

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



Agenda of: October 7, 2020
Item No.: 4.a.
Staff: Bianca Dinkler

TENTATIVE PARCEL MAP

FILE NUMBER: P19-0008/Crowley

APPLICANT: Jon D. Jr. and Teresa G. Crowley

OWNER: Jon D. Jr. and Teresa G. Crowley

REQUEST: Tentative Parcel Map to subdivide a 15.92 acre parcel into two parcels of 9.06 acres (Parcel 1) and 6.86 acres (Parcel 2).

LOCATION: Located on the south side of Milton Ranch Road, approximately 160 feet west of the intersection with Barnett Loop Road, in the Shingle Springs area, Supervisorial District 4². (Exhibits A, B, C)

APN: 109-330-034 (Exhibit D)

ACREAGE: 15.92 Acres

GENERAL PLAN: Low Density Residential - Important Biological Corridor (LDR-IBC) (Exhibit E)

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

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

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

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff in accordance with the California Environmental Quality Act (CEQA) Guidelines;

2. Adopt the Mitigation Monitoring Reporting Program in accordance with the California Environmental Quality Act Guidelines Section 15074(d), incorporated as Conditions of Approval; and
3. Approve Tentative Parcel Map P19-0008, based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of Tentative Parcel Map P19-0008 would allow the subdivision of a 15.92 acre parcel into two residential parcels ranging in size from 9.06 acres (Parcel 1) and 6.86 acres (Parcel 2) (Exhibit G). The subject parcel is zoned Estate Residential Five-Acre (RE-5) and has a General Plan Land Use Designation of Low Density Residential (LDR). All proposed parcels will meet the required development standards for the RE-5 zone including minimum lot size and lot width. Staff has determined that the project is consistent with applicable County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

EXISTING CONDITIONS/SITE CHARACTERISTICS

The project site is 15.92 acres and developed with two residences. The site elevation is approximately 1,320 feet to 1,360 feet above mean sea level. The topography has gentle to moderate slopes of 2-15%. All or part of the pastures are mowed, periodically plowed, and irrigated. The pastures are divided into foraging areas separated by wire fences. Horses and alpacas graze in the pastures. The property is landscaped with various horticultural species including lawns, shrubs, and trees. Natural vegetation is Interior Live Oak Woodland and Blue Oak. There is a seep/wetland in the irrigated pasture. There is a manmade pond located in the western portion of Parcel 2. An unnamed, intermittent channel fills the pond during rainy seasons and overflow water exits the pond via a narrow channel where it flows into an intermittent channel. The soils types are Auburn very rocky silt loam, 2-30% slopes (AxD), and three Rescue soils, Rescue very stony sandy loam (RfC), Rescue clay (Rk), and Rescue sandy loam (ReB). The parcel is located in Rare Plant Mitigation Area 1. There is potential habitat for special-status species nesting raptors and species of special concern – reptiles, Northwestern pond turtle. Results of the Biological Resources Evaluation prepared by R. John Little, Ph.D. of Sycamore Environmental Consultants, Inc. dated June 16, 2020 (Exhibit N), and recommended mitigation measures contained within the Initial Study prepared for the project (Exhibit P) are included as exhibits with this staff report. The adjacent-neighboring parcels are developed with residential uses and are similarly zoned Residential Estate Five-Acre (RE-5), and corresponding General Plan Land Use Designation of Low Density Residential (LDR).

PROJECT DESCRIPTION

A request for a Tentative Parcel Map to subdivide a 15.92 acre parcel into two parcels of 9.06 acres (Parcel 1) and 6.86 acres (Parcel 2) (Exhibit G). The property is developed with an existing single-family dwelling (the main house, constructed by building permit in 1997) and a barn (to be removed) located on Parcel 1; and a residence (Hardship Manufactured Home permitted through a temporary hardship renewal permit since 2017) and a shop on Parcel 2. Access to

Parcel 1 would be from an existing private concrete driveway off of Milton Ranch Road, and access to Parcel 2 would be from a separate existing private gravel driveway within a 25-foot exclusive road and utility easement off of Milton Ranch Road. Each parcel has its own existing onsite wastewater treatment system. The residence on Parcel 1 is connected to public water service from El Dorado Irrigation District (EID), and the residence on Parcel 2 has water from an existing well. Electricity/utilities services are from Pacific Gas & Electric (PG&E). No new improvements are proposed at this time. Any future development would be reviewed at time of building permit submittal. A building permit would be required to convert the existing Hardship Manufactured Home to the primary residence on Parcel 2 (or would need to be removed) as Hardship Manufactured Homes are not allowed as a permanent primary residence. No oak woodlands, individual native oak trees, or heritage trees, as defined in Section 130.39.030, have been impacted or removed as a result of the proposed project. Any future tree removal would require compliance with the Oak Resources Conservation Ordinance of Section 130.39.070.C (Oak Tree and Oak Woodland Removal Permits) which would be reviewed at time of future building permit review and issuance. A 25-foot setback will be required from the spring/seep, the pond with fringe wetlands, and the ephemeral and intermittent channels on-site (Exhibit I, Biological Resources Map).

ANALYSIS

General Plan Consistency: The project is consistent with all applicable General Plan policies including: Policy 2.2.1.2 (Low Density Residential Land Use Designation), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.21 (compatibility with adjoining land uses), Policies TC-Xa through TC-Xi (Transportation and Circulation Element), Policy 5.1.2.1 (adequacy of public services and utilities), Policy 5.2.1.2 (adequate quantity and quality of water for all uses, including fire protection), Policy 5.7.2.1 (fire protection in Rural Regions), Policy 6.2.3.1 (adequate fire protection), and Policy 7.4.4.4 (reducing impacts to oak resources). Further analysis of each policy is discussed in the Findings section below.

Zoning Ordinance Consistency: Staff has determined that the proposed project, as conditioned, is consistent with all applicable standards and requirements of Title 130 of the County Zoning Ordinance. The project parcel is zoned Estate Residential, Five-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.

Development Attribute	RE Zone District	Proposed Parcel 1	Proposed Parcel 2
Minimum Lot Size for Interior Lot	5 acres or 10 acres as designated	5.005± acres	5.005± acres
Minimum Lot Size Corner Lot	5 acres or 10 acres as designated	-	-
Minimum Lot	100 feet		

Width for Interior Lot (in feet)		< 300 feet	< 300 feet
Minimum Lot Width for Corner Lot (in feet)	100 feet	-	-
Residential Density Range	1 primary plus 2 nd dwelling unit/lot	Consistent	Consistent

Consistency with the County Subdivision Ordinance: Staff has determined the project is consistent with all applicable standards and requirements of the County Subdivision Ordinance (Title 120 of the County Ordinance Code) for Tentative Parcel Maps including consistency with the General Plan, consistency with Zoning regulations and the Minor Land Division Ordinance, and consistency with other specific findings for subdivision map approval. Such findings include documentation that the site is physically suitable for the proposed type and density of development and documentation that the proposed subdivision is not likely to cause substantial environmental damage. Further details are discussed in the Findings section below.

AGENCY COMMENTS/CONDITIONS OF APPROVAL

The project was distributed to all applicable local, County and state agencies for review and comment. Comments were received from the County Department of Transportation, County Environmental Management Department, County Surveyor’s Office, and the El Dorado Irrigation District. All agencies that recommended conditions have been incorporated into the project as applicable.

PUBLIC OUTREACH

No formal public outreach was conducted as a public outreach plan is not required for the project pursuant to the County Subdivision Ordinance. However, the project was duly noticed for a Zoning Administrator public hearing with a public notification range of 1,000 feet and legal advertisement was published in applicable local newspapers. In addition, project notification was sent to the County Zoning Administrator email subscription list and posted on the Planning Services Zoning Administrator webpage. No physical sign posting is required for Tentative Parcel Maps.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Exhibit P). There is no substantial evidence that the proposed project would have a significant effect on the environment and a Mitigated Negative Declaration has been prepared. Mitigation Measures BIO-1, BIO-2, BIO-3 would protect any possible future impact to biological resources, specifically special status species (nesting raptors), species of special concern (Northwestern pond turtle), and rare plant species.

The applicant shall submit to Planning Services a \$50.00 recording fee and the current Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County.

Please submit check for the total amount to Planning Services and make the check payable to El Dorado County. No permits shall be issued until said fees are paid.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings
Conditions of Approval

Exhibit A.....	Location Map
Exhibit B.....	Vicinity Map
Exhibit C.....	Site Aerial Photo
Exhibit D.....	Assessor's Parcel Page
Exhibit E.....	General Plan Land Use Map
Exhibit F.....	Zoning Map
Exhibit G.....	Tentative Parcel Map
Exhibit H.....	Slope Map
Exhibit I.....	Map Labeled with Biological Resources
Exhibit J.....	Comments, Department of Transportation
Exhibit K.....	Comments, Environmental Management Department
Exhibit L.....	Comments, County Surveyor
Exhibit M.....	Comments, El Dorado Irrigation District
Exhibit N.....	Biological Resources Evaluation, Sycamore Environmental, Inc.
Exhibit O.....	Wetland Setback Analysis, Sycamore Environmental, Inc.
Exhibit P.....	Proposed Mitigated Negative Declaration and Initial Study

FINDINGS

Tentative Parcel Map P19-0008/Crowley Zoning Administrator/October 7, 2020

1.0 CEQA FINDINGS

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

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 identifies that the purpose of 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. This land use designation is also appropriate within Community Regions and Rural Centers where higher density serving infrastructure is not yet available. The maximum allowable density shall be one dwelling unit per 5.0 acres. Parcel size shall range from 5.0 to 10.0 acres. Within Community Regions and Rural Centers, the LDR designation shall remain in effect until a specific project is proposed that applies the appropriate level of analysis and planning and yields the necessary expansion of infrastructure.

Rationale: Policy 2.2.1.2 establishes the maximum allowable density for Low Density Residential (LDR) single-family residential development to be one dwelling unit per 5.0 acres. The proposed parcel sizes would range from 9.06 acres (Parcel 1) and 6.86 acres (Parcel 2). The project is consistent with this policy.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

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

Rationale: Staff has analyzed the project proposal for consistency with applicable General Plan policies as discussed in the General Plan discussion in the staff report. The project is consistent with the policies of the General Plan.

2.3 The project is consistent with General Plan Policy 2.2.5.21.

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

Rationale: The proposed Tentative Parcel Map would create two new residential lots compatible in size and character to the existing residential lots surrounding the project site. Adjacent properties to the north, east, south, and west have the same zoning, Estate Residential, Five-Acre (RE-5) and compatible General Plan land use designation of Low Density Residential (LDR). The project is consistent with this policy.

2.4 The project is consistent with General Plan Policy TC-Xa

- (1) Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service F (gridlock, stop-and go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange, or intersection in the unincorporated areas of the County.

Rationale: The project would create two residential parcels; therefore this policy does not apply.

- (2) The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original table TC-2, of the 2004 General Plan that are allowed to operate at a Level of Service F without first getting the voter's approval.

Rationale: This is not applicable as the Project not requesting any modifications to Table TC-2.

- (3) Intentionally blank as noted in the General Plan.

- (4) Intentionally blank as noted in the General Plan.

- (5) The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

Rationale: This is not applicable as the Project is not requesting the County create an Infrastructure Financing District.

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

(7) Before giving approval of any kind to a residential development project of five or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Rationale: The project would create two residential parcels; therefore this policy does not apply.

2.5 **The project is consistent with General Plan Policy TC-Xb**

Policy TC-Xb ensures that potential development in the County does not exceed available roadway capacity.

Rationale: This policy is not applicable as this policy refers to the County preparing a Capital Improvement Program (CIP), preparing a Traffic Impact Mitigation (TIM) Fee Program, and monitoring traffic volumes.

2.6 **The project is consistent with General Plan Policy TC-Xc**

Policy TC-Xc directs that developer paid traffic impact fees combined with any other available funds shall pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development.

Rationale: This policy is not applicable as this policy directs how the County will pay for building the necessary road capacity.

2.7 **The project is consistent with General Plan Policy TC-Xd**

Level of Service for County-maintained roads and state highways within the unincorporated areas of the County shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. Level of Service will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgement of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.”

Rationale: This project will not worsen (as defined by General Plan Policy TC-Xe) Level of Service (LOS) for any County-maintained road or state highway.

2.8 The project is consistent with General Plan Policy TC-Xe

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

- A. A 2 percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily;
or
- B. The addition of 100 or more daily, or
- C. The addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.

Rationale: This project will generate fewer than 10 trips in the peak hour, and fewer than 100 daily trips. The thresholds in criteria A, B, or C of this policy are met.

2.9 The project is consistent with General Plan Policy TC-Xf

At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County’s 10-year CIP.

At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County’s 10-year CIP.

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

2.10 The policy is consistent with General Plan Policy TC-Xg

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

Rationale: This policy is not applicable as the project does not worsen traffic conditions.

2.11 The project is consistent with General Plan Policy TC-Xh

All subdivisions shall be conditioned to pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.

Rationale: This project would pay TIM fees at the time a building permit is issued.

2.12 The project is consistent with General Plan Policy TC-Xi

General Plan Policy TC-Xi directs the County to coordinate and work with other agencies to plan for the widening of U.S. Highway 50.

Rationale: This policy is not applicable to the project as it is direction to the County to coordinate with other agencies.

2.13 The project is consistent with General Plan Policy 5.1.2.1.

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

Rationale: The project was reviewed by the County Environmental Management Department. The proposed parcels meet the El Dorado County Local Agency Management Plan (LAMP) requirements for land divisions of parcels served by an onsite wastewater treatment system. Each parcel has confirmed adequate soil depth, a soil percolation rate below 120 minutes per inch, and a dispersal area identified. An adequate water supply is available as both parcels have existing water service (public water/Parcel 1 and well/Parcel 2); PG&E reviewed the project, however no comments were provided therefore standard conditions will be incorporated. The project is consistent with this policy.

2.14 The project is consistent with General Plan Policy 5.2.1.2.

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

Rationale: The El Dorado Irrigation District (EID) reviewed the project (Exhibit M). No service would need to be purchased as both parcels already have existing water service (public water/Parcel 1 and well/Parcel 2). The El Dorado County Fire Protection District also reviewed the project but did not provide any comments or concerns. Standard conditions of approval 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. The project is consistent with this policy.

2.15 The project is consistent with General Plan Policy 5.7.2.1.

General Plan Policy 5.7.2.1 requires that prior to approval of new development the responsible fire protection district shall be requested to review all applications to determine the ability of the district to provide protection services. The ability to provide fire protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as conditions of approval.

Rationale: The El Dorado County Fire Protection District reviewed the project but did not provide any comments or concerns. Standard conditions of approval 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. The project is consistent with this policy.

2.16 The project is consistent with General Plan Policy 6.2.3.1.

Policy 6.2.3.1 as a requirement for approving new development, the County must find, based on information provided by the applicant and the responsible fire protection district that, concurrent with development, adequate emergency water flow, fire access, and firefighting personnel and equipment will be available in accordance with applicable State and local fire district standards.

Rationale: The El Dorado County Fire Protection District reviewed the project but did not provide any comments or concerns. Standard conditions have been incorporated into the project to ensure conformance Fire Safe Regulations, Public Resources Code § 4291 and weed abatement, which requires annual defensible space be provided around all structures in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, or any land that is covered with flammable material. This ensures adequate emergency water flow, fire access, and firefighting personnel and equipment available to the proposed parcels. As conditioned the project is consistent with this policy.

2.17 The project is consistent with General Plan Policy 7.3.3.4.

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

Rationale: A 25-foot setback would be required from the spring/seep, pond with fringe wetlands, and intermittent and ephemeral channels on-site (Exhibit I). As shown on the Tentative Parcel Map, both parcels are already developed with a residence on Parcel 1 and a residence (hardship manufactured home) on Parcel 2. As stated in the Wetland Setback Analysis conducted for the project in July 2019 (Exhibit O), the existing residential development is located at an adequate distance and there would be no disturbance to the natural features. The project is consistent with this policy.

2.18 The project is consistent with General Plan Policy 7.4.4.4.

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

Rationale: No trees are proposed for removal as a result of the project. Any future impacts to oak trees from residential development after recordation of the

new parcels would be mitigated as part of future building and/or grading permit review. The project is consistent with this policy.

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 Estate Residential, Five-Acre (RE-5) Zone District.

Rationale: As proposed, the proposed residential 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 Section 130.30.050 G. (Protection of Wetlands and Sensitive Riparian Habitat)

Rationale: A 25-foot setback would be required from the spring/seep, pond with fringe wetlands, and intermittent and ephemeral channels on-site (Exhibit I). As stated in the Wetland Setback Analysis conducted for the project in July 2019 (Exhibit O), the existing residential development is located at an adequate distance and there would be no disturbance to these natural features. As conditioned the project is consistent with 130.30.050 G.

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

Rationale: Based on review of the Biological Resources Evaluation prepared for the project (Exhibit N), approximately 3.69 acres of the 15.92 acre parcel has Mixed Oak Woodland. No trees are proposed for removal at this time. Future residential development could propose oak tree removal and review of such a proposal and payment of an oak woodland in-lieu mitigation fee would be applied at time of future building permit issuance. The project is consistent with Chapter 130.39.

4.0 PARCEL MAP FINDINGS

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

Rationale: The project proposes to create two residential parcels of 9.06 acres (Parcel 1) and 6.86 acres (Parcel 2). The project parcel is in Low Density Residential (LDR) General Plan Land Use Designation. The proposed

Tentative Parcel Map has been found consistent with all applicable General Plan policies as discussed in the General Plan Findings section above.

4.2 The 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 Estate Residential, Five-Acre (RE-5) Zone and will comply with all applicable development standards for new lots in the zone. As proposed and conditioned, the Tentative 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 Estate Residential, Five-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 Parcel Map conforms to Subdivision Ordinance Section 120.44.030.**

Rationale: Section 120.44.030 *Findings requiring disapproval*. The approving authority shall not approve a tentative map of the approving authority makes any of the following findings:

- A. That the proposed map is not consistent with applicable general and specific plans;
- B. That the design or improvement of the proposed division is not consistent with applicable general and specific plans;
- C. That the site is not physically suitable for this type of development;
- D. That the site is not physically suitable for the proposed density of development;
- E. That the design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;
- F. That the design of the division or the type of improvements is likely to cause serious public health hazards;
- G. That the design of the division or the improvements are not suitable to allow for compliance of the requirements of Public Resources Code § 4291;
- H. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the approving authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Conclusion: The proposed Tentative Parcel Map does not conflict with any of the findings listed above A. - H. and therefore the proposed project is consistent with Section 120.44.030.

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

Rationale: An Initial Study - Mitigated Negative Declaration (Exhibit P) has been prepared for the project. After reviewing the reports prepared for the proposed Tentative Parcel Map, and with incorporation of recommended conditions and mitigation measures, it has been determined that the Tentative Parcel Map will not result in substantial environmental damage. The project is compatible with the residential development of the area.

CONDITIONS OF APPROVAL

**Tentative Parcel Map P19-0008/Crowley
Zoning Administrator/October 7, 2020**

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:

A request for a Tentative Parcel Map to subdivide a 15.92 acre parcel into two parcels of 9.06 acres (Parcel 1) and 6.86 acres (Parcel 2) (Exhibit G). The property is developed with an existing single-family dwelling (the main house, constructed by building permit in 1997) and a barn (to be removed) located on Parcel 1; and a residence (Hardship Manufactured Home permitted through a temporary hardship renewal permit since 2017) and a shop on Parcel 2. Access to Parcel 1 would be from an existing private concrete driveway off of Milton Ranch Road, and access to Parcel 2 would be from a separate existing private gravel driveway within a 25-foot exclusive road and utility easement off of Milton Ranch Road. Each parcel has its own existing onsite wastewater treatment system. The residence on Parcel 1 is connected to public water service from El Dorado Irrigation District (EID), and the residence on Parcel 2 has water from an existing well. Electricity/utilities services are from Pacific Gas & Electric (PG&E). No new improvements are proposed at this time. Any future development would be reviewed at time of building permit submittal. A building permit would be required to convert the existing Hardship Manufactured Home to the primary residence on Parcel 2 (or would need to be removed) as Hardship Manufactured Homes are not allowed as a permanent primary residence.

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

2. **Permit Time Limits:** Tentative Parcel Map P19-0008 shall expire 36 months from the date of approval unless a timely extension has been filed consistent with Section 120.74.020 (Expiration Period of Approved or Conditionally Approved Maps) of the Subdivision Ordinance.
3. **Conversion of Hardship Manufactured Homes:** The Hardship Manufactured Home on Parcel 2 shall be converted to the primary residence on Parcel 2. A building permit shall be obtained through Building Services.
4. **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.

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

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

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

6. **Oak Resources Conservation; In-Lieu Fee Payment:** The applicant shall mitigate for any impacts to oak resources for future development via payment of the required in-lieu fee as identified in the ORMP. This fee, if applicable, shall be submitted to Planning Services prior to approval of any future improvement plans.

7. **Pre-Construction Breeding Bird Surveys (MM BIO-1):** Planning Services shall verify this mitigation measure is implemented prior to issuance of any grading/building permits if future construction is proposed on-site: a) Project activities that would remove or disturb potential nest sites shall be scheduled outside the breeding bird season, if feasible. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions; b) If project activities that would remove or disturb potential nest sites cannot be avoided during February 15 through September 15, a qualified biologist shall conduct a pre-construction clearance and nesting bird survey to search for all potential nesting areas, breeding birds, and active nests or nest sites within the limits of project disturbance up to 30 days prior to mobilization, staging, and other disturbances; c) If no breeding birds or active nests are observed during the pre-construction survey(s), or if they are observed and would not be disturbed, then project activities may begin and no further mitigation would be required; d) If a breeding bird territory or active bird nest is located during the pre-construction survey and potentially would be disturbed, a no-activity buffer zone shall be delineated on maps and marked (flagging or other means) up to 500 feet for special-status avian species or raptors, or 100 feet for non-special status avian species. The limits of the buffer shall be demarcated so as not to provide a specific indicator of the location of the nest to predators or people. Materials used to demarcate the nests shall be removed as soon as work is complete or the fledglings have left the nest. The biologist shall determine the appropriate size of the buffer zone based on the type of activities planned near the nest and bird species because some bird species are more tolerant than others to noise and other disturbances. The nest and buffer zone shall be field-checked weekly by a qualified biologist. The nest and buffer zone shall not be disturbed until the biologist has determined that the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young would no longer be impacted by project activities.

8. **Protection of Species of Special Concern - Reptiles (Northwestern Pond Turtle) (MM BIO-2):** Planning Services shall verify this mitigation measure is implemented prior to issuance of any grading/building permits if future construction is proposed on-site: a) A CDFW-approved biologist shall conduct a preconstruction survey for the species of special concern - reptiles (Northwestern pond turtle) with potential to occur on the vicinity of the project within 24 hours prior to any ground disturbance. This survey will consist of walking surveys of the project footprint, where accessible. The qualified biologist will investigate all potential sites for the species of special concern - reptiles, Northwestern pond turtle. If any of the species are found within the construction work area, the biologist will contact CDFW as appropriate, and the species shall be allowed to voluntarily move outside of the work area on its own; b) Install temporary fencing between the work area and environmentally sensitive habitat. The fencing shall be checked regularly and maintained until all construction is complete. No construction activity shall be allowed until the fencing is installed; and c) All temporarily disturbed areas shall be stabilized upon completion of construction. These areas will be properly protected from washout and erosion using appropriate erosion control devices including coir netting, hydroseeding, and revegetation.

9. **Rare Plant Protection (MM BIO-3):** Planning Services shall verify this mitigation measure is implemented prior to issuance of any grading/building permits if construction is proposed on-site: If future residential development is proposed, a qualified biologist shall conduct a pre-construction survey within 14-days prior to clearing or grading operations to look for potential presence of rare plant species, particularly these nine (9) species: Big scale balsamroot, Stebbins' morning-glory, Van Zook's morning-glory, Chaparral sedge, Pine Hill ceanothus, Red Hills soaproot, Tuolumne button-celery, El Dorado bedstraw, and El Dorado County mule ears. If no rare plants are observed, a letter report shall be prepared to document the results of the survey, and no additional measures are recommended. If rare plants are present, then the applicant shall coordinate with the Pine Hill Ecological Preserve Manager and staff to facilitate collection of seeds and plants on site. The collected material shall be transplanted under the discretion of the Pine Hill Ecological Preserve Manager or a qualified professional to the Pine Hill Ecological Preserve land.

10. **Riparian Habitat and Wetland Protection:** Planning Services shall verify that 25-foot setbacks from the spring/seep, pond with fringe wetlands, ephemeral channels and intermittent channels shall apply to any future residential development, and these features shall be shown and recorded on the Final Parcel Map.

El Dorado County Department of Transportation (*standard conditions*)

11. **Maintenance Entity:** Prior to filing a final map, form an entity, or join an existing entity, for the maintenance of the private access roadway and drainage facilities. When joining an existing entity, amend and modify (as necessary) the existing entity to equitably incorporate maintenance of the Project improvements.
12. **Consistency with County Codes and Standards:** Obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from DOT and pay all applicable fees prior to filing of the final map. Ensure the project improvement plans and grading plans conform to the County *Grading, Erosion and Sediment Control Ordinance, Grading Design Manual, the Drainage Manual, Storm Water Ordinance (Ord. No. 5022), Off-Street Parking and Loading Ordinance, all applicable State of California Water Quality Orders, the State of California Handicapped Accessibility Standards, and the California Manual on Uniform Traffic Control Devices (MUTCD)*.
13. **Stormwater Management:** Comply with the West Slope Development and Redevelopment Standards and Post Construction Storm Water Plan.
14. **Water Quality Stamp:** Include a storm water quality message stamped into the concrete on new or reconstructed drainage inlets, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. Obtain approval of proposed message from County Engineer prior to construction.
15. **Regulatory Permits and Documents:** Incorporate all regulatory permits and agreements between the project and any State or Federal Agency into the Project Grading and Improvement Plans prior to the start of construction of improvements.

Grading or Improvement plans for any phase may be approved prior to obtaining regulatory permits or agreements for that phase, but grading/construction of improvements may not proceed until the appropriate permits or agreements are obtained and the grading/improvement plans reflect any necessary changes or modifications to reflect such permits or agreements.

Project conditions of approval shall be incorporated into the Project Improvement Plans when submitted for review.

16. **Electronic Documentation:** Upon completion of the required improvements, provide As-Built Plans to the County Engineer in TIFF format, and provide final Drainage and Geotechnical reports, and structural wall calculations to the County Engineer in PDF format.

Office of the County Surveyor

17. All survey monuments must be set prior to the filing the Parcel Map.
18. Situs addressing for the project shall be coordinated with the County Surveyors Office prior to filing the Final Map.
19. 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 19-0008 by (that agency) have been satisfied.”** The letter is to be sent to the County Surveyor and copied to the Applicant.

El Dorado County Air Quality Management District (*standard conditions*)

20. **Asbestos Dust:** Current County records indicate the subject property is located within the Asbestos Review Area. An Asbestos Dust Mitigation Plan (ADMP) Application with applicable fees shall be submitted to and approved by the AQMD prior to the project construction if the project moves more than 20 cubic yards of soil, pursuant to AQMD Rule 223.2, Fugitive Dust - Asbestos Hazard Mitigation. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223, Fugitive Dust - General Requirements, and Rule 223.2 Fugitive Dust - Asbestos Hazard Mitigation.
21. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
22. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
23. **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).
24. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (CARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, Title 13, Article 4.8, Chapter 9, California Code of Regulations (CCR)). Questions on applicability should be directed to CARB at [1-866-634-3735](tel:1-866-634-3735) CARB is responsible for enforcement of this regulation.

25. 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 (*standard condition*)

26. Prior to filing the Final Parcel Map, the parcels served by an onsite wastewater treatment system (septic system) and/or well shall comply with applicable requirements by the Environmental Management Department.

El Dorado County Fire Protection District (*standard condition*)

27. Any future development shall comply with applicable requirements, current Fire Code, District Ordinances, and Standards of the El Dorado County Fire Protection District.