

Findings

1.0 CEQA FINDINGS

- 1.1 The proposed project is a time extension to a previously approved Tentative Parcel Map for which a Mitigated Negative Declaration (MND) was adopted by the Zoning Administrator on April 21, 2021. The proposed project was reviewed against the environmental analysis presented in the MND. It was determined that the project does not involve any substantial changes in circumstances that result in a new significant impact or significant impacts that are substantially more severe than those previously disclosed in the MND. In addition, there is no new information of substantial importance showing that the project would have one (1) or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than effects shown in the MND. Further, there is not new information of substantial importance showing (i) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one (1) or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (ii) that mitigation measures or alternatives considerably different from those analyzed in the MND would substantially reduce one (1) or more significant effects, but the proponents decline to adopt the mitigation measures or alternatives.
- 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 Division at 2850 Fairlane Court, Placerville, California, 95667.

2.0 TENTATIVE PARCEL MAP TIME EXTENSION FINDINGS

- 2.1 **The request for extension of the approved Tentative Parcel Map complies with County Subdivision Ordinance Section 120.74.030.A.**

Section 120.74.030.A allows the subdivider to request up to six (6) one-year time extensions to the expiration date of an approved or conditionally approved Tentative Parcel Map, as allowed by Government Code Sections 66452.6(e) and 66463.5, by timely written application to the Planning and Building Department. The subdivider may request more than one (1) time extension at a time, up to the maximum allowed by this subsection or a development agreement applicable to the map for which the extension request is filed, but in no event shall the total time extension requested exceed six (6) years. Each application shall be filed before the approved or conditionally approved Tentative Parcel Map expires and shall state the reasons for requesting the extension.

Rationale: The applicant is requesting six (6), one-year time extensions and the appropriate application and processing fees were submitted on March 7, 2024, prior to the expiration date of April 21, 2024. The request for six (6), one-year time extensions complies with Section 120.74.030.A.

The applicant has made progress towards implementing the Conditions of Approval of the Tentative Parcel Map but is requesting six (6), one-year time extensions to allow for completion of the remaining Conditions of Approval required to record the approved Tentative Parcel Map (Exhibit E).

2.2 The request for extension of the approved tentative subdivision map complies with County Subdivision Ordinance Section 120.74.030.B.

Section 120.74.030.B. requires that the Planning and Building Department review the request and submit the application for the time extension, together with a report, to the approving authority for approval, conditional approval, or denial. In approving, conditionally approving, or denying the request for a time extension, the approving authority shall make findings supporting its decision.

Rationale: The Planning and Building Department has reviewed time extension request P-E24-0002 for approved Tentative Parcel Map P19-0010/Hoekstra, along with all submitted materials, and has submitted this Staff Report with recommendations for approval based on the Findings provided in compliance with Section 120.74.030.B.

Conditions of Approval

(The following are the original Conditions of Approval for Hoekstra Tentative Parcel Map, as approved by the Zoning Administrator on April 21, 2021.)

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 ETentative 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 Tentative Parcel Map to subdivide a 160.25-acre parcel, into four parcels of approximately 40.09 acres (Parcel 1), 40.01 acres (Parcel 2), 40.10 acres (Parcel 3), and 40.06 acres (Parcel 4). Fire and vehicular access to each proposed parcel would be provided via an encroachment from Coulter Lane. The proposed parcels will be served by public utilities, with the exception of on-site well water and septic sanitation. However, separate utility service will be required for each parcel to the satisfaction of each utility provider.

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. **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 Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archeological 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.

4. **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 Parcel Map.

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

5. **Park Fees:** The subdivision shall be subject to parkland dedication in-lieu fees based on values supplied by the County Assessor and calculated in accordance with Section 120.12.090 of the County Code. The applicant shall provide proof of payment of parkland dedication in-lieu fees to Planning Services prior to filing the final map.
6. **Agriculture Setback Relief:** Prior to the recordation of the final map, the project proponent must receive an Administrative Permit to reduce the required 200-foot agricultural setback from all property lines adjacent to an agriculturally zoned parcel to the 30-foot setback standard as required of non-agricultural structures in the limited agriculture zone.
7. **MM BIO-1 Pre-Construction Breeding Bird Surveys**

To comply with the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code, and to avoid and reduce direct and indirect on-site and off-site development impacts on migratory, non-game breeding birds and their nests, young, and eggs to less than significant levels, the following measures would be implemented:

- a) Project activities that would remove or disturb potential nest sites shall be scheduled outside the breeding bird season, if feasible. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions.
- b) If project activities that would remove or disturb potential nest sites cannot be avoided during February 15 through September 15, a qualified biologist shall conduct a pre-construction clearance and nesting bird survey to search for all potential nesting areas, breeding birds, and active nests or nest sites within the limits of project disturbance up to 30 days prior to mobilization, staging, and other disturbances.
- c) If no breeding birds or active nests are observed during the pre-construction survey(s), or if they are observed and would not be disturbed, then project activities may begin and no further mitigation would be required.
- d) If a breeding bird territory or active bird nest is located during the pre-construction survey and potentially would be disturbed, a no-activity buffer zone shall be delineated on maps and marked (flagging or other means) up to 500 feet for special-status avian species or raptors, or 100 feet for non-special status avian species. The limits of the buffer shall be demarked so as not to provide a specific indicator of the location of the nest to predators or people. Materials used to demarcate the nests shall be removed as soon as work is complete, or the fledglings have left the nest. The biologist shall determine the appropriate size of the buffer zone based on the type of activities planned near the nest and bird species because some bird species are more tolerant than others to noise and other disturbances. The nest and buffer zone shall be field checked weekly by a qualified biologist. The nest and buffer zone shall not be disturbed until the biologist has determined that the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young would no longer be impacted by project activities.

Monitoring Requirement: Planning Services shall verify completion of the requirement prior to issuance of grading and building permits in coordination with the applicant.

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

8. **MM BIO-2 Rare Plant Protection**

A qualified biologist shall conduct a pre-construction survey within 14-days prior to on-site and off-site clearing or grading operations to look for potential presence of rare plant species, particularly Tuolumne button-celery, Sanford's arrowhead, Prairie wedge grass, and big-scale balsamroot. If no rare plants are observed, a letter report shall be prepared to document the results of the survey, and no additional measures are recommended. If rare plants are present, then the applicant shall coordinate with the Pine Hill Ecological Preserve Manager and staff to facilitate collection of seeds and plants on site. The collected material shall be transplanted under the discretion of the Pine Hill Ecological Preserve Manager or a qualified professional to the Pine Hill Ecological Preserve land.

Monitoring Requirement: Planning Services shall verify completion of the requirement prior to issuance of grading and building permits in coordination with the applicant and the Pine Hill Ecological Preserve Manager.

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

9. **MM BIO-3 Riparian Habitat and Wetland Protection**

A 55-foot setback from the ephemeral channels, intermittent channels, seeps, and wetland area shall be shown prior to recordation of the final map

Monitoring Requirement: Planning Services shall verify completion of the requirement prior to recordation of the Final Parcel Map.

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

Office of the County Surveyor

10. All survey monuments shall be set prior to filing the Parcel Map.
11. A Parcel Map Guarantee, issued by a title company, shall be provided. Proof of access to a State or County Maintained Road as defined in 120.44.120(B)(2) must be demonstrated.
12. All roads serving this development shall be named by filing a completed Road Name Petition with the County Surveyors Office. Proof of any signage required by the Surveyor's Office must be provided to our office prior to filing the Parcel Map.
13. Situs addressing for the project shall be coordinated with the County Surveyors Office prior to filing the Final Map.
14. 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 P19-0010 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the consultant and applicant.

Air Quality Management District

15. **Fugitive Dust:** Future project construction will involve grading and excavation operations, which may result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. 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 a Grading Permit is required from the Building Department. Mitigation measures for the control of fugitive dust shall comply with the

requirements of Rule 223, Fugitive Dust – General Requirements, and Rule 223.1, Fugitive Dust – Construction, Bulk Material Handling, Blasting, Other Earthmoving Activities and Trackout Prevention.

16. **Paving:** Future construction and related paving shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials if applicable.
17. **Painting and/or Coating:** Future construction may involve the application of architectural coatings, which shall adhere to AQMD Rule 215, Architectural Coatings.
18. **Open Burning:** Burning of wastes that result 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.
19. **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 (Section 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at CARB’s website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>. Questions on applicability should be directed to CARB at 1-866-634-3735. CARB is responsible for enforcing this condition.
20. **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 operation of each piece of equipment.

21. **Electric Vehicle Charging – One and Two Family Residential:** Consistent with the Residential Mandatory Measures identified in the 2016 Cal Green Building Code Section 4.106.4.1, all one and two-family residential dwellings and townhomes shall have, at a minimum, a listed raceway to accommodate a dedicated 208/240V branch circuit for future electric vehicle supply equipment (EVSE) for each dwelling unit. The raceway shall not be less than one (1) inch inside diameter, shall be securely fastened at the main panel, and terminate in close proximity to the proposed location of the charging end of the equipment. Raceways shall be installed from the electrical service panel to the designated parking areas at the time of initial construction. The service panel shall provide capacity to install a minimum 40A dedicated branch circuit.

Environmental Management Department

22. **Adequate Water Supply:** An adequate water supply will be required for future developments, with a minimum of five (5) gallons per minute through a combination of well production, water storage, or both per the current El Dorado County well ordinance. All new wells will be required to produce a minimum of one (1) gallon per minute on the proposed parcels.

El Dorado Hills Fire Department

23. **Emergency Water Supply:** Prior to new buildings or structures being placed on one or more of these parcels, the applicant shall demonstrate that they can meet the required emergency water supply provisions found in Chapter 5 of the California Fire Code, along with local ordinances and standards of the EDHFD.
24. **Roads and Driveways:** Roads and driveways, whether public or private, serving three or more parcels shall comply with California Code of Regulations (CCR) Title 14 Sections 1273.00 – 1273.09. The project road shall provide for safe access for emergency fire equipment and civilian evacuation concurrently and must provide unobstructed traffic circulation during a wildfire emergency.
- a. The project is located on a dead-end road greater than 150-feet in length. The road shall be provided with an approved turnaround meeting the requirements of CCR Title 14 Section 1273.05 at the road terminus. Coulter Lane, both on-site and off-site, shall be widened to provide a minimum of two – ten (10) foot traffic lanes, not including shoulder and striping, to provide access to all four parcels served by the road.
 - b. Where parcels are zoned five (5) acres or larger, approved turnarounds shall be provided along the road at a maximum of 1320-foot intervals.
 - c. Fire apparatus access roads from 20 to 29 feet in width shall be posted on both sides as a fire lane, with no parking on either side of the roadway, as required by Section 503.4.3 of the Fire Code for the EDHFD.

25. **Natural Hazard Disclosure:** The project is located in a Fire Hazard Severity Zone within a CAL FIRE Responsibility Area. The applicant shall provide a Wildfire Hazard Real Estate Disclosure to all future property owners regarding this risk.
26. **Defensible Space:** The project shall submit a WUI Fire Safe Plan to EDHFD for review and approval as required by California Fire Code Section 4903.1 [as amended by El Dorado Hills County Water District (EDHCWD) Ordinance 2019-1] prior to the recording of the final map by the County of El Dorado. The plan shall demonstrate that the project complies with the Vegetation Management and Defensible Space requirements of El Dorado County Ordinance No. 5101, California Public Resources Code Section 4291 and local fire safe requirements of EDHFD. Conformance with this condition shall be verified prior to recordation of the Parcel Map.

Department of Transportation

27. **Road Design Standards:** Construct the on-site roadway as shown on the approved tentative parcel map. If required by the local fire district, the width of the all-weather surface (aggregate base) is to be increased to 20 feet. Construct the off-site roadway to the same standard, however, in accordance with Volume II, Section 3.2.c.1 of the DISM, the cost of the off-site work is limited to the total cost of the on-site road construction. The exact location of this off-site work is to be determined in coordination with the Fire Marshall and the County Engineer.
28. **Road and Public Utility Easement:** The applicant shall irrevocably offer to dedicate a 50-foot-wide road and public utility easement for the on-site access roadways shown on the final map. Slopes easements shall be included as necessary. The offers will be rejected by the County.
29. **Maintenance Entity:** The proposed project must form an entity for the maintenance of public and private roads and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the final map.
30. **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 DOT 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 Loading Ordinance*, *all applicable State of California Water Quality Orders*, *the State of California Handicapped Accessibility Standards*, and *the California Manual on Uniform Traffic Control Devices* (MUTCD).

31. **Regulatory Permits and Documents:** All regulatory permits or agreements between the project and any State or Federal Agency shall be provided to the DOT with the Project Improvement Plans. These project conditions of approval and all regulatory permits shall be incorporated into the Project Improvement Plans.