

**CONDITIONS OF APPROVAL &  
MITIGATION MONITORING AND REPORTING PROGRAM**  
**For Tentative Parcel Map 2879 Glavenich**

**APPLICANT:** Luke R Glavenich Revocable Living Trust, Michael Glavenich, Trustee  
Representative: Matt Toma; Toma & Associates

**PHONE:** (209)304-2297

**MAILING ADDRESS:** 12920 Sutter Creek Rd., Sutter Creek, CA 95685

**PROJECT LOCATION:** South of Shakeridge Rd. and north of Sutter Creek Rd, immediately east of Sutter Creek city limits and approximately 1000 feet northeast from the intersection of Shakeridge Rd. and Golden Hills Dr. (APN: 040-030-059).

**PROJECT DESCRIPTION:** Tentative Parcel Map No. 2879, Luke R. Glavenich Revocable Living Trust-2006 (Michael Glavenich, trustee) proposing the division of 189± acres into 5 parcels ranging from 20+ acres to 65+ acres in conjunction with a request for a Zone Change eliminating the “B5” (no further divisions) designation of a 143.5± acre portion of APN 040-030-059 to be designated as “R1A” Single Family Residential and Agricultural District, and a request for a General Plan Amendment from Agriculture-General to Agricultural-Transition for that same portion and an additional 15.5± acres.

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**PLANNING COMMISSION APPROVAL DATE:** May 11, 2021

**NOTICE OF DETERMINATION DATE:**

**IMPORTANT NOTES:**

NOTE A: It is suggested the project applicant contact 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, 810 Court Street, Jackson, CA 95642 (209) 223-6380.

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1. **FISH AND GAME 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 Game Filing Fee for a Notice of Determination or a Certificate of Fee Exemption from Fish and Game.* 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.

SOILS:

6. 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:

7. 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.
8. Prior to recordation, subdivider shall offer to dedicate access roads for Road and Utility Easements. THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.

TAXES:

9. 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.

SURVEYING REQUIREMENTS:

10. Project applicant must complete the following prior to recordation of the final map:
  - a. Propose unique name for access road
  - b. Dedicate R/W for new access road on the map
  - c. Submit Map to Surveying Dept. for review and approval
  - d. Provide a preliminary guaranty title report submitted prior to BOS approval of the Map, Zone Change, and General Plan Amendment.
  - e. Dedicate on the map, a utility easement per 17.28.030 COC
  - f. Show on map setback lines per 17.28.090 COC
  - g. Survey and set monuments as shown on the map per 17.28.070 COC
  - h. Submit a "Public Report" per 17.90.160 COC
  - i. Install a street name sign at the intersection of access roadTHE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.

PUBLIC REPORT:

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

DEDICATIONS AND EASEMENTS:

12. Prior to recordation of any Parcel Map, provide an irrevocable offer of dedication for a 30 foot fee right-of-way (From Road Centerline) along Shake Ridge Road and Sutter Creek Road.
13. Prior to recordation of any Parcel Map, provide a private driveway easement for "Road and Utility" purposes to serve Parcel 1, 2, 3, 4 and Remainder from Shake Ridge Road and Sutter Creek Road in accordance with County Code 12.08.035.

ENCROACHMENT:

14. Prior to recordation of any Parcel Map, obtain an encroachment permit from the Department of Transportation and Public Works for access to Shake Ridge Road and to Sutter Creek Road, and improve the access encroachment to a PW-4 Standard Shared Residential Driveway Connection, including and required appurtenances.

#### PRIVATE DRIVEWAY IMPROVEMENTS

15. Prior to recordation of any Parcel Map, the shared driveway for Parcel 2, 3, and 4 shall conform to the requirements pertaining to common/shared driveways in County Code Chapter 12.08.035 and 15.30. THE TRANSPORTATION AND PUBLIC WORKS DEPARTMENT SHALL MONITOR THIS CONDITION.
16. Prior to recordation of any Parcel Map, submit engineered plans for and construct the private driveway from the point of departure for the encroachment from Sutter Creek Road through Parcel 3, 4 to the cul-de-sac of Parcel 2 and from Shake Ridge Road for Parcel 1 and Parcel Remainder. THE TRANSPORTATION AND PUBLIC WORKS DEPARTMENT SHALL MONITOR THIS CONDITION.
17. Prior to recordation of any Parcel Map, submit a Recorded Private Road Maintenance Agreement for all parcels served by the private driveway from the point of departure for the driveway from Sutter Creek Road through Parcel 3, 4 to the cul-de-sac of Parcel 2. THE TRANSPORTATION AND PUBLIC WORKS DEPARTMENT SHALL MONITOR THIS CONDITION.

#### PUBLIC ROAD IMPROVEMENTS

18. Prior to recordation of any Parcel Map, Parcel 2, 3, and 4 must join and submit an amended Recorded Private Road Maintenance Agreement for all parcels served by Sutter Creek Road. THE TRANSPORTATION AND PUBLIC WORKS DEPARTMENT SHALL MONITOR THIS CONDITION.

#### PUBLIC ROADS

19. Prior to recordation of any Parcel Map, Parcel 2, 3, and 4 must join and submit an amended Recorded Private Road Maintenance Agreement for all parcels served by Sutter Creek Road. THE TRANSPORTATION AND PUBLIC WORKS DEPARTMENT SHALL MONITOR THIS CONDITION.

#### PUBLIC WORKS FEES:

20. The subdivider shall pay the actual costs of Plan Checking, Inspection, and Testing as provided in Section 17.40 of the County Ordinance prior to recordation of any final map(s). Five percent (5%) of a Licensed Civil Engineer's Estimate of the Improvement Costs will be deposit with the Public Works Agency in the Surveying and Engineering Office (2-1.5% at the time of submission and 2-1.5% prior to inspection and testing). THE TRANSPORTATION AND PUBLIC WORKS DEPARTMENT SHALL MONITOR THIS CONDITION.

#### BUILDING PERMITS

21. The permittee shall acquire all necessary building permits for all facilities and any other related equipment. Construction and location shall be substantially the same as submitted plans and as stated in the approved project description. THE BUILDING DEPARTMENT SHALL MONITOR THIS CONDITION.

#### WASTE DISPOSAL

22. Prior to activation of the Use Permit, 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.

#### BOARD OF SUPERVISORS ACTIONS

23. General Plan Amendment(s) And Zone Change(s):
  - a. No final Parcel Map shall be recorded unless a zone change from the "R1A-B5" district to the "RE" or district is approved by the Board of Supervisors for proposed Parcel 1.
  - b. No final Parcel Map shall be recorded unless a zone change from the "R1A-B5" and "R1A" districts to the "R1A-B5" district is approved by the Board of Supervisors for proposed Parcels 2, 3, 4, and the Remainder.
  - c. No final Parcel Map shall be recorded unless a general plan amendment from AG, Agricultural General (40 Acre Density) to AT, Agricultural Transition (5 – 20 Acre Density) is approved by the Board of Supervisors for any portion of the project not currently designated as AT, Agricultural Transition (5 - 20 Acre Density).

**MITIGATION AND MONITORING**

24. **Special Status Species (BIO-1)**: 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. Mitigation 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 for impacts to these species. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
25. **Ground Disturbance Timing for Nesting Birds (BIO-2)**: 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. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
26. **Special-Status Species Plants- (BIO-3)**: 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. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
27. **Plant Survey (BIO-4)**: Prior to any construction activity, 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. 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. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
28. **Riparian and Wetland Conservation (BIO-5)**: 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 or non-jurisdictional nature of the seasonal wetlands and man-made drainage ditches, consistent with Section 1602 of the Fish and Game Code. If 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. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

29. Historic and Cultural Resources (CULTR-1) (CULTR-2): In the event the permittee encounters any historic, archaeological, paleontological, or tribal resource (such as chipped or ground stone, fossil-bearing rock, large quantities of shell, historic debris, building foundations, or human bone) during any construction undertaken to comply with these Use Permit conditions, permittee shall stop work immediately within a 100 ft. radius of the find and retain the services of a qualified professional for the purpose of 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. Additionally 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, The Amador County coroner shall, within two working days:
- i. Determine if an investigation of cause of death is required;
  - ii. 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.
  - iii. 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.
  - iv. The NAHC shall immediately notify those persons it believes to be most likely descended from the deceased Native American.
  - v. 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.
  - vi. 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.

30. Archeologist Recommendations Regarding Historical Resources (CULTR-3): “Based upon the results of the field survey and archival research, and taking into account the results of the fieldwork and the proposed parcel split, the Glavenich Midden/Temp P1 and Glavenich Bedrock Mortars/Temp P2 should be treated as significant resources under CEQA, potentially eligible for the CRHR, and should be avoided during any ground disturbing activities associated with the parcel split and subsequent development. Similarly, the remains of the Glavenich Baliol Gold Quartz Mine/Temp H1, specifically the upper and lower gold quartz mill remnants and mortared stone explosive building should be avoided during any ground disturbing activities within the parcels. It should be noted that the Glavenich family have taken it upon themselves to preserve the remains of the Baliol Mine features, retaining the remnants of the gold quartz mills and explosive storage building. IN addition, each proposed parcel has more than adequate locations for construction of improvements, such as residence and outbuildings. The noted but not recorded features do not appear to be significant resource[s] per CEQA and the CRHR.”

Standard County practice is to note that any significant resources under CEQA should be avoided if and when the parcel(s) is/are sold and a building permit issued for residences or outbuildings. Significant resources under CEQA and referenced in the accompanying Cultural Resources Report for this project shall be treated per the recommendations of the completed study (Historical Resources Associates, 2020). THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

31. Sewage Disposal (GEO-1): Prior to recordation of any final map, the subdivider shall demonstrate compliance with Chapter 14.12 of Amador County Code, and the regulations adopted pursuant to that Code, by completing the following for Parcels 1, 2, 3, and 4 and the remainder:
- A. Perform soil profile testing in the sewage disposal site for each proposed parcel.
  - B. Perform percolation testing in the sewage disposal site for each proposed parcel.
  - C. For each designated sewage disposal site, submit the following for review and approval: Results of percolation

testing and a conceptual on-site sewage disposal system design with scaled plot plan prepared by a qualified consultant. Conceptual design and plot plan shall include typical trench cross section, linear footage of trench required per bedroom, location and dimensions of the proposed sewage disposal system, topography in the disposal site, locations of field testing, any existing or proposed wells within 200 feet of the disposal site, and any waterways within 100 feet of the disposal site. If the disposal site does not comply with the criteria for conventional sewage disposal pursuant to Section 14.12.010 of Amador County Code, the qualified consultant shall include a conceptual disposal system design which includes, at a minimum, a typical trench cross section, a foot print or layout of the disposal system, topography in the disposal site, and required linear footage per bedroom.

THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.

32. Flood Zone Mitigation (HYD-1): Future development in the portions of the project site with Flood Zone A shall be required to submit a Flood Elevation Study/Flood Study prior to obtaining any permits for structures or uses potentially impacted by flooding. The Flood Study shall be conducted by a licensed professional prior to issuance of any building permits for structures or property which would be potentially damaged by flood or expose property or people to increased risk from floods. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
33. Grading Permits (HYD-2): 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 project execution. THE BUILDING DEPARTMENT SHALL MONITOR THIS CONDITION.
34. Fire Protection Services (PUB-1): To mitigate the impact on fire protection services, in accordance with Amador County Ordinance No. 1640 (County Code 17.14.020)4, the developer shall participate in the annexation to the County's Community Facilities District No. 2006-1 (Fire Protection Services), including execution of a "waiver and consent" to the expedited election procedure, the successful completion of a landowner-vote election authorizing an annual special tax for fire protection services, to be levied on the subject property by means of the County's secured property tax roll, and payment of the County's cost in conducting the procedure. THE AMADOR FIRE PROTECTION DISTRICT SHALL MONITOR THIS MITIGATION.
35. Amador County Recreation and Fees Ordinance (REC-1): Pursuant to County Code Chapter 17.50 (Ordinance No. 1198-Amador County Recreation and Fees Ordinance) a dedication of land, payment of fees, or a combination of both for park and recreational purposes shall be provided by the developer prior to recordation of the Parcel Map. THE AMADOR COUNTY RECREATION AGENCY SHALL MONITOR THIS CONDITION.
36. Access (TRA-1): Each proposed parcel must obtain and maintain a primary access onto a County road and obtain all necessary encroachment permits (Chapter 12.10) and grading permits (Chapter 15.40). THE TRANSPORTATION AND PUBLIC WORKS DEPARTMENT SHALL MONITOR THIS CONDITION.
37. Fire and Life Safety (TRA-2): The project applicant/permittee shall comply with Chapter 15.30 Fire and Life Safety Ordinance. THE BUILDING DEPARTMENT SHALL MONITOR THIS CONDITION.
38. Utilities and Service Systems (UTIL-1): Water Systems: Applicant must verify sufficient water and wastewater disposal services to meet minimum requirements by Amador County Environmental Health Department, prior to final map recordation.
39. Well Water Quality/Water Supply (UTL-2): Prior to recordation of a final map the subdivider shall demonstrate that the yield of at least two wells within the project boundary meets the production requirements of Section 14.06.055, Amador County Code. Each water well must either meet the production standards of Section 14.06.055 or additional storage shall be required to mitigate the lower yield. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
40. Well Water Quality/Water Supply (UTL-3): Prior to recordation of any final map, the subdivider shall provide the

Amador County Environmental Health Department with general mineral, general physical, and inorganic chemical analyses for one water well located within the project boundary. The results shall be generated by an accredited laboratory. Test results must demonstrate that the water produced does not exceed any primary maximum contaminant levels listed in California Code of Regulations, Title 22, Table 64431-A. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

Chairperson Amador County Planning Commission	Date
Applicant	Date

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| (1) Applicant<br>(2) Amador Air District<br>(3) Building Department<br>(4) Environmental Health Department<br>(5) Transportation and Public Works Department | (6) Waste Management Department<br>(7) Amador Fire Protection District<br>(8) CA Department of Fish and Wildlife<br>(9) Planning Department |
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