

CONDITIONS OF APPROVAL

Rezone Z19-0001 & Tentative Parcel Map P19-0001/Paye Planning Commission/January 23, 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:

The project consists of a Rezone of the project property from Open Space (OS) to Residential Estate Five-Acres (RE-5) and a Parcel map allowing for the creation of four residential parcels and a remainder parcel from an existing 103.6 acre parcel (APN 061-071-026). All residential parcels would be served by individual water meters and onsite septic systems. The approval includes the following:

| Lot Number | Gross Area |
|------------|------------|
| 1 | 6.9 acres |
| 2 | 7.1 acres |
| 3 | 5.6 acres |
| 4 | 5.6 acres |
| Remainder | 78.4 acres |

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

Planning Services Division

2. **Permit Time Limits:** 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. **Notice of Determination (NOD) Recording Fee:** The applicant shall submit to the Planning Services Division 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. Checks shall be payable to El Dorado County. No permits shall be issued or parcel map filed until said fees are paid.
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. **Water Meters:** A Parcel Map shall not be filed until a Georgetown Divide Public Utility District (GPUD) Water Meter Award Letter or similar document has been issued for all of the lots included in the filed parcel map, and a copy filed with Planning Department.
7. **Remainder:** A conditional certificate of compliance, pursuant to Government Code Section 66499.35(b), shall be required prior to development of a designated remainder. A notice of restriction (NOR) shall be recorded, stating that no permit or other grant of approval for the development may be issued until a certificate of compliance is recorded. This NOR shall be recorded prior to recordation of the Parcel Map.
8. **Park Fees:** The subdivider shall be subject to an appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.

The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 120.12.090 of the County Code. Payment of the required fees shall be remitted to the Georgetown Divide Recreation District prior to the filing of the parcel map. A copy of the transaction receipt shall be provided to Planning Services.

9. **Wildland Fire Safe Plan:** This development shall be conditioned to develop, implement, and maintain a Wildland Fire Safe Plan that is approved by the Fire Department as complying with all Title 14 regulations for the roadways and driveways.

Mitigation Measures

10. Mitigation Measure BIO-1:

If construction activities will occur during the nesting season (February to August), a preconstruction survey for the presence of special-status bird species or any nesting bird species 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) shall 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.

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 Final Map, in a notice of restriction that shall be recorded on the property and future grading and residential construction plans. If a pre-construction survey is required, the Planning and Building Department shall verify the completion of survey prior to issuance of grading permit.

Monitoring Responsibility: El Dorado County Planning and Building Department.

11. **Mitigation Measure TCR-1:**

If potential tribal cultural resources (TCRs), archaeological resources, other cultural resources, articulated, or disarticulated human remains are discovered by Native American Representatives or Monitors from interested Native American Tribes, qualified cultural resources specialists or other Project personnel during construction activities, work will cease within 100 feet of the find (based on the apparent distribution of cultural resources), whether or not a Native American Monitor from a traditionally and culturally affiliated Native American Tribe is present. A qualified cultural resources specialist and Native American Representatives and Monitors from traditionally and culturally affiliated Native American Tribes will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless requested by the Tribe.

Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. These recommendations will be documented in the project record. For any recommendations made by traditionally and culturally affiliated Native American Tribes that are not implemented, a justification for why the recommendation was not followed will be provided in the project record.

If adverse impacts to tribal cultural resources, unique archeology, or other cultural resources occurs, then consultation with UAIC and other traditionally and culturally affiliated Native American Tribes regarding mitigation contained in the Public Resources Code sections 21084.3(a) and (b) and CEQA Guidelines section 15370 should occur, in order to coordinate for compensation for the impact by replacing or providing substitute resources or environments.

Monitoring Requirement: The Mitigation Measure shall be incorporated into all project improvement plans and evidence of onsite monitoring shall be submitted to the County prior to finaling of parcel map.

Monitoring Responsibility: El Dorado County Planning and Building Department.

12. **Mitigation Measure TCR-2:**

A consultant and construction worker tribal cultural resources awareness brochure and training program for all personnel involved in project implementation will be developed in coordination with interested Native American Tribes. The brochure will be distributed and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated Native American Tribes before any stages of project implementation and construction activities begin on the project site. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribal values.

Monitoring Requirement: The Mitigation Measure shall be incorporated into all project improvement plans and evidence of onsite monitoring shall be submitted to the County prior to finaling of parcel map.

Monitoring Responsibility: El Dorado County Planning and Building Department.

Office of the County Surveyor

13. All survey monuments shall be set prior to filing the Parcel Map.
14. Situs addressing for the project and interior suites shall be coordinated with the County Surveyor's Office prior to filing the Final Map.
15. Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed conditions on the map. The letter shall state that "all conditions placed on P19-0001 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the consultant and applicant.

Transportation Department

16. **Onsite Road Improvements:** Construct the onsite portion of Raintree Road to County Standard Plan 101C, increased to 20 feet in width if required by the Fire Marshall.
17. **Encroachment Permit:** Obtain an encroachment permit from County DOT and construct the Raintree Road encroachment to Wentworth Spring Road to the provisions of County Design Std. 103C.

18. **Offer of Dedication:** Offer to dedicate, in fee, the rights of way for Wentworth Springs Road right of way of 60 feet total width, 30 feet on either side of centerline (Approximately 1.51 acres). The offer will be accepted by the County.
19. **Road & Public Utility Easements:** Irrevocably offer to dedicate a 50-foot wide road and public utility easement for Raintree Road and Miled Lane, shown on the final recorded map. Include slope easements where necessary. This offer will be accepted by the County on behalf of the public, but rejected for maintenance, and subject to private maintenance.
20. **Maintenance Entity:** Execute a private maintenance agreement for the onsite portion of Raintree Road, applicable to, and binding on the parcels created. Submit the agreement to DOT for review prior to filing of the final map.
21. **Consistency with County Codes and Standards:** The developer shall 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 the Transportation Department 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, Grading Design Manual, the Drainage Manual, Storm Water Ordinance (Ord. No. 5022), Off-Street Parking and Load Ordinance, all applicable State of California Water Quality Orders, the State of California Handicapped Accessibility Standards, and the California Manual of Uniform Traffic Control Devices (MUTCD).*

22. **Regulatory Permits and Documents:** All regulatory permits or agreements between the Project and any State or Federal Agency shall be provided to the Transportation Department with the Project Improvement Plans. These project conditions of approval and all regulatory permits shall be incorporated into the Project Improvement Plans.
23. **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 Transportation Department with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.