CONDITIONS OF APPROVAL & MITIGATION MONITORING AND REPORTING PROGRAM

Parcel Map No. 2907, CLCA Contract #412 Amendment, ZC-26;3-1, & GPA-26;3-1 Jess Project

APPLICANT: Connie Jess

PROPERTY OWNER: Jess Family Trust

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PROJECT LOCATION: 6780 Martin Lane, Ione, CA 95640 (APN: 005-190-018)

PROJECT DESCRIPTION: Tentative Parcel Map Number 2907 to divide ±215.46-acre property in two parcels, ±22 acres and ±193.46 acres in size. The project includes a request to amend the existing California Land Conservation Act (Williamson Act) Contract #412; a zone change (ZC-26;3-1) from the X, Special Use district to the AG, Exclusive Agricultural district, and vise-versa; and a General Plan Amendment (GPA-26;3-1) from the I, Industrial designation to the AG, Agricultural General designation, and vise-versa, to align with the proposed parcels.

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

PLANNING COMMISSION APPROVAL DATE:

IMPORTANT NOTES:

NOTE A: It is suggested the project applicant contacts the Environmental Health, Public Works, and Planning Departments and any other agencies involved prior to commencing these requirements. Improvement work shall not begin prior to the review and submission of the plans and the issuance of any applicable permits by the responsible County Department(s). The Inspector must have a minimum of 48 hours' notice prior to the start of any construction.

NOTE B: Information concerning this project can be obtained through the Amador County Planning Department, (209) 223-6380, located at 810 Court Street, Jackson, CA 95642.

CONDITIONS OF APPROVAL

1. **FISH AND WILDLIFE FEES:** ***No permits shall be issued, fees paid, or activity commence, as they relate to this project, until such time as the Permittee has provided the Planning Department with the Department of Fish and Wildlife Filing Fee for a Notice of Determination or a Certificate of Fee Exemption from Fish and Wildlife.*** THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

2. Prepare and submit Parcel Map. The preparation and submission of a Public Report is required prior to recording. THE SURVEYOR'S OFFICE SHALL MONITOR THIS REQUIREMENT.

3. Submit Preliminary Title Report as evidence of ownership with the parcel map check package. An updated Parcel Map Guarantee must accompany the map at the time of recording. THE SURVEYOR'S OFFICE SHALL MONITOR THIS REQUIREMENT.

4. A Registered Civil Engineer or Licensed Land Surveyor must survey all parcels. Monuments are to be set, reset, or verified (if existing) according to County Standards. THE SURVEYOR'S OFFICE SHALL MONITOR THIS REQUIREMENT.

5. Pursuant to Section 66463.1 of the Government Code (Subdivision Map Act) multiple Parcel Map(s) may be filed prior to the expiration of the tentative map. Any multiple Parcel Map(s) so filed shall be reviewed as to

submittal to the Board of Supervisors for Parcel Map approval. The shape and size and development of any single unit or multiple units will be subject to Public Works Agency and Environmental Health Department review of traffic circulation and sewage disposal. THE SURVEYOR'S OFFICE, TRANSPORTATION AND PUBLIC WORKS DEPARTMENT, AND ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

DEDICATIONS:

6. Prior to recordation of any Parcel Map, provide an irrevocable offer of dedication for a 25-foot fee right-of-way (from road centerline) along Irishtown Road, for parcels 1 and 2, and Spagnoli Mine Road, for parcels 1 and 3. THE TRANSPORTATION AND PUBLIC WORKS DEPARTMENT SHALL MONITOR THIS CONDITION.

ENCROACHMENTS:

7. If the applicant intends to provide access from Martin Lane, an encroachment must be obtained and/or maintained from the Building Department. Any new access approach to be constructed per appropriate Building Department standard plan. THE TRANSPORTATION AND PUBLIC WORKS DEPARTMENT SHALL MONITOR THIS CONDITION.

SOILS:

8. Preliminary Soils Report:

   I. Submit Preliminary Soils Report by a Registered Civil Engineer required in Section 17.28.240 of the County Ordinance Code.

   II. **X** Waived as defined in Section 66491 (a) of the Subdivision Map Act. NO MONITORING NECESSARY.

EASEMENTS:

9. Prior to recordation of any Parcel Map, provide easements as required for utilities by County Code Section 17.28.030. THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.

10. Prior to recordation of any Parcel Map, provide an irrevocable offer of dedication for a 25-foot fee right-of-way (from road centerline) along Irishtown Road for proposed parcels 1 and 2, and Spagnoli Mine Road for proposed parcels 1 and 3. THE SURVERYOR'S OFFICE AND DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS CONDITION.

TAXES:

11. All current and delinquent taxes must be paid. Security, in the form of a cash deposit, must be posted for estimated taxes, and special assessment collected as taxes, which are a lien against the subject property, but which are not yet payable. The Tax Collector shall draw upon this cash deposit to pay the taxes, and special assessments collected as taxes when they become payable. When all current and/or delinquent taxes have been paid, and any required security has been posted with the County Tax Collector, the Tax Collector will submit a letter to the County Surveyor's Office stating that this condition has been satisfied. (Note: Please refer to Amador County Code Sections 17.72.120, 17.72.130 and 17.72.140 {amended May 15, 2007}, and Government Code Sections 66492 and 66493). THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.

PUBLIC REPORT:

12. Complete the form for the Subdivision Public Report for recording--must be notarized. THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.

BUILDING PERMITS

13. The permittee shall acquire all necessary building permits for all facilities and any other related equipment. THE BUILDING DEPARTMENT SHALL MONITOR THIS CONDITION.

WASTE DISPOSAL

14. Prior to recordation of the final map, the applicant must submit a will serve statement stating that the current solid waste disposal service is sufficient to serve the intended use. THE WASTE MANAGEMENT DEPARTMENT SHALL MONITOR THIS CONDITION.

MITIGATION MONITORING AND REPORTING PROGRAM

1. **BIO-1 Special-Status Species – Animals:** Special-status plant and animal species should be avoided to the maximum extent practicable. If complete avoidance is infeasible, project impacts will need to be quantified and mitigation developed to reduce the impacts to a less-than-significant level. Mitigations may include preservation and enhancement of on and/or off-site populations, transplanting individuals to a preservation area, or other actions, subject to the approval of CDFW or USFWS. In the event that any of the endangered, threatened, or special-status plant or animal species identified in the CEQA Initial Study for this project are discovered in the project area, all construction and ground-disturbing activity will be halted immediately. The property owner will then contact the US Department of Fish and Wildlife and Amador County Planning Department to establish additional mitigations according to industry-standard best management practices (BMPs) to mitigate impacts to these species.

2. **BIO-2 Ground Disturbance Timing for Nesting Birds:** To avoid impacts to nesting bird species or birds protected under the Migratory Bird Treaty Act, all ground disturbing activities conducted between February 1 and September 1 must be preceded by a pre-construction survey for active nests, to be conducted by a qualified biologist. This survey should be conducted within two weeks prior to any construction activities. The purpose of this survey is to determine the presence or absence of nests in an area to be potentially disturbed. If nests are found, a buffer depending upon the species and as determined by a qualified biologist in consultation with the California Department of Fish and Wildlife and shall be demarcated with bright orange construction fencing. Any vegetation clearing should be schedule outside of the avian nesting season (February 1 through August 31) or survey should be conducted immediately prior to vegetation removal. If active nests are found, vegetation removal should be delayed until the young fledge. No ground disturbing or other construction activities shall occur within this buffer until the County-approved biologist has confirmed that breeding or nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for ground disturbing activities occurring between September 2 and January 31.

3. **BIO-3 Special-Status Species – Plants:** Special-status plant populations should be avoided to the maximum extent practicable. If complete avoidance is infeasible, project impacts will need to be quantified and mitigation developed to reduce the impacts to a less-than-significant level. Mitigation may include preservation and enhancement of on and/or off-site populations, transplanting individual plants to preservation area, or other actions, subject to the approval of CDFW, USFWS, or CNPS. Prior to any construction activity, a biological and/or rare plant survey may be required to be conducted to determine if there are any special-status plants within the project area and which may potentially be disturbed. If special-status species are identified, avoidance zones may be established around plant populations to clearly demarcate areas for avoidance. Where avoidance is infeasible, and the plant subject to removal or potential damage from construction, the project applicant shall develop and implement a mitigation plan pursuant to State and Federal regulation. The mitigation plan shall provide for no net loss of habitat and shall include, but is not limited to, relocation of the affected plants, replanting, and monitoring of relocated and planted specimens, or any other BMPs or conservation practices established by CDFW or USFWS

4. **BIO-4 Plant Survey:** Prior to any construction activity related to any discretionary project, a biological and/or rare plant survey shall be conducted to determine if there are any special-status plants within the project area and which may potentially be disturbed. Surveys shall be timed according to the blooming period for the target species, and known reference populations will be visited prior to surveys to confirm the species is blooming where known to occur. If special-status species are identified, avoidance zones may be established around plant populations to clearly demarcate areas for avoidance. Avoidance measures and buffer distances may vary between species, and the specific avoidance zone distance will be determined in coordination with the appropriate resource agencies. For individual specimens, highly visible temporary construction fencing shall be placed at least 10 ft. away from the drip line of the plant. No construction activity or grading would be permitted within the buffer zone. Where avoidance is infeasible, and the plant subject to removal or potential damage from construction, the project applicant shall develop and implement a mitigation plan pursuant to State and Federal regulation. The mitigation plan shall provide for no net loss of habitat and shall include, but is not limited to, relocation of the affected plants, replanting, and monitoring of relocated and planted specimens.

5. **BIO-5 Riparian and Wetland conservation:** Complete avoidance of wetlands is conservatively recommended to ensure compliance with wetland laws. Site development shall implement erosion control plans, and best management practices (BMPs) that prevent the discharge of sediment into nearby drainage channels and wetlands. To the extent feasible, any intermittent creeks within the project vicinity shall be preserved, with a 50-foot buffer, limited to construction on either side of the creek. This buffer should be 50 feet in width on each side of the creek as measured from the edge of US Army Corps of Engineers jurisdiction. This mitigation measure shall not apply where it conflicts with hazardous site remediation required by orders from the Central Valley Regional Water Quality Control Board. If complete avoidance of potential jurisdictional Waters of the U.S. or wetlands is not practicable, a wetland delineation should be prepared and submitted to USACE for verification in order to determine the jurisdictional areas will be impacted, wetland permits and/or certification should be obtained from USACE, CDFW, and the RWQCB prior to placement of any fill (e.g. a culvert, fill slope, rock) within potential Waters of the U.S.

15. **CULTR-1 Historic, archaeological or paleontological resources.** During ground-disturbing activity, if archaeological, paleontological, tribal, or historic or pre-historic resources (such as chipped or ground stone, fossil-bearing rock, large quantities of shell, historic debris, building foundations, or human bone) are inadvertently discovered, the operator/permittee shall immediately cease all such activities within 100 feet of the find and notify the applicable agency. A qualified archaeologist shall be contracted by the operator/permittee to assess the significance of the find and prepare an evaluation, avoidance or mitigation plan, as appropriate, which shall be implemented before resuming ground disturbing activities. This may include recording, protecting, or curating the discovery as appropriate. The qualified professional shall be required to submit to the Planning Department a written report concerning the importance of the resource and the need to preserve the resource or otherwise reduce impacts of the project. The permittee shall notify the Amador County Planning Department of the find and provide proof to the Planning Department that any/all recommendations and requirements of the qualified professional have been complied with.

16. **CULTR-2 Historic, archaeological or paleontological resources.** In the case that human remains are discovered on site, the following steps must be taken in accordance with Amador County FEIR Mitigation Measure 4.5-15 Cultural Resources, per Section 7050.5 of the California Health and Safety Code. California law requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition of the remains and any grave goods. If the Coroner determines that no investigation of the cause of death is required and if the Native American heritage commission, which in turn will inform a most likely descendant, the descendant will then recommend to the landowner appropriate disposition of the remains and any grave goods. The Amador County coroner shall, within two working days:

    a. Determine if an investigation of cause of death is required;

b. Determine if the remains are most likely that of Native American origin, and if so suspected, the coroner shall notify the California Native American Heritage Commission (NAHC) within 24 hours of making his or her determination.

c. The descendants of the deceased Native Americans shall make a recommendation to the operator/ permittee for the means of handling the remains and any associated grave goods as provided in Public Resources Code (PRC) Section 5097.98.

d. The NAHC shall immediately notify those persons it believes to be most likely descended from the deceased Native American.

e. The descendants may, with the permission of the landowner or their representative, inspect the site of the discovered Native American remains and may recommend possible treatment or disposition within 24 hours of their notification.

f. Whenever the NAHC is unable to identify a descendent, or the descendent identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendent and the mediation provided for in subdivision (k) of PRC Section 5097.94 fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

17. **GEO-1 Sewage Disposal:** In accordance with Health and Safety Code 5411 and Amador County Code 14.12.140, wastewater from any residence, place of business, or other building or place where persons reside, congregate, or are employed, must be discharged to an approved method of wastewater treatment and disposal. All future new or replacement sewage disposal systems to be constructed on the project parcel, shall be designed by a qualified professional to serve the intended use. The system shall be designed under permit from the Amador County Environmental Health Department and said system shall comply with Chapter 14 of the Amador County Code and the On-site Wastewater Treatment System Regulations adopted pursuant to Code.

18. **HYD-1 Granding Permits and Erosion Control:** Prior to the issuance of permits for site-specific development, drainage and grading permits shall be prepared by a licensed civil engineer and submitted to the Amador County Building Department for approval. Drainage plans shall demonstrate that new development would not increase peak storm flows and that adequate capacity exists downstream to accommodate increased stormwater volume. All site-specific development shall implement appropriate stormwater runoff best management practices (BMPs) and design features to protect receiving water quality consistent with Amador County standards, and any required National Pollution Discharge Elimination System (NPDES) permits administered by the State Water Resources Control Board (SWRCB) must be obtained prior to site development. THE AMADOR COUNTY BUILDING DEPARTMENT SHALL MONITOR THIS CONDITON.

Chairperson Amador County Board of Supervisors	Date
Applicant	Date