

**5.2.4 This waiver(s) would not have the effect of nullifying the objectives of Subpart I of Title 120 of the County Code or any other ordinance applicable to the division.**

Rationale: The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Subpart I of Title 120 of County Code (Major Land Divisions) or any of the other applicable ordinances discussed within the staff report. The project will create parcels that will be consistent with the development standards of the RE-5 zone district and other applicable requirements of the County Zoning Ordinance.

**CONDITIONS OF APPROVAL**

**Tentative Subdivision Map TM14-1523/Rancheria Court Tanis Split  
Zoning Administrator/November 16, 2016**

1. This Tentative Subdivision Map is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit G.....	Tentative Subdivision Map
Exhibit H.....	Slope Map
Exhibit I.....	Onsite Preliminary Grading Plan
Exhibit J.....	Offsite Preliminary Grading Plan
Exhibit K.....	Tree Canopy Map

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

The project description is as follows:

The Tentative Subdivision Map would create two residential lots, approximately 11.535 acres and 5.11 acres in size, from a 16.645 acre site identified by Assessor’s Parcel Number 319-330-27. The existing residential dwelling would remain on proposed Lot 2 and would be served by an existing well and an existing on-site septic wastewater system. The future residential dwelling on proposed Lot 1 would be served by an existing well and future on-site septic wastewater system. Access to the proposed lots would be from Rancheria Court, an existing private road that would require improvements.

The project includes approval of two design waivers to the County Design Improvements Standards Manual (DISM), including: a) modification of Standard Plan 101C allowing the existing Rancheria Court roadway to be unmodified; and b) modification of Standard Plan 101C allowing the roadway width passing through Lot 2 to be reduced from 18 feet to a 12-foot width. Off-site access improvements to Rancheria Court would require roadway widening to Standard Plan 101C with a portion to be left unmodified, and roadway turnouts on each side of the unmodified section. On-site access improvements to Rancheria Court would consist of roadway widening to Standard Plan 101C on proposed Lot 2 up to the existing driveway that serves the existing residence and a 12-foot wide roadway with 1-foot shoulders thereafter terminating at a hammerhead turnaround for access to proposed Lot 1.

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.

### **Conditions of Approval from the Mitigated Negative Declaration**

The following mitigation measures are required as a means to reduce potential significant environmental effects to a level of insignificance.

2. **BIO-1: Listed Species:** Impacts to potential habitat for the Valley Elderberry Longhorn Beetle habitat shall be mitigated through establishment of a 30-foot radius setback from the host plant. Use of herbicides and insecticide within the setback area shall be prohibited.

**Monitoring Requirement:** The applicant shall conduct all construction activities outside the 30-foot radius setback from the existing Elderberry Bush (*Sambucus Mexicana*) as identified on Figure 13 of the *Biological Resources Report* (Figure 8 of Attachment 8 to Staff Report Exhibit M) prepared by Site Consulting Inc. dated April 2016. The 30-foot radius shall be identified on the Final Map prior to recordation, and this mitigation measure and the associated 30-foot radius 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, and future grading and residential construction plans.

**Monitoring Responsibility:** El Dorado County Development Services Division.

3. **BIO-2: Species of concern:** Pre-construction surveys for nesting birds, including raptors, conducted no more than 30 days prior to construction activities, are required if construction is scheduled during the normal nesting season (March 15 to August 31). A 30-foot setback from trees with active nests is recommended for most species. If raptor nests are found on or immediately adjacent to the site, consultation with the California Department of Fish and Wildlife (CDFW) must be initiated to determine appropriate avoidance measures. No mitigation is required if tree removal and grading are not scheduled during normal nesting season.

**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 grading 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.

**BIO-3: Oak Woodlands:** Oak woodland preservation and replacement shall be consistent with Section VII (Oak Tree Survey, Preservation and Replacement Plan) of the *Biological Resources Report* prepared by Site Consulting Inc. dated April 2016 (Attachment 8 of Staff Report Exhibit M). The plan identifies appropriate oak woodland canopy preservation

measures, and identifies replacement requirements for oak woodland canopy removal resulting from the proposed project. Removal of oak woodland canopy must be mitigated by replanting oaks at a 1-to-1 ratio of canopy removed to area revegetated. Using the standard of 200 saplings or 600 acorns per acre, the mitigation for proposed oak woodland canopy removal for Lot 1 would be 66 saplings or 198 acorns planted on 0.33 acres; for Lot 2 would be 80 saplings or 240 acorns on 0.4 acres; and for Rancheria Court would be 30 saplings or 90 acorns on 0.15 acres. Proposed mitigation areas shall be in substantial conformance with Figure 13 of the referenced study (Oak and Elderberry Mitigation Map).

**Monitoring Requirement:** All grading and construction activities will require compliance with the oak woodland preservation measures and replacement measures as described in Section VII (Oak Tree Survey, Preservation and Replacement Plan) of the *Biological Resources Report* prepared by Site Consulting Inc. dated April 2016 (Attachment 8 of Staff Report Exhibit M). The applicant shall plant oak trees or acorns in compliance with said Report and the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4. Planning Services shall verify the inclusion of this requirement prior to the issuance of grading and building permits.

**Monitoring Responsibility:** El Dorado County Development Services Division.

#### **Development Services Division**

4. **Permit Time Limits:** This Tentative Parcel Map shall expire 36 months from the date of approval unless a timely extension has been filed.
5. **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.
6. **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.

7. **Tree Preservation:** In the event that residential or other structures are proposed for construction outside of the previously analyzed areas identified on the Tentative Subdivision Map, a tree preservation plan shall be submitted to Planning Services for review and approval prior to Building Permit issuance.

8. **Archeological Resources:** The following shall be incorporated as a note on the grading plans:

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 archeological 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”.

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

9. **Human Remains:** The following shall be incorporated as a note on the grading plans:

In the event of the discovery of human remains, all work shall cease and the County Coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The Coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the Coroner determines that the remains are not subject to his or her authority and if the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their

inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

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

10. The Tentative Parcel Map is subject to parkland dedication in-lieu fee. The fee shall be \$150.00. Please submit a check for the total amount to Planning Services and make the check payable to El Dorado County. No permits shall be issued or final map filed until said fees are paid.

#### **Transportation Division (Project-Specific Conditions)**

11. **Road Improvements (On-site):** The on-site roadway on Lot 2 shall be constructed to Modified County Standard Plan 101C. The on-site portion shall be 18 feet wide with 1-foot shoulder on both sides from approximate Station 10+00 to Station 11+42. The road shall be constructed to be 12 feet wide with a 2-foot shoulder on each side from Station 11+42 to Station 13+44. The applicant shall also construct a hammerhead turnaround on Lot 1 to the satisfaction of the Fire Department.
12. **Hammerhead Turnaround (Off-site):** The applicant shall construct a hammerhead turnaround to the satisfaction of the fire department.
13. **Road and Public Utility Easement:** The applicant shall irrevocably offer to dedicate a 50-foot wide non-exclusive road and public utility easement for the on-site access roadways, shown on the final recorded map. Slope easements shall be included as necessary. This offer will be rejected by the County.
14. **Off-Site Improvements (Rancheria Court):** The off-site Rancheria Court shall be constructed pursuant to County Standard Plan 101C to be 18 feet in width with 1-foot shoulder on each side. The applicant will be allowed to have the existing road width remain the same at Rancheria Court from the large rock to the culvert. The applicant will have to construct turnouts before the rock and after the culvert. The turnouts shall be a minimum of 10 feet wide and 30 feet long with a minimum 25-foot taper on each end.

#### **Transportation Division (Standard Conditions)**

15. **Maintenance Entity:** The proposed project must form an entity for the maintenance of public of public and private roads and drainage facilities. If there is an existing entity, the

property owner shall modify the document if the current document does not sufficiently address maintenance of the roads of the current project. The Transportation Division shall review the document forming the entity to ensure the provisions are adequate prior to filing of the final map.

16. **Common Fence/Wall Maintenance:** The responsibility and access rights for maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
17. **Consistency with County Codes and Standards:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvements 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, the Grading Design Manual, the Drainage Manual, Storm Water Ordinance (Or. No. 5022), Off-Street Parking and Loading Ordinance, all applicable State of California Water Quality Orders, the State of California Handicapped Accessibility Standards, and the California Manual on Uniform Traffic Control Devices (MUTCD).

18. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from, the Transportation Division. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
19. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
20. **Drainage (Cross-Lot):** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements. This drainage shall be conveyed via closed conduit or open channel, to either a natural drainage course of adequate size or an appropriately sized storm drain system. The Grading and Improvement plans shall show drainage easements for all on-site drainage facilities where required.

21. **Regulatory Permits and Documents:** All regulatory permits or agreements between the Project and any State or Federal Agency shall be provided to the Transportation Division with the Project Improvement Plans. These project conditions of approval and all regulatory permits shall be incorporated into the Project Improvement Plans.
22. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the TD with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.

### **Diamond Springs/El Dorado Fire Protection District**

23. The fire flow required for this parcel split is set forth in the California Fire Code Appendix "B." The required fire flow for >3600 square foot residential structure including garage, with an approved NFPA 13 D sprinkler is 1000 gallons per-minute, for 2 hours, at 20 psi residual. The required fire flow for <3600 square foot residential structure including garage, with an approved NFPA 13 D sprinkler system is 1500 gallons per-minute, for 2 hours, at 20 psi residual.
24. A fire hydrant shall be located within 600 feet from any new structure. If there is not a fire hydrant within 600 feet a new one shall be installed.
25. All driveways shall provide a minimum 12 foot traffic lane and unobstructed vertical clearance of 15 feet along its entire length.
  - (a) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
  - (b) A turnout shall be provided at all building sites on driveways over 300 feet in length, and shall be within 50 feet of the building.
26. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes providing two-way traffic flow, unless other standards are provided in this article, or additional requirements are mandated by local jurisdictions or local subdivision requirements. Diamond Springs/El Dorado Fire Protection District has agreed to allow the section of road from the large rock to the culvert to remain unchanged and be less than 18 feet in width. To mitigate this narrow section of road, Diamond Springs/El Dorado Fire Protection District requires a turnout before the rock and a turnout after the culvert. The turnouts shall be a minimum of 10 feet wide and 30 feet long with a minimum 25-foot taper on each end. The entire length of Rancheria Court must have 15 feet of unobstructed vertical clearance.
27. A turnout at the end of Rancheria Court is required. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

28. The following are requirements of the Diamond Springs/El Dorado Fire Protection District prior to the issuance of a Certificate of Occupancy:
- (a) Final verification of access to structures and driveway widths
  - (b) If not within 600 feet of a fire hydrant, a tank shall be installed to provide the required fire-flow for the structures permitted. Please note: a Tank Instillation Plan is required to be on file with the District.

### **CAL FIRE**

29. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes providing two-way traffic flow, unless other standards are provided in this article, or additional requirements are mandated by local jurisdictions or local subdivision requirements. CAL FIRE has agreed to allow the section of road from the large rock to the culvert to remain unchanged and be less than 18 feet in width. To mitigate this narrow section of road, CAL FIRE requires a turnout before the rock and a turnout after the culvert. The turnouts shall be a minimum of 10 feet wide and 30 feet long with a minimum 25-foot taper on each end. The entire length of Rancheria Court must have 15 feet of unobstructed vertical clearance.
30. Roads shall be constructed with an approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 40,000 pounds.
31. All driveways shall provide a minimum 10-foot traffic lane and unobstructed vertical clearance of 15 feet along its entire length.
- (a) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
  - (b) A turnout shall be provided at all building sites on driveways over 300 feet in length, and shall be within 50 feet of the building.
32. A turnout at the end of Rancheria Court is required. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of 60 feet in length.

### **Air Quality Management District**

33. Asbestos Dust: Current county records indicate this subject property is located within the Asbestos Review Area. An Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to project construction if a grading permit is required by the County or if the project moves more than 20 cubic yards of soil. (Rules 223 and 223.2). The project shall adhere to the regulations and mitigation measures for fugitive dust emissions asbestos hazard mitigation during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.2.

34. Paving: Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
35. Painting/Coating: The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
36. 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).
37. 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 here: <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](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.
38. 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.

#### **Surveyor's Office**

39. All survey monuments shall be set prior to filing the Final Map or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit, to be coordinated with the County Surveyor's Office prior to filing of the Final Map.
40. The roads serving the development shall be named by submitting a completed Road Name Petition, with the County Surveyor's Office, prior to filing the Final Map with the Board of Supervisors. Proof of any signage required by the Surveyor's Office must also be provided prior to filing the Final Map. All associated fees will be the responsibility of the applicant.