

TM14-1523/Rancheria Court Tanis Split - As approved by the Planning Commission on September 28, 2017

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

Conditions of Approval

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

- Exhibit G.....Tentative Subdivision Map
- Exhibit H.....Slope Map
- Exhibit IOnsite Preliminary Grading Plan
- Exhibit JOffsite Preliminary Grading Plan
- Exhibit K.....Tree Canopy Map

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

The project description is as follows:

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

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

The development, use, and maintenance of the property, the size, shape and the protection and preservation of resources shall conform to the project description above and the hearing

exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Conditions of Approval from the Mitigated Negative Declaration

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

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

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

Monitoring Responsibility: El Dorado County Development Services Division.

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

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

Monitoring Responsibility: El Dorado County Development Services Division.

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

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

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

Monitoring Responsibility: El Dorado County Development Services Division.

Development Services Division

4. **Permit Time Limits:** This Tentative Parcel Map shall expire 36 months from the date of approval unless a timely extension has been filed.
5. **Fish and Wildlife Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and the current Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. Please submit check for the total amount to Planning Services and make the check payable to El Dorado County. No permits shall be issued or final map filed until said fees are paid.
6. **Indemnity:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

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

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

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

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

In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a “unique archeological resource”, contingency funding and a time allotment sufficient to allow recovering an archeological 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 archeological mitigation takes place.

If the find is determined to be a “unique archeological resource”, the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a “nonunique archeological resource”.

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

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

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

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

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

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

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

Transportation Division (Project-Specific Conditions)

11. **Road Improvements (On-site):** The on-site roadway on Lot 2 shall be constructed to Modified County Standard Plan 101C. The on-site portion shall be 18 feet wide with 1-foot shoulder on both sides from approximate Station 10+00 to Station 11+42. The road shall be constructed to be 12 feet wide with a 2-foot shoulder on each side from Station 11+42 to Station 13+44. The applicant shall also construct a hammerhead turnaround on Lot 1 to the satisfaction of the Fire Department.
12. **Hammerhead Turnaround (Off-site):** The applicant shall construct a hammerhead turnaround to the satisfaction of the fire department.
13. **Road and Public Utility Easement:** The applicant shall irrevocably offer to dedicate a 50-foot wide non-exclusive road and public utility easement for the on-site access roadways, shown on the final recorded map. Slope easements shall be included as necessary. This offer will be rejected by the County.
14. **Off-Site Improvements (Rancheria Court):** The off-site Rancheria Court shall be constructed pursuant to County Standard Plan 101C to be 18 feet in width with 1-foot shoulder on each side. The applicant will be allowed to have the existing road width remain the same at Rancheria Court from the large rock (360 feet east of Rancheria Drive) to the culvert (485 feet east of Rancheria Drive). The applicant will have to construct turnouts before the rock and after the culvert. The turnouts shall be a minimum of 10 feet wide and 30 feet long with a minimum 25-foot taper on each end.

Transportation Division (Standard Conditions)

15. **Maintenance Entity:** The proposed project must form an entity for the maintenance of public of public and private roads and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads of the current project. The Transportation Division shall review the document forming the entity to ensure the provisions are adequate prior to filing of the final map.
16. **Common Fence/Wall Maintenance:** The responsibility and access rights for maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
17. **Consistency with County Codes and Standards:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvements Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from the Transportation Division and pay all applicable fees prior to filing of the final map.

Additionally, the project improvement plans and grading plans shall conform to the County Grading, Erosion, and Sediment Control Ordinance, the Grading Design Manual, the Drainage Manual, Storm Water Ordinance (Or. No. 5022), Off-Street Parking and Loading Ordinance, all applicable State of California Water Quality Orders, the State of California Handicapped Accessibility Standards, and the California Manual on Uniform Traffic Control Devices (MUTCD).

18. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
19. **Drainage (Cross-Lot):** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements. This drainage shall be conveyed via closed conduit or open channel, to either a natural drainage course of adequate size or an appropriately sized storm drain system. The Grading and Improvement plans shall show drainage easements for all on-site drainage facilities where required.
20. **Regulatory Permits and Documents:** All regulatory permits or agreements between the Project and any State or Federal Agency shall be provided to the Transportation Division with the Project Improvement Plans. These project conditions of approval and all regulatory permits shall be incorporated into the Project Improvement Plans.

21. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the TD with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.

Diamond Springs/El Dorado Fire Protection District

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

Cal Fire

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

Air Quality Management District

31. Asbestos Dust: Current county records indicate this subject property is located within the Asbestos Review Area. An Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to project construction if a grading permit is required by the County or if the project moves more than 20 cubic yards of soil. (Rules 223 and 223.2). The project shall adhere to the regulations and mitigation measures for fugitive dust emissions asbestos hazard mitigation during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.2.
32. Paving: Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
33. Painting/Coating: The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.

34. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
35. **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. Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
36. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (CARB). A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

Surveyor's Office

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