

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



**Agenda of:** November 20, 2019  
**Item No.:** 4.a.  
**Staff:** Tom Purciel

**TENTATIVE PARCEL MAP**

**FILE NUMBER:** P18-0004/Sawmill Creek

**APPLICANT:** CTA Engineering & Surveying/David Crosariol

**REQUEST:** A Tentative Parcel Map dividing a single 134-acre parcel, assessed with two separate Assessor Parcel Numbers, into three residential parcels ranging in size from 20.6 acres, 22.99 acres and 90.53 acres.

**LOCATION:** Located on the south side of Tulle Lane, approximately 0.5 mile south of the intersection with Mother Lode Drive, in the Shingle Springs area, Supervisorial District 2. (Exhibits A, B, C)

**APNs:** 090-190-002, 090-380-019 (Exhibit D)

**ACREAGE:** 134.16 Acres

**GENERAL PLAN:** Low Density Residential (LDR) (Exhibit E)

**ZONING:** Residential Estate, 5-Acre (RE-5) (Exhibit F)

**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 Reporting Program in accordance with California Environmental Quality Act Guidelines Section 15074(d), incorporated as Conditions of Approval; and
3. Approve Tentative Parcel Map P18-0004, based on the Findings and subject to the Conditions of Approval as presented.

## **EXECUTIVE SUMMARY**

Approval of Tentative Parcel Map P18-0004 would create three residential lots of 20.6 acres, 22.99 acres and 90.53 acres from one existing undeveloped 134-acre parcel. Access to the proposed parcels would be provided via two existing public roadways: Holiday Lake Drive, serving proposed Parcels 1 and 3, and Tulle Lane, serving proposed Parcel 2. Subdivision improvements would be limited to minor grading and oak tree removal associated with construction of a new vehicular and fire access turnaround at the terminus of Holiday Lake Drive as shown on the Tentative Parcel Map. The existing parcels are zoned Residential Estate 5-Acres (RE-5) and designated in the General Plan as Low Density Residential (LDR). All proposed parcels will meet the required development standards for new lots in the RE-5 zone including minimum lot size and lot width. Staff has determined that the project is consistent with the General Plan Low Density Residential (HDR) Land Use Designation and the RE-5 zone, as well as other applicable County General Plan policies and Zoning and Subdivision Ordinance requirements, as discussed in the Findings.

## **BACKGROUND/HISTORY**

The project parcel was created on August 6, 2002 and a formal survey was filed on June 16, 2014 (Refer to Record of Survey No. 34-26 (Exhibit H)). A Previous General Plan Amendment, Rezone, Planned Development and Tentative Subdivision Map application was submitted for the project parcels in 2012 and subsequently revised in 2015 (Mill Creek [aka San Stino], A12-0005/Z12-0009/PD12-0001/TM12-1509). However, on July 10, 2019, the applicant withdrew the above applications and therefore the previous project is considered null and void.

## **EXISTING CONDITIONS/SITE CHARACTERISTICS**

The project site is located at approximately 1,300 feet above mean sea level with elevations ranging from approximately 1,250 to 1,450 feet. The site is undeveloped and characterized by rolling topography with native oak and grey pine woodlands and nonnative annual grasses. The project parcels contain a wide range of slopes varying from approximately 2 percent to over 40 percent. However, more than 80 percent of the project area contains average slopes in the range of only 10-15 percent. Sawmill Creek, a perennial stream, flows in a narrow channel from north to south through the project site and supports riparian and wetland vegetation and associated animal habitat. Access would be provided via two existing roadways along the north project boundary, Holiday Lake Drive, a privately maintained road, and Tulle Lane, a County maintained roadway.

The project parcels are zoned Residential Estate, 5-Acre (RE-5) with a corresponding General Plan land use designation of Low Density Residential (LDR). The neighboring properties to the north are zoned as Residential, Two-Acre (R2A) and Recreational Facilities, Low-Intensity (RF-L) with a corresponding General Plan land use designation of Medium Density Residential (MDR). The R2A-zoned properties have been developed as rural residential lots and the RF-L zoned property has been developed with a recreational lake (Holiday Lake). The neighboring property to the south is zoned Residential Estate, 10-Acre (RE-10) and designated as Low Density Residential (LDR). This property is currently undeveloped. The neighboring properties to the east are zoned Residential Estate, 5-Acre (RE-5) and Designated Low Density Residential (LDR). Those properties have been developed as large lot residential properties. The properties to the west are zoned as Residential Estate Ten-Acre (RE-10) and Residential, One-Acre (R1A)

and appropriately designated as MDR and LDR. The R1A-zoned lots have been developed with single family residences and the RE-10 lot is currently undeveloped. For reference, please refer to the Zoning Map, General Plan Map and Site Aerial Photo (Exhibits C, E and F).

### **PROJECT DESCRIPTION:**

This project is a request for a residential Tentative Parcel Map to divide an undeveloped 134-acre property into three parcels of 20.6 acres, 22.99 acres and 90.53 acres. Water and wastewater service would be provided by individual on-site domestic wells and septic systems and power service would be provided by Pacific Gas and Electric (PG&E). Access to the proposed parcels would be provided via two existing roadways: Holiday Lake Drive, a private roadway, serving proposed Parcels 1 and 3, and Tulle Lane, a County-maintained road, serving proposed Parcel 2. Subdivision improvements would be limited to minor grading and oak tree removal associated with construction of a new vehicular and fire access turnaround at the terminus of Holiday Lake Drive as shown on the Tentative Parcel Map. Grading and driveways for future home sites is not proposed with this parcel map and would be deferred to future building and grading permits for the new lots.

### **ANALYSIS**

#### **Environmental Review:**

Staff has prepared an Initial Study and has determined that there is no substantial evidence that the project would have a significant effect on the environment, 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.

In accordance with California Fish and Game Code Section 711.4, the project is subject to a fee of \$2,354.75 after approval, but prior to the County filing the Notice of Determination of 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 \$2,354.75 is forwarded to the State Department of Fish and Wildlife and is used to help defray the cost managing and protecting the State's fish and wildlife resources.

The Initial Study (Exhibit I) identified two potentially significant impacts as a result of the project including one potentially significant impact to biological resources (federal/state listed migrating birds) and one potentially significant impact to tribal cultural resources. However, any significant impacts to these resources would be avoided or reduced to a less-than-significant level by mitigation measures incorporated into the project. To ensure compliance with required mitigation measures, a Mitigation Measures Agreement (MMA) will be required, signed by both the County and applicant, to ensure the applicant will comply with the County Mitigation Monitoring and Reporting Program (MMRP). For this project, the MMRP incorporates three specific mitigation measures (Mitigation Measures #BIO-1, #TRI-I and #TRI-2), included as staff report Conditions of Approval No. 6 through 8. The project MMRP will be adopted in conjunction with the Mitigated Negative Declaration.

**General Plan Consistency:**

The project is consistent with all applicable General Plan policies including Policy 2.2.1.2. (Low Density Residential Land Use Designation), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.16 (appropriate planning for land divisions), Policy 2.2.5.19 (development below minimum land use densities) Policy 2.2.5.21(compatibility with adjoining land uses), Policy 5.1.2.1 (adequacy of public services and utilities), Policy 5.2.1.2 (adequate quantity and quality of water for all uses, including fire protection), Policy 5.7.1.1 (fire protection in Community Regions), Policy 6.2.3.2 (adequate access for emergencies) and Policy 7.4.4.4 (impacts to oak resources). Further details are discussed in the Findings section below.

**Zoning Ordinance Consistency:**

Staff has determined that the proposed project, as conditioned, is consistent with all applicable standards and requirements of Title 130 of the County Ordinance Code (Zoning Ordinance). The project parcel is zoned Residential Estate, 5-Acre (RE-5) and the project has been analyzed in accordance with all applicable development standards for this zone district. As conditioned, the proposed parcels will conform to the required minimum lot size, lot width, residential densities and other applicable development standards for new lots as shown below and more fully described in the Findings.

**Applicable Development Standards from Table 130.24.030  
 (Residential Zones Development Standards)**

<b>Development Attribute</b>	<b>RE-5 Zone District</b>	<b>Proposed Parcel 1</b>	<b>Proposed Parcel 2</b>	<b>Proposed Parcel 3</b>
Minimum Lot Size for Interior Lot	5 Acres	22.99 Acres	90.53 Acres	20.64 Acres
Minimum Lot Size for Corner Lot	5 Acres	N/A	N/A	N/A
Minimum Lot Width for Interior Lot (in feet)	100 feet	Approx. 450 feet	Approx. 650 feet	Approx. 600 feet
Minimum Lot Width for Corner Lot (in feet)	100 feet	N/A	N/A	N/A
Residential Density Range	1 primary plus 2 <sup>nd</sup> dwelling unit per lot	Consistent	Consistent	Consistent

**Subdivision Ordinance Consistency:**

Staff has determined the project is consistent with all applicable standards and requirements of the County Subdivision Ordinance (Title 120 of the County Ordinance Code) for Tentative

Parcel Maps including consistency with the General Plan, consistency with zoning regulations and the Minor Land Division Ordinance, and consistency with other specific findings for subdivision map approval. Such findings include documentation that the site is physically suitable for the proposed type and density of development and documentation that the proposed subdivision is not likely to cause substantial environmental damage. Further details are discussed in the Findings section below.

### **Public and Agency Comments:**

The project was distributed to all applicable local, County and state agencies for review and comment. Comments were received from the El Dorado Irrigation District (EID), County DOT, the California Department of Forestry and Fire Protection (Calfire), The El Dorado County Fire Protection District, the County Air Quality Management District (AQMD), the County Environmental Management Department (EMD), the El Dorado Local Agency Formation Commission (El Dorado LAFCO), the County Surveyor's office, the United Auburn Community of the Auburn Rancheria (Auburn Rancheria) and the Shingle Springs Band of Miwok Indians (Shingle Springs Rancheria). With the exception of the Auburn Rancheria and the Shingle Springs Rancheria, none of these agencies expressed any site-specific issues or concerns regarding this project. These agencies recommended standard conditions of approval which have been incorporated into the project. Comments from the Auburn Rancheria and the Shingle Springs Rancheria are discussed below.

**Comments from the Auburn and Shingle Springs Rancherias:** On June 12, 2018, the Auburn Rancheria submitted comments requesting consultation regarding the project. Subsequently, on July 11, 2018, the Auburn Rancheria requested consultation be deferred to the Shingle Springs Rancheria. On June 28, 2018, the Shingle Springs Rancheria also submitted comments requesting consultation in identifying any Tribal Cultural Properties (TCPs) that may exist within the project's area of potential effects.

Since the current project area was part of a previous, but withdrawn, subdivision map (Sawmill Creek, Z07-0037/TM98-1350-R/PD07-0022), two extensive cultural resources surveys were completed on the same project area in 1998 and again in 2014. However, due to the passage of time since the last cultural resources survey, a supplemental cultural resources review of the project parcels, including an updated records search, was completed in 2019. The 2019 supplemental review found no new potentially significant historic or cultural resources. However, the 2019 supplemental review provided project-specific measures to permanently protect tribal cultural resources, first identified in 1998 and again in 2014, from future development. These recommendations have been incorporated into the project as mitigation measures MM TRI-1 and MM TRI-2, as further described in the project Initial Study and Mitigated Negative Declaration (Exhibit I). Incorporation of both mitigation measures would ensure impacts to Cultural Resources would be reduced to less than significant.

### **Public Outreach:**

No formal public outreach was conducted, and a public outreach plan was not required for this project pursuant to the County Subdivision Ordinance. However, the project was duly noticed for a Zoning Administrator public hearing with a public notification range of 1,000 feet and legal

advertisement was published in applicable local newspapers. In addition, project notification was also sent to the County's Zoning Administrator email subscription list and posted on the Planning Services Zoning Administrator webpage. No physical sign posting is required for Tentative Parcel Maps.

**Conditions of Approval:**

The project was distributed to more than 18 applicable County, local state and federal agencies and departments for review and comment including the El Dorado Irrigation District (EID), County DOT, the California Department of Forestry and Fire Protection (Calfire), The El Dorado County Fire Protection District (EDC Fire), the County Air Quality Management District (AQMD), the County Environmental Management Department (EMD), the El Dorado Local Agency Formation Commission (El Dorado LAFCO) and the County Surveyor's office. Of these agencies and departments, comments were received from County DOT, CalFire, EDC Fire, AQMD, EMD and the County Surveyor's office. None of the commenting agencies and departments expressed any significant issues or concerns about the project. Each agency recommended standard conditions of approval which have been incorporated into the project as follows: DOT (Condition No. 9), County Surveyor (Conditions No. 10-13), AQMD (Conditions No. 14-20), EMD (Condition No. 21) and CalFire (Conditions No. 22-29).

In addition, separate notifications were sent to all applicable native tribes as required by AB52 including the Ione Band of Miwuk Indians, the Nashville-El Dorado Miwok Indians, the Shingle Springs Band of Miwok Indians (Shingle Springs Rancheria), the T'si-Akim Maidu Tribe, the Washoe Tribe of Nevada and California, the Wilton Rancheria, the United Auburn Indian Community of the Auburn Rancheria (Auburn Rancheria), the El Dorado County Wopumnes Nisenan-Mewuk Nation and the Colfax-Todds Valley Consolidated Tribe. After distribution, only two tribal organizations (the Shingle Springs Rancheria and Auburn Rancheria) expressed significant issues or concerns regarding the project. Rancheria comments have been incorporated into the project as Conditions of Approval No. 7 and 8 (tribal cultural resources).

## SUPPORT INFORMATION

### Attachments to Staff Report:

Findings  
Conditions of Approval

Exhibit A.....Location Map  
Exhibit B.....Vicinity Map  
Exhibit C.....Site Aerial Photo  
Exhibit D.....Assessor’s Parcel Pages  
Exhibit E.....General Plan Land Use Map  
Exhibit F.....Zoning Map  
Exhibit G.....Tentative Parcel Map  
Exhibit H.....Record of Survey No. 34-25A, Recorded June 16,  
2014  
Exhibit I.....Proposed Mitigated Negative Declaration and Initial  
Study

## FINDINGS

### **Tentative Parcel Map P18-0004/Sawmill Creek Zoning Administrator/November 20, 2019**

#### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program (MMRP) 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 project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department , Planning Services Division at 2850 Fairlane Court, Placerville, CA, 95667.

#### **2.0 GENERAL PLAN FINDINGS**

##### **2.1 The project is consistent with General Plan Policy 2.2.1.2.**

General Plan Policy 2.2.1.2 identifies that the purpose of the Low Density Residential (LDR) land use designation is to provide areas for single-family residential development in a rural setting, including lands within Community Regions and Rural Centers where higher density serving infrastructure is not yet available. Maximum allowed density is one dwelling unit per 5.0 acres and parcel sizes may range from between 5.0 to 10.0 acres. Lands designated as LDR may be located in Community Regions, Rural Centers or Rural Regions, as appropriate.

Rationale: Although the proposed parcels exceed the maximum parcel sizes for LDR and the RE-5 zone, the proposed parcel map meets the intent of the LDR designation for single-family residential development in a rural setting as described in Policy 2.2.1.12 (Land Use Types and Densities). The project is located in the southeast portion of the Shingle Springs Community Region, where connections to public water and public sewer service are not feasible at this time due to large distances from existing service connections. Therefore, large lots are most appropriate at the project location. For such projects, Policy 2.2.5.19 (Development Below Densities Contemplated by the General Plan) allows for approval of projects with a zoning designation otherwise compatible with the General Plan but less than the density contemplated by the General Plan. According to this policy, the County may grant such approvals as being consistent with the General Plan. Further, approval of this (large lot)

parcel map would not preclude future subdivision to the ultimate potential density contemplated in the General Plan consistent with Policy 2.2.5.16 (Appropriate Level of Planning for Land Divisions).

**2.2 The project is consistent with General Plan Policy 2.2.5.2.**

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

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

**2.3 The project is consistent with General Plan Policy 2.2.5.16.**

General Plan Policy 2.2.5.16 requires an appropriate level of planning for land divisions based on the land use designation of the subject parcel. Such planning shall include, but not be limited to, documentation that project approval will not preclude the ultimate potential density.

Rationale: The proposed Tentative Parcel Map would create three lots of approximately 22.99, 90.54 and 20.64 acres in size. As noted in Finding 2.1 above, Policy 2.2.1.2 explains the purpose of the Low Density Residential (LDR) land use designation is to provide areas for single-family residential development in a rural setting, including lands within Community Regions and Rural Centers where higher density serving infrastructure is not yet available. As the project would create significantly larger lots than the typical five to ten-acre parcel sizes advised by this policy, this project would allow for future subdivision of each lot up to the maximum densities provided in Policy 2.2.1.2. Therefore, the project would not preclude the ultimate potential density. The project is consistent with this policy.

**2.4 The project is consistent with General Plan Policy 2.2.5.19.**

General Plan Policy 2.2.5.19 allows for discretionary project approvals for a zoning designation that is otherwise compatible with the General Plan but would provide development below the densities contemplated in the General Plan.

Rationale: The project parcel is zoned Residential Estate, 5-Acre (RE-5) and designated Low Density Residential (LDR) on the General Plan Land Use Map. As shown on General Plan Table 10-4 (General Plan Land Use Designation and Zoning District Consistency Matrix), the RE-5 Zone District is compatible with the LDR Land Use Designation. Although the project would provide a lower residential density rather than the prescribed five to ten acre parcel sizes in Policy 2.2.1.2, the project is

otherwise consistent with all applicable General Plan policies. Therefore, the project is consistent with this policy.

**2.5 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 would create three large residential lots, two lots of over 20 acres and one lot of approximately 90 acres. With the exception of higher density single-family residential properties to the north, neighboring properties on all sides of the project site are similarly developed as large lot rural residential properties. The project would create new residential lots compatible in size and character to the existing lots surrounding the project site. Therefore, the project has been located and designed to be compatible with adjoining land uses.

**2.6 The project is consistent with General Plan Policy 5.1.2.1**

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

Rationale: The project was reviewed by the County Department of Transportation (DOT) for adequate road access. The project was also reviewed by the County Fire Protection District and the California Department of Forestry and Fire Protection (CalFire) for emergency vehicular access and required fire flow requirements. Water service will be provided by domestic wells and liquid waste service will be provided via on-site septic systems. The County Environmental Management Department (EMD) reviewed the project plans and determined there would be adequate capacity for domestic water and waste services to serve the project parcels. The above agencies had no significant issues or concerns with the project and have determined public services and utilities would be adequate to serve the project. To ensure the project will comply with all applicable regulations for public services and utilities, each entity recommended standard conditions of approval which have been incorporated into the project. Therefore, the project is consistent with this policy.

**2.7 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: The Environmental Management Department (EMD) reviewed the project plans and parcel records and found that an existing well near the center of

the project site demonstrates there will be an adequate water supply available to serve the proposed parcels. Both the El Dorado County Fire Protection District and CalFire also reviewed the project plans and determined that required fire flow will be available to serve the project. With incorporation of standard conditions of approval, EMD and both fire agencies have deemed water service to be adequate for the project.

**2.8 The project is consistent with General Plan Policy 5.7.1.1.**

General Plan Policy 5.7.1.1 (fire protection in Community Regions) requires the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection would be provided concurrent with development.

Rationale: Both the County Fire Protection District and the California Department of Forestry and Fire Protection (CalFire) reviewed the project and determined that adequate water supply, storage and conveyance facilities, including access to those facilities, will be available to serve the project. CalFire recommended standard conditions of approval which have been incorporated into the project to ensure adequate water supply, storage, conveyance and site access for fire protection is developed and remains adequate for the proposed parcels. As conditioned, the project is consistent with this policy.

**2.9 The project is consistent with General Plan Policy 6.2.3.2.**

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

Rationale: Fire and vehicular access to the proposed parcels would be provided via two existing roadways: Holiday Lake Drive, a privately maintained road, serving proposed Parcels 1 and 3, and Tulle Lane, a County-maintained roadway, serving proposed Parcel 2. The County Department of Transportation, the County Fire Protection District and the California Department of Forestry and Fire Protection (CalFire) reviewed the project and recommended standard conditions of approval to ensure adequate emergency and vehicular access is developed and maintained in perpetuity. These standard conditions of approval have been incorporated into the project. Therefore, the project is consistent with this policy.

**2.10 The project is consistent with General Plan Policy 7.4.4.4.**

Policy 7.4.4.4 requires all development projects or actions resulting in impacts to oak woodlands and/or individual native oak trees, including Heritage Trees, mitigate for those impacts as outlined in the County Oak Resources Management Plan (ORMP).

Rationale: Impacts to oak resources could occur as a result of minor grading and oak tree removal associated with construction of a new automobile and emergency vehicle turnaround serving proposed Parcels 1 and 3. No additional oak tree removal will occur as part of the project as grading for future home sites or driveways is not proposed as part of the project. Oak impacts associated with future residential development after recordation of the new lots will be mitigated as part of future residential building or grading permits. Although there are a few oak trees that could be impacted by the proposed parcel map improvements (ie. road), any oak tree removal for the proposed turnaround will be required to comply with the provisions of Chapter 130.39 of the Zoning Ordinance (Oak Resources Conservation) including site-specific mitigation consistent with the requirements of the ORMP. If oak trees will be removed for required improvements, documentation that mitigation has been completed shall be required prior to Planning Services approval of subdivision improvement plans or subdivision-related grading plans.

### **3.0 ZONING FINDINGS**

#### **3.1 The project is consistent with Table 130.24.030 (Residential Zone Development Standards).**

Zoning Ordinance Table 130.24.030 (Residential Zone Development Standards) prescribes site-specific development standards for new lots, including minimum lot size, lot width and required residential density within the Residential Estate, 5-Acre (RE-5) Zone District.

Rationale: As proposed, the project parcels will meet the required minimum lot size, lot width and minimum residential density as required in Table 130.24.030.

#### **3.2 The project is consistent with Chapter 130.39 (Oak Resources Conservation).**

Rationale: As proposed and conditioned, the project is consistent with applicable sections of Chapter 130.39 (Oak Resources Conservation) including Section 130.39.070 (Oak Tree and Oak Woodland Removal Permits – Discretionary Development Projects). If any oak trees will be removed in association with required DOT/fire roadway improvements, the applicant will be required to submit an Oak Resources Technical Report (ORTR) and complete required mitigation for the required oak tree removal consistent with the requirements of this chapter. All site-specific mitigation as described in the ORTR shall be completed prior to Planning Services approval of project improvement plans.

### **4.0 PARCEL MAP FINDINGS**

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

Rationale: The project proposes to create three parcels from a 134-acre parcel. Resulting lot sizes would be approximately 20.6 acres, 22.3 acres and 90.5 acres. The project parcel is located in the Shingle Springs Community Region and the parcel's General Plan Land Use Designation is Low Density Residential (LDR). The proposed Parcel Map has been found consistent with all applicable General Plan policies as set forth in Finding 2.2.

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

Rationale: The proposed parcels have been analyzed and conditioned in accordance with the Residential Estate, 5-Acre (RE-5) Zone and will comply with all applicable development standards for new lots in that zone. 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 project is consistent with the allowed uses and density requirements of the Residential Estate, 5-Acre (RE-5) Zone. As proposed and conditioned, the proposed parcels will meet the required minimum lot size, lot width, and building density requirements of the RE-5 Zone District.

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

Rationale: Staff prepared an Initial Study and has determined that there is no substantial evidence that the project would have a significant effect on the environment, therefore a Mitigated Negative Declaration has been prepared and a Notice of Determination (NOD) will be filed. The proposed tentative parcel map will not result in substantial environmental damage and is consistent with existing and planned development in the Shingle Springs Community Region.

**CONDITIONS OF APPROVAL**

**Tentative Parcel Map P18-0004/Sawmill Creek  
Zoning Administrator/November 20, 2019**

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

Exhibit G.....Tentative Parcel Map

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

The project description is as follows:

This project is a request for a residential Tentative Parcel Map to create three residential lots of 20.6 acres, 22.99 acres and 90.53 acres from one existing undeveloped 134-acre parcel. Water and wastewater service would be provided by on-site domestic wells and septic systems and power service would be provided by Pacific Gas and Electric (PG&E). Access to the proposed lots would be provided via two existing roadways: Holiday Lake Drive, a private roadway, serving proposed Parcels 1 and 3, and Tulle Lane, a County-maintained road, serving proposed Parcel 2. Construction and soil disturbance associated with the project would be limited to minor on-site grading and oak tree removal associated with construction of a new vehicular and fire access turnaround at the terminus of Holiday Lake Drive as shown on the Tentative Parcel Map. Grading and driveways for future home sites is not proposed and would be deferred to future building and grading permits for the new lots.

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

**Planning Services Division**

2. **Permit Time Limits:** Tentative Parcel Map P18-0004 shall expire 36 months from the date of approval unless a timely extension has been filed consistent with Section 120.74.020 (Expiration Period of Approved or Conditionally Approved Maps) of the Subdivision Ordinance.

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

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

4. **Indemnity:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Parcel Map.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

5. **Oak Resources Conservation:** If any oak trees are required to be removed for project-related construction activities, the applicant shall submit an Oak Resources Technical Report (ORTR) consistent with Chapter 130.39 of the Zoning Ordinance (Oak Resources Conservation). The ORTR shall prescribe site-specific mitigation (e.g. in-lieu fee payment or other appropriate mitigation method) for project-related oak tree removal. All required mitigation shall be completed prior to Planning Services approval of subdivision improvement plans or subdivision-related grading permit(s).

**Mitigation Measures from Proposed Mitigated Negative Declaration:**

6. **Mitigation Measure #BIO-1 (Biologist Raptor Survey):**

All vegetation clearing including removal of trees and shrubs shall be completed between September 1 and February 14, if feasible. If vegetation removal and grading activities begin during the nesting season (February 15 to August 31), a qualified biologist shall conduct a pre-construction survey of the project footprint for active nests. Additionally, the surrounding 500 feet shall be surveyed for active raptor nests where accessible. The pre-construction survey shall be conducted within 14 days prior to commencement of ground-disturbing activities. If the pre-construction survey shows that there is no evidence of active nests, a letter report shall be prepared to document the survey. If construction does not commence within 14 days of the pre-construction survey, or halts for more than 14 days, an additional survey is required prior to starting work.

If nests are found and considered to be active, the project biologist shall establish buffer zones to prohibit construction activities and minimize nest disturbance until the young have successfully fledged. Buffer width will depend on the species in question, surrounding existing disturbances, and specific site characteristics, but may range from 20 feet for some songbirds to up to 500 feet for raptors. If active nests are found within any trees slated for removal, then an appropriate buffer shall be established around the trees and the trees shall not be removed until a biologist determines that the nestlings have successfully fledged or until the nest is no longer active. In addition, a pre-construction worker awareness training shall be conducted alerting workers to the presence of and protections for the active avian nests. If construction activities are proposed to begin during the non-breeding season (September 1 through January 31), a survey is not required and no further studies are necessary.

**Monitoring Requirement:** This mitigation measure shall be noted on grading and construction plans. Planning Services shall verify the completion of a pre-construction raptor survey prior to issuance of grading and building permits or approval of subdivision improvement plans, as applicable.

**Monitoring Responsibility:** El Dorado County Planning and Building Department.

7. **Mitigation Measure #TRI-1 (Tribal Cultural Resources):**

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”.

**Monitoring Requirement:** Planning Services shall verify this note is included on applicable grading permit(s) and/or project improvement plans prior to issuance of grading permit(s) or approval of project improvement plans.

**Monitoring Responsibility:** El Dorado County Planning and Building Department.

8. **Mitigation Measure#TRI-2 (Tribal Cultural Resources):**

No development or soil disturbance shall be permitted within the Prehistoric Component of the site identified as P-9-1943/CA-ELD-1380/P. The two discrete portions of the Prehistoric Component shall be shown on the final parcel map and designated as “sensitive non-disturbance area”. The locations of the two sensitive non-disturbance areas shall be depicted as shown on Figure 4 of the August, 2019 Cultural Resources Study completed by Historic Resource Associates.

**Monitoring Requirement:** Planning Services shall verify the sensitive non-disturbance area is accurately shown on the final map prior to map recordation.

**Monitoring Responsibility:** El Dorado County Planning and Building Department.

**El Dorado County Department of Transportation (DOT):**

9. **Holiday Lake Drive Road Maintenance:** Prior to recordation of the final map, Proposed Parcels 1 and 3 shall join the Holiday Lake Homeowner’s Association, or other equivalent private road maintenance entity established for the purpose of maintaining Holiday Lake Drive, to ensure each parcel owner contributes their fair share to annual roadway maintenance in perpetuity.

### **Office of the County Surveyor**

10. All survey monuments must be set prior to the filing the Parcel Map.
11. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State of County Maintained Road as defined in 120.44.120(B)(2) of the County Subdivision Ordinance.
12. Situs addressing for the project shall be coordinated with the County Surveyors Office prior to filling the Final Map.
13. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that **“all conditions placed on P 18-0004 by (that agency) have been satisfied.”** The letter is to be sent to the County Surveyor and copied to the Applicant.

### **El Dorado County Air Quality Management District**

14. 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 (PM<sub>10</sub>) 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 if a Grading Permit is required from the Building Dept. (Rules 223 and 223.1)
15. Paving: Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
16. Painting/Coating: The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
17. Open Burning: Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire (Rule 300 Open Burning).

18. 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](tel:1-866-634-3735). ARB is responsible for enforcement of this regulation.
19. New Point Source: Prior to construction/installation of any new point source emissions units (e.g., gasoline dispensing facility, emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501 and 523)
20. Portable Equipment: All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (CARB). A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

#### **El Dorado County Environmental Management Department (EMD)**

21. Any proposed domestic wells shall be permitted by EMD consistent with Chapter 8.39 of the County Ordinance Code (Well Standards).

#### **California Department of Forestry and Fire Protection (CalFire)**

##### *CalFire Standard Conditions*

22. Roads shall be a minimum road width of 20 feet per the California Fire Code unless increased road width is required by DOT.  
*(2016 California Fire Code, California Code of Regulations, Title 24, Part 9, Chapter 5, Section 503) or (Title 14, California Code of Regulations, Division 1.5, Chapter 7, Subchapter 2, Article 2. Emergency Access, Section 1273.01 of the Fire Safe Regulations).*
23. Roads shall be constructed with an approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.  
*(Title 14, California Code of Regulations, Division 1.5, Chapter 7, Subchapter 2, Article 2. Emergency Access, Section 1273.02 of the Fire Safe Regulations).*

24. The maximum length of dead-end roads shall match the parcel zoning guide below.  
*(Title 14, California Code of Regulations, Division 1.5, Chapter 7, Subchapter 2, Article 2. Emergency Access, Section 1273.09 of the Fire Safe Regulations).*
25. Dead End Roads: Pursuant to Title 14, California Code of Regulations, Article 2, Section 1273.09, of the SRA Fire Safe Regulations, the maximum length of a dead-end road, including all dead-end roads accessed from the dead-end road, shall not exceed the following cumulative lengths, regardless of the numbers of parcels served:
- parcels zoned for less than one acre-----800 feet
  - parcels zoned for 1 acre to 4.99 acres-----1320 feet
  - parcels zoned for 5 acres to 19.99 acres -----2640 feet
  - parcels zoned for 20 acres or larger -----5280 feet
- All lengths shall be measured from the edge of the roadway surface at the intersection beginning the road to the end of the road at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest allowable length shall apply. The lengths of all dead-end roads shall be graphically depicted and identified on the site and improvements plans prior to the filing of the map.
26. Dead end roads shall have a turnaround constructed at its terminus.  
*(Title 14, California Code of Regulations, Division 1.5, Chapter 7, Subchapter 2, Article 2. Emergency Access, Section 1273.09(c) of the Fire Safe Regulations).*
27. 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. Driveways should be *12 feet wide* with 14 feet of unobstructed horizontal clearance and 15 feet of unobstructed vertical clearance.  
*(Title 14, California Code of Regulations, Division 1.5, Chapter 7, Subchapter 2, Article 2. Emergency Access, Section 1273.10(a) of the Fire Safe Regulations).*
28. All parcels 1 acre and larger shall provide a minimum 30-foot setback for buildings and accessory buildings from all property lines and/or the center of the road.  
*(Title 14, California Code of Regulations, Division 1.5, Chapter 7, Subchapter 2, Article 5. Fuel Modification Standards, Section 1276.01(a) of the Fire Safe Regulations).*
29. CAL FIRE requires a Wildland Fire Safe Plan be developed by a qualified consultant to address mitigations that need to be developed to ensure the safety of the public as well as firefighters who may be called upon to respond to wildland fires and other emergencies within the project area.  
*(Title 14, California Code of Regulations, Division 1.5, Chapter 7, Subchapter 2,*