

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



Agenda of:

December 18, 2024

Staff:

Timothy Pitt

TENTATIVE PARCEL MAP

FILE NUMBER: P23-0007/Gerken Parcel Map

APPLICANT/OWNER: Shirley Gerken

REQUEST: Tentative Parcel Map dividing an approximately 21.91-acre property into two (2) parcels of approximately 10.08-acres (Parcel 1) and 11.35-acres (Parcel 2).

LOCATION: On the western side of the intersection between Deer Valley Road and Fawn Way, within the vicinity of the Cameron Park Community Region, Supervisorial District 4 (Exhibit A).

APN: 102-200-025 (Exhibit E)

ACREAGE: 21.91 Acres

GENERAL PLAN: Low Density Residential (LDR) (Exhibit C)

CURRENT ZONING: Residential Estate – Five Acres (RE-5) (Exhibit D)

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

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 CEQA Guidelines;
2. Adopt the Mitigation Monitoring Reporting Program in accordance with the CEQA Guidelines Section 15074(d), incorporated as Conditions of Approval; and

3. Approve Tentative Parcel Map P23-0007, based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of this Tentative Parcel Map would allow the subdivision of an approximately 21.91-acre parcel into two (2) parcels as follows: 10.08 acres (Parcel 1) and 11.35 acres (Parcel 2). The subject parcel is zoned Residential Estate – Five Acres (RE-5) and is consistent with the Low Density Residential (LDR) General Plan land use designation. The resultant parcels meet the required development standards in the RE-5 zone including minimum parcel size and parcel width. No new on-site improvements, by right development, or any conditional use requests are proposed as a part of this project. Staff has determined that the project is consistent with the General Plan LDR land use Designation and the RE-5 zone, as well as other applicable County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

ENVIRONMENTAL SETTING

The project parcel consists of approximately 21.91 acres and is located within the Rural Region, north of the Cameron Park Community Region. The site ranges in elevation from approximately 1,050 feet to approximately 1,290 feet above mean sea level. Topography on site reduces in elevation from the northern property line to the southern portion of the property, with the southern portion of the project site being mostly flat. The property is currently developed with a primary residence and temporary hardship mobile home. The temporary mobile home permit (TMA) was last renewed in 2004 and has expired. The TMA has been conditioned to either be removed or permitted into a permanent structure (Condition of Approval No. 7). The adjacent-neighboring parcels to the south and west are zoned as Rural Lands – 10 Acres (RL-10) with one (1) small parcel to the west zoned Residential Estate – 10-Acre Minimum (RE-10). Parcels to the north and east are zoned as RE-5 (Exhibit D).

SURROUNDING LAND USES:

	Zoning	General Plan	Land Use/Improvements
Site	Residential Estate – 5-Acre Minimum	Low Density Residential (LDR)	Developed with one (1) single-family residence and one (1) hardship mobile home
North	Residential Estate – 5-Acre Minimum	Low Density Residential (LDR)	Vacant/Undeveloped
South	Residential Lands – 10-Acre Minimum (RE-10)	Rural Residential (RR)	Vacant/Undeveloped

East	Residential Estate – 5-Acre Minimum	Low Density Residential (LDR)	Vacant/Undeveloped
West	Residential Estate - 10-Acre Minimum (RE-10)/Rural Lands – 10-Acre Minimum	Rural Residential (RR)	Three (3) Parcels; Vacant/Undeveloped, Single-Family Residence with Accessory Dwelling Unit (ADU), Vacant/Undeveloped

PROJECT DESCRIPTION

This project is a Tentative Parcel Map that would create two (2) residential parcels from an existing 21.91-acre parcel as follows: 10.08 acres (Parcel 1) and 11.35 acres (Parcel 2) (Exhibit F). The property is currently developed with one (1) primary residence located on proposed Parcel 1 and one (1) temporary hardship mobile home located on proposed Parcel 2. Fire and vehicular access to each of the proposed parcels would be from an existing privately maintained roadway, Fawn Way, which connects to Deer Valley Road (a County-maintained road). Electricity service in the area is provided by Pacific Gas and Electric (PG&E), and the project proposes to continue the use of the existing wells and septic systems onsite for water and sanitation services.

STAFF ANALYSIS

Environmental Review: In accordance with the CEQA, staff has prepared an Initial Study analyzing the potential environmental impacts resulting from the implementation of the project. Based on the Initial Study, a Mitigated Negative Declaration has been prepared and circulated for 20 days in accordance with CEQA guidelines (Exhibit H).

According to the CEQA Guidelines Section 15075, filing a Notice of Determination (NOD) is required to institute a 30-day statute of limitations on legal challenges to the County’s decision. Within 48 hours of approval of the requested Tentative Parcel Map, the applicant shall submit to the Planning Division a recording fee of \$50.00 as required by the County Recorder to file the NOD by the County, as well as the current California Department of Fish and Wildlife (CDFW) CEQA review fee for a Mitigated Negative Declaration. This fee is used to help defray the cost of managing and protecting the State’s fish and wildlife resources.

General Plan Consistency: Staff has determined that the project is consistent with these policies and related requirements of the El Dorado County General Plan, as discussed in more detail in Section 2.0 of 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 has been analyzed in accordance with all applicable development standards for the RE-5 zone district. Any future development would be required to comply with standard RE-5 zoning standards.

County Subdivision Ordinance: Staff has determined that 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 that may occur and documentation that the proposed subdivision is not likely to cause substantial environmental damage. Further details are discussed in Section 4.0 of the Findings Section below.

Agency Comments:

The project was distributed to all applicable public agencies and organizations for review and comment. Of these agencies and organizations notified of the project, comments were received from the Department of Agriculture, Department of Transportation (DOT), Air Quality Management District (AQMD), California Department of Forestry and Fire Protection (CALFIRE), El Dorado Irrigation District (EID), Environmental Management Department (EMD), Rescue Fire Protection District (RFPD), PG&E, Stormwater, and the County Surveyor's Office. None of these agencies expressed any significant issues or concerns regarding the implementation of the project. Comments received have been considered and if applicable, incorporated as Conditions of Approval from each of the agencies listed above.

Public Outreach: No formal outreach was conducted by the County, and a public outreach plan was not required for this project pursuant to the County Zoning Ordinance. The project was duly noticed per County Code Section 130.52.030 with a public notification range of 1,000 feet and a legal advertisement was published in all applicable local newspapers.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings
Conditions of Approval

Exhibit A.....Vicinity Map
Exhibit BAerial Map
Exhibit CGeneral Plan Land Use Map
Exhibit D.....Zoning Map
Exhibit EAssessor’s Parcel Map
Exhibit F.....Tentative Parcel Map
Exhibit G.....Biological Resources Assessment
Exhibit H.....Proposed Mitigated Negative Declaration and Initial
Study

FINDINGS

Tentative Parcel Map P23-0007/Gerken Zoning Administrator/December 18, 2024

1.0 CEQA FINDINGS

- 1.1 An Initial Study has been prepared analyzing potential environmental impacts with implementation of the project. Based on the Initial Study, impacts have been identified to be less than significant with mitigation. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15064(f)(2), a Mitigated Negative Declaration has been prepared for the project. The Mitigated Negative Declaration reflects the independent judgement of the County and has been completed in compliance with the CEQA and is adequate for this proposal.
- 1.2 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 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 states that the purpose of the Low Density Residential (LDR) land use designation establishes areas for single-family residential development in a rural setting. Lands designated as LDR are considered appropriate only within Community Regions, Rural Centers, and Rural Regions.

Rationale: The proposed project has a current land use designation LDR and is surrounded by LDR lands to the north and east and Rural Residential (RR) lands to the south and west. The proposed project does not propose any change in the land use designation of the site and does not propose to install infrastructure beyond that needed to serve the proposed parcels. The proposed 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: The requested Tentative Parcel Map is consistent with applicable General Plan policies as discussed in the Staff Report. The project is consistent with this policy.

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 project site is developed with one (1) single-family home, and one (1) temporary hardship mobile home, each of which are located on a unique proposed parcel. A hardship home is intended as a temporary use, which must be permitted and renewed annually. The onsite hardship home has not been renewed since 2004. The hardship home has been conditioned to either be removed or converted to a permanent use, prior to recordation of the proposed Tentative Parcel Map. The adjoining properties to the north and east are zoned Residential Estate – Five Acres (RE-5); to the south and west Rural Lands – 10 Acres (RL-10). The surrounding parcels are zoned to be developed for similar residential and agricultural uses. The project is designed to be compatible with adjoining land uses. As conditioned, the project is consistent with this policy.

2.4 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 site is developed with one (1) single-family home, and one (1) temporary hardship mobile home, each of which are located on a unique proposed parcel. The site currently has two (2) permitted septic systems for wastewater disposal. The proposed parcels exceed the five-acre minimum parcel size requirement for parcels to contain both a well and septic system. As confirmed by Pacific Gas and Electric (PG&E), there is existing infrastructure providing each of the existing residences with electricity. The public services and utilities are adequate for this project. The project is consistent with this policy.

2.5 The project is consistent with General Plan Policy 5.2.1.2.

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

Rationale: The project was reviewed by Rescue Fire Protection District (RFPD), California Department of Forestry and Fire Protection (CALFIRE), and Environmental Management Department (EMD) for water supply for all uses. No comments were received from any agency that would indicate that emergency water supply was not available to serve the project. Water supply and conveyance facilities are currently available and sufficient to

supply emergency water supply to the proposed parcels. The project is consistent with this policy.

2.6 The project is consistent with General Plan policy 5.2.3.4.

General Plan Policy 5.2.3.4 (Groundwater Systems) requires that all applications for divisions of land which rely on groundwater for domestic use, or any other type of use, shall demonstrate that groundwater is adequate as part of the review and approval process.

Rationale: EMD reviewed this project and found that the well located on the subject parcel produced five-gallons per minute of water and determined that no additional information is needed to demonstrate an adequate water supply for the two (2) proposed parcels of this project. The project is consistent with this policy.

2.7 The project is consistent with General Plan Policy 5.3.2.3.

General Plan Policy 5.3.2.3 (Rural Sewage Disposal/Alternative Wastewater Systems) requires the development of efficient and environmentally safe individual sewage disposal systems in rural areas.

Rationale: EMD reviewed this project for solid waste disposal capability and did not express any concerns for the project. The project is consistent with this policy.

2.8 The project is consistent with General Plan Policy 5.7.2.1.

General Plan Policy 5.7.2.1 (Fire Protection in Rural Regions and Rural Centers) 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 project was distributed to RFPD and CALFIRE for review. Neither agency submitted comments expressing an inability to provide required services to the proposed parcels or concerning a service reduction below acceptable levels as a result of project approval. The requirement for a Wildland Fire Safe Plan was waived for the project by the RFPD. The project is consistent with this policy.

2.9 The project is consistent with General Plan Policy 6.2.2.2.

General Plan Policy 6.2.2.2 (High and Very High Fire Zone Development Limitations) precludes development in areas of high and very high wildland fire hazard or in areas identified as wildland-urban interface (WUI) communities within the vicinity of Federal lands that are a high risk for wildfire unless such development can be adequately protected from wildland fire hazard, as demonstrated in a WUI Fire Safe Plan prepared by a qualified professional as approved by the El Dorado County Fire Prevention Officers Association. The WUI Fire Safe Plan shall be approved by the local Fire Protection District having jurisdiction and/or California Department of Forestry and Fire Protection.

Rationale: The project was distributed to RFPD and CALFIRE for review and comment. RFPD determined that the proposed parcels can be adequately served by the existing road (Fawn Way) and waived the requirement for a full WUI Fire Safe Plan. Any potential future development would be reviewed by RFPD as a part of the building permit process. The project is consistent with this policy.

2.10 The project is consistent with General Plan Policy 6.2.3.2.

General Plan Policy 6.2.3.2 (Adequate Access for Emergencies) 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: The project was distributed for review by Department of Transportation (DOT), RFPD, and CALFIRE. None of these agencies expressed any concerns regarding adequate capacity for emergency vehicle access. Conditions of Approval have been included to ensure adequate access is maintained. The project is consistent with this policy.

2.11 The project is consistent with General Plan Policy 7.4.4.4.

General Plan Policy 7.4.4.4 requires all new non-exempt development project that would result in impacts to oak resources to be mitigated in accordance with the standards of the Oak Resource Management Plan (ORMP).

Rationale: No oak trees are proposed to be removed or impacted as a part of project approval. No development is being proposed as a part of this project. Should future development occur, any impacts to oak resources are expected to be mitigated in accordance with the standards of the ORMP. The project is consistent with this policy.

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

(1) Traffic from residential development projects of five (5) or more units or parcels of land shall not result in, or worsen, Level of Service (LOS) 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 (2) 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 LOS F without first getting the voter's approval.

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

(3) and (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 policy 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 (5) 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 (2) residential parcels; therefore, this policy does not apply.

2.13 The project is consistent with General Plan Policy TC-Xd

LOS 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. LOS 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) LOS for any County-maintained road or State highway.

2.14 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:

- (1) A two-percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily, or
- (2) The addition of 100 or more daily trips, or
- (3) 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, and C of this policy would not be exceeded.

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

All subdivisions shall be conditioned to pay the Traffic Impact Fees (TIF) in effect at the time a building permit is issued for any parcel created by the subdivision.

Rationale: This project will pay TIF related to the Traffic Impact Mitigation (TIM) Fee Program at the time a building permit is issued. Therefore, the project is consistent with this policy should any future development occur. No development is being proposed as a part of this project; therefore, the project is consistent with this policy.

3.0 ZONING FINDINGS

3.1 The project is consistent with Section 130.24.030.

Section 130.24.030 (Residential Zone Development Standards/RE-5 Zone Development Standards) prescribes site-specific development standards for new parcels, allowed uses, and associated structures within the RE-5 zone district.

Rationale: The proposed parcels exceed the required minimum parcel size of five (5) acres and meet minimum parcel width as required in Section 130.24.030.

A temporary hardship home can be an allowed accessory use in the RE-5 zone but will need to be converted to a primary structure or removed from proposed Parcel 2 prior to Parcel Map recordation because an accessory use is not permitted without a permitted and constructed primary use.

4.0 PARCEL MAP FINDINGS

The Subdivisions Ordinance Section 120.44.030 (Findings Requiring Disapproval) requires that the approving authority not approve a tentative map if the approving authority makes any of the following findings:

4.1 That the proposed tentative map is not consistent with the General and Specific Plans (Section 120.44.030(A)).

Rationale: The project proposes to create two (2) parcels from an approximately 21.91-acre parcel. The resulting parcels would be as follows: approximately 10.08 acres (Parcel 1) and approximately 11.35 acres (Parcel 2). The project parcel is north of, but not within, the Cameron Park Community Region. The parcel's General Plan land use designation is LDR. The proposed Tentative Parcel Map has been found consistent with all applicable General Plan policies as set forth in Finding 2.0.

4.2 That the design or improvement of the proposed division is not consistent with applicable General and Specific Plans (Section 120.44.030(B)).

Rationale: The design or improvement of the proposed Tentative Parcel Map has been found to be consistent with all General Plan policies as set forth in Findings Section 2.0 and as described in Finding 4.1 above.

4.3 That the site is not physically suitable for the proposed type of development (Section 120.44.030(C)).

Rationale: The site is partially developed with one (1) single-family residence and one (1) temporary hardship mobile home. No development is proposed as part of this project. Proposed Parcel 1 would include the primary residence; proposed Parcel 2 would contain the existing temporary hardship mobile home which would be required to be converted to a primary residence or removed from the resultant parcel prior to Parcel Map recordation. The proposed parcels meet the required minimum parcel size and parcel width and will allow for potential future development consistent with development standards of the RE-5 zone district.

4.4 That the site is not physically suitable for the proposed density of development (Section 120.44.030(D)).

Rationale: The project, as proposed, is consistent with the density requirements of the RE zone and LDR General Plan designation.

4.5 That the design of the division of the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat (Section 120.44.030.E).

Rationale: An Initial Study – Mitigated Negative Declaration (Exhibit H) has been prepared for this project pursuant to CEQA guidelines. With adherence to incorporated mitigation measures (MM BIO-1, MM BIO-2), the proposed Tentative Parcel Map will not result in substantial environmental damage and is consistent with the existing development in the vicinity. Any potential impacts have been determined to be less than significant with mitigation and are not likely to cause substantial environmental damage or substantial and unavoidable injury to fish or wildlife, or their habitat.

4.6 That the design of the division or the type of improvements is likely to cause serious public health hazards (Section 120.44.030.F).

Rationale: The proposed subdivision has been reviewed for potential public health hazards by all applicable County departments and agencies. Each proposed parcel would make use of well water and septic sanitation and would connect to PG&E for electric service. The project has been conditioned to reduce potential impacts associated with potential future residential development and occupancy. These conditions will ensure the project will not cause serious public health hazards.

4.7 That the design of the division or the improvements are not suitable to all for compliance with the requirements of Public Resources Code § 4291 (Section 120.44.030(G)).

Rationale: The proposed division has been reviewed and approved by RFPD and CALFIRE as suitable to all for compliance with Public Resources Code § 4291, applying to vegetative clearances and related fire protection measures to protect structures.

4.8 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 (Section 120.44.030(H)).

Rationale: Preliminary subdivision plans have been reviewed by the County Surveyor's Office for potential conflicts with existing or proposed easements, and no conflicts have been found on the project parcels. To further ensure no potential easement conflicts will occur on the project site, the County Surveyor's Office will conduct a final easement review of the project parcels, as part of standard procedure, prior to recordation of the final map. The project does not propose any changes to currently existing easements. There are no off-site improvements proposed or required which would necessitate changes to any existing easements.

CONDITIONS OF APPROVAL

Tentative Parcel Map P23-0007/Gerken Zoning Administrator/December 18, 2024

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 F.....Tentative Parcel Map

Exhibit H.....Proposed Mitigated Negative Declaration and Initial Study

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 Tentative Parcel Map that would create two (2) residential parcels from an existing 21.91-acre parcel as follows: approximately 10.08 acres (Parcel 1) and approximately 11.35 acres (Parcel 2) (Exhibit F).

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 Division

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

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

4. **Native American Archaeological Resources:** If any suspected Tribal Cultural Resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR. The Tribal Representative will make recommendations for further evaluation and treatment as necessary. Tribal Representatives act as a representative of their Tribal government and are qualified professionals that have the authority and expertise to identify sites or objects of cultural value to Native American Tribes and recommend appropriate treatment of such sites or objects. If human remains, or suspected human remains, are discovered, then the appropriate State and Federal laws shall be followed. Preservation in place is the preferred option for mitigation of TCRs under California Environmental Quality Act (CEQA) and United Auburn Indian Community (UAIC) protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. When avoidance is infeasible, the preferred treatment by UAIC is to record the resource, minimize handling of cultural objects, leave objects in place within the landscape, or return objects to a location nearby where they will not be subject to future impacts. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA have been satisfied. This Condition of Approval shall be incorporated on any grading or building permit plans.
5. **Standard Archaeological Resources:** In the event of future development, the following language shall be incorporated on any grading or building permit plans: In the event that archaeological 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 (1) 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.
6. **Human Remains:** In the event of future development, the following language will be incorporated on any grading or building permit 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 (2) 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) of the Public Resources Code. 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.

7. Prior to recordation of the Parcel Map, the existing hardship home shall be removed or converted to a permanent use.

Mitigation Measures

8. MM BIO-1 Pre-Construction Special-Status Animal Species Surveys:

If construction activities would occur during the normal birthing and nesting season (February 1 through August 31), pre-construction surveys for special status animal species and nesting birds, including raptors, shall be conducted by a qualified biologist within 500 feet of proposed construction areas. If active nests are identified in these areas, the California Department of Fish and Wildlife (CDFW) and/or the United States Fish and Wildlife Service (USFWS) must be consulted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site. Measures would be dependent on any specific species detected on site during required site surveys.

Monitoring Requirement: El Dorado County Planning and Building Department, Planning Division shall verify completion of the requirement prior to issuance of grading and/or building permits in coordination with the applicant.

Monitoring Responsibility: El Dorado County Planning and Building Department, Planning Division.

9. **MM BIO-2 Rare Plant Protection:** A qualified biologist shall conduct a pre-construction botanical survey during the appropriate blooming/identification period for the target species. The pre-construction survey shall be conducted during the blooming/identification period closest to the initiation of ground disturbing activities. If no rare plant species are observed, a letter report documenting the results of the survey shall be prepared, and no additional measures are recommended. If any rare plants are observed on site, the biologist shall clearly mark, map, and record the locations of all special-status plants species to be protected and shall conduct an on-site inspection to ensure fencing for special-status species is appropriately placed and there are no impacts to special-status plants. On-site construction staff and supervisors shall be required to sign an acknowledgement that they have received these instructions from the biologist and agree to follow all mitigation measures.

Full avoidance of the special-status species shall require designating the area containing said species as an Environmentally Sensitive Area (ESA). No equipment or construction personnel shall enter the ESA and the ESA shall be clearly marked and surrounded by high visibility fencing with a minimum of four-foot-tall metal fence posts to ensure avoidance. Digging, trenching, placing fill, storage of equipment or materials, and all other construction related activity shall be prohibited within the ESA.

If special-status species are unavoidably impacted, coordination with CDFW shall be required prior to ground disturbance. The property owner shall ensure full compliance with any mitigation or compensation measures negotiated with CDFW before, during, and after disturbance of land containing special-status plants.

If construction activities last for more than one (1) growing season, the pre-construction survey described above shall be repeated during the blooming/identification period in subsequent years.

Monitoring Requirement: El Dorado County Planning and Building Department, Planning Division shall verify the completion of the requirement prior to issuance of grading and/or building permits in coordination with the applicant.

Monitoring Responsibility: El Dorado County Planning and Building Department, Planning Division.

Air Quality Management District (AQMD)

10. **Fugitive Dust:** As we understand the project, there will be no grading or construction necessary. Please be advised that a Fugitive Dust Mitigation Plan (FDP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to the start of project construction if, during the course of the project, a grading permit is required from

the Building Division, dust control measures shall comply with the requirements of AQMD Rule 223, Fugitive Dust – General Requirements and Rule 223.1 – Construction, Bulk Material Handling, Blasting, Other Earthmoving Activities and Trackout Prevention.

11. **Open Burning:** Burning of waste vegetation that results 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. Burning shall adhere to AQMD Rule 300, open burning.
12. **Paving:** Road construction shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials.
13. **Painting/Coating:** The application of architectural coatings shall adhere to AQMD Rule 215, Architectural Coatings.
14. **New Point or Stationary Source:** Prior to construction/installation of any new point/stationary source emissions units (e.g., emergency standby engine greater than 50 horsepower, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emissions estimates, and shall adhere to AQMD Rules 501, General Permit Requirements and 523, New Source Review.
15. **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.
16. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with 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, and daily hours of operations of each piece of equipment.

California Department of Forestry and Fire Protection (CALFIRE)

17. **Access Driveways:** All driveways shall be constructed to provide a minimum of one (1) 10-foot traffic lane, 14 feet unobstructed horizontal clearance, and unobstructed vertical clearance of 13 feet, six inches (13’6”).
18. **Access Drive Grades:** At no point shall the grade for all Roads and Driveways exceed 16 percent. The grade may exceed 16 percent, not to exceed 20 percent, with approval from the local jurisdiction.

19. **Access Drive Length:** 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.
20. **Access Drive Turnarounds:** A turnaround shall be provided on driveways over 300 feet in length and shall be within 50 feet of the building.
21. **Addressing:** All buildings shall be issued an address by the local jurisdiction which conforms to that jurisdiction's overall address system.

All buildings shall have a permanently posted address which shall be plainly legible and visible from the road fronting the property. Where access is by means of a private road and the address identification cannot be viewed from the public way, an unobstructed sign or other means shall be used so that the address is visible from the public way.

Address signs along one-way roads shall be visible from both directions.

Where multiple addresses are required at a single driveway, they shall be mounted on a single sign or post.

22. **Emergency Water:** Emergency water for wildfire protection shall be available, accessible, and maintained in quantities and locations specified in the statute and these regulations to attack a wildfire or defend property from a wildfire. This requirement will be determined by the local fire jurisdiction.
23. **Fire Safe Setback Requirements:** All parcels shall provide a minimum 30-foot setback for all buildings from all property lines and/or the center of a road. If this setback is not possible, mitigations may be required.

County Surveyor's Department

24. **Parcel Map Package:** Upon project approval from the Planning Division, a Parcel Map Package will need to be submitted with the County Surveyor's Office.
25. **Monumentation:** All survey monuments must be set prior to the recording of the Parcel Map, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments and the amount of the bond or deposit shall be coordinated with the County Surveyor's Office prior to the filing of the Parcel Map.
26. **Road Name Petition:** The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyor's Office. Proof of any signage required by the County Surveyor's Office must be provided prior to filing the Parcel Map.
27. **Disturbed Monuments:** All boundary monuments disturbed during project construction shall be reset by a Professional Land Surveyor or Qualified Engineer as defined by Section 8771 of the California Business and Professions Code (Land Surveyors Act).

28. **Addressing:** Situs addressing for the project shall be coordinated with the County Surveyor's Office prior to filing the Final Map.
29. **Final Map Condition Compliance:** Prior to finaling 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 (Subject Project) by (that agency) have been satisfied."** The letter is to be sent to the County Surveyor's Office and copied to the consultant and the applicant.

Pacific Gas and Electric (PG&E)

30. **Electric/Gas Utility Easement Requirement:** In accordance with Subdivision of Premises provision of Rule 16, when PG&E's facilities are located on private property that is subsequently subdivided into separate premises with ownership divested to someone other than the applicant, the subdivider is required to provide PG&E with easement rights that are satisfactory to PG&E for its existing facilities. Additionally, the subdivider is to notify property owners of the subdivided premises of the existence of the rights-of-way being granted. Easement rights that are satisfactory to PG&E for its existing facilities would consist of a 30-foot-wide easement in gross to PG&E for its existing line or poles. The proposed Tentative Parcel Map shall not be recorded in the event that adequate rights-of-way are not granted. In the event that adequate rights-of-way are not granted as a result of the property subdivision, PG&E does have the right, upon written notice to the applicant, to discontinue service without obligation or liability. The existing owner, applicant, or customer would then have to pay to PG&E the total estimated cost of any required relocation or removal of PG&E's facilities.