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**EL DORADO COUNTY
PLANNING & BUILDING DEPARTMENT**

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Date: December 14 16, 2022
To: Zoning Administrator
From: Bianca Dinkler, Associate Planner
Subject: **UPDATED MEMO**
Kukharets Parcel Map - Project Number P21-0010
Revised Conditions of Approval and Response to Public Comments
Zoning Administrator Hearing on November 16, 2022 with
Continuances to December 7, 2022 and December 21, 2022
Legistar Item 22-2014

The Kukharets Parcel Map, P21-0010, was initially scheduled to the Zoning Administrator hearing on November 16, 2022. A request was made by the applicant for a date-specific continuance to December 7, 2022. At the hearing of December 7, 2022, the applicant requested an additional date-certain continuance to December 21, 2022. The purpose of the continuances was to allow time for the applicant to clarify several of the requirements in the Conditions of Approval, particularly from Planning Services, County Department of Transportation, El Dorado Hills Fire Protection District, El Dorado Irrigation District, and the El Dorado Hills Community Services District. Here are proposed Revised Conditions of Approval (see 1, 3, 6, 13, 14, 16, 23, 24 and 27):

REVISED CONDITIONS OF APPROVAL

**Tentative Parcel Map P21-0010/Kukharets
Zoning Administrator/November 16, 2022**

Planning Services:

1. This Tentative Parcel Map approval is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the following Exhibits:

- Exhibit F - Tentative Parcel Map
- Exhibit O - Proposed Mitigated Negative Declaration and Initial Study

Any deviations from the project description, conditions, or exhibits shall 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 will constitute a violation of permit approval.

The project description is as follows:

A Tentative Parcel Map to divide a 2.86-acre parcel into four (4) parcels ranging in size from approximately 24,595 sq. ft. (Parcel 1), 21,122 sq. ft. (Parcel 2), 43,208 sq. ft. (Parcel 3), and 35,656 sq. ft. (Parcel 4). The property is currently developed with an existing primary residence and an accessory dwelling unit (ADU). The existing residences would be located on Parcel 1. Access to the existing residences is from a private driveway located off of Park Drive; access to the proposed Parcel 2 would be from a new private driveway encroachment located off of Park Drive; and access to proposed Parcels 3 and 4 would be from a new shared private driveway off of Park Drive, for a total of three (3) new driveways from Park Drive, which is a County-maintained roadway. The existing residences shown on Parcel 1 have existing connections for public water and sewer service from El Dorado Irrigation District (EID); proposed Parcels 2, 3, and 4 would need to connect to the existing line from EID for new public water and sewer services. Electric service would be provided by connecting to PG&E.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the 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 exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. **Tentative Parcel Map 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 Decision Determination (NOD) Recording Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee for the County Recorder to file the Notice of Decision Determination (NOD) within 48 hours of any decision-making body approving the project. Checks shall be made payable to El Dorado County.
4. **Park Fees:** The project 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 recording the Parcel Map.
5. **Condition Compliance:** Prior to issuance of any building permit or commencement of any use authorized by this action, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.
6. **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 County and its agents, officers, and employees from any claim, action, or proceeding against County or

its agents, officers, or employees to attack, set aside, void, or annul an approval of County concerning a ~~Design Review Permit~~ Parcel Map. The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

7. **Archeological Resources:** In the event of future development, the following language will 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 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.
8. **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 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.

9. **Easements:** Prior to recording the final map, applicant shall ensure that the El Dorado County Surveyor's Office conduct a final easement review of the project parcels, as part of standard procedure, to further ensure no potential easement conflicts will occur on the project site.
10. **Adequate Utilities:** Prior to recording the final map, applicant shall provide Planning Services with a "will serve" letter from PG&E for the proposed resultant parcels.

11. **MM BIO-01 Protection of Special Status Species - Plants and Wildlife Protection, Preconstruction Survey**

When future residential development is proposed, the following mitigation measures shall be implemented to avoid impacts to special status species:

- a) A qualified biologist shall conduct a preconstruction survey for the possible presence of special status species plants and wildlife identified in the Biological Resources Assessment. If any of these special status species are found within the construction work area, the biologist shall contact California Department Fish & Wildlife as appropriate;
- b) Install temporary fencing between the work area and environmentally sensitive habitat. The fencing shall be checked regularly and maintained until all construction is complete. No construction activity shall be allowed until the fencing is installed; and
- c) All temporarily disturbed areas shall be stabilized upon completion of construction. These areas will be properly protected from washout and erosion using appropriate erosion control devices including coir netting, hydroseeding, and revegetation.

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

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

12. **MM BIO-02 Protection of Special Status Species - Rare Plants Protection, Preconstruction Survey**

When future residential development is proposed, the following mitigation measures shall be implemented to avoid impacts to special status species:

If future residential development is proposed, a qualified biologist shall conduct a preconstruction survey within 14-days prior to clearing or grading operations to look for potential presence of rare plant species, particularly these six (6) species: El Dorado County mule ears, El Dorado bedstraw, Layne's ragwort, Stebbins' morning glory, Sanford's Arrowhead, and Red hills soaproot. 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 prior to issuance of grading and building permits, in coordination with the project applicant and the Pine Hill Ecological Preserve Manager.

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

13. **Existing Fence:** The existing solid fence located on the property along Park Drive is currently built at six (6) feet in height and located within the front property setback. Prior to recordation of the final map, the fence shall be brought into compliance with the requirements of Zoning Ordinance Section 130.30.070 - Fences, Walls, and Retaining Walls.

Department of Transportation (Project Specific):

14. **On-Site Access Improvements:** Construct the on-site access driveway as shown on the proposed tentative map, and as required by the Fire District. Since this project is within the El Dorado Hills Community Region, and the lots are less than one acre, pave the access driveway with a minimum of two (2) inches of Asphalt Concrete or Hot Mix Asphalt, or other hard surface pavement as approved by DOT and the Fire District.
15. **Access Easement:** Record the access easement shown on the Tentative Map on the Final Map to the benefit of Lots 3 and 4. This access easement should include Public Utility Easement rights to Lots 3 and 4 as required by various Utility Companies.
16. **Encroachment Permit(s):** Obtain an encroachment permit from the County's Department of Transportation (DOT) and construct the roadway encroachment from the project access roadway onto Park Drive to the provisions of County Standard Plan 103C or alternate as approved by the County Engineer.

Department of Transportation (Standard Conditions):

17. **Maintenance Entity:** Prior to filing a Final Map, form an entity, or join an existing entity, for the maintenance of private roads and drainage facilities. When joining an existing facility, amend and modify (as necessary) the existing entity to equitably incorporate maintenance of the Project improvements.
18. **Consistency with County Codes and Standards:** 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 DOT and pay all applicable fees prior to filing of the Final Map.

Ensure the project improvement plans and grading plans 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).*

19. **Stormwater Management:** Comply with the West Slope Development and Redevelopment Standards and Post Construction Storm Water Plan.
20. **Water Quality Stamp:** Include a storm water quality message stamped into the concrete on new or reconstructed drainage inlets, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. Obtain approval of proposed message from County Engineer prior to construction.

21. **Regulatory Permits and Documents:** Incorporate all regulatory permits and agreements between the project and any State or Federal Agency into the Project Grading and Improvement Plans prior to the start of construction of improvements.

Grading or improvement plans for any phase may be approved prior to obtaining regulatory permits or agreements for that phase, but grading/construction of improvements may not proceed until the appropriate permits or agreements are obtained and the grading/improvement plans reflect any necessary changes or modifications to reflect such permits or agreements.

Project conditions of approval shall be incorporated into the Project Improvement Plans when submitted for review.

22. **Electronic Documentation:** Upon completion of the required improvements, provide As-Built Plans to County Engineer in TIFF format, and provide final Drainage and Geotechnical reports, and structural wall calculations to the County Engineer in PDF format.

El Dorado Hills Fire Protection District:

23. **Emergency Water Supply:** The project area currently is not provided with an adequate means of emergency water supply, storage, or conveyance facilities. Prior to issuance of any building permits, or for any buildings or structures that do not require a building permit, prior to placement of new buildings or structures on any of the resulting parcels, 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 EDHFPD.

- a) An approved fire hydrant capable of meeting a fire flow requirement of 1,000 gallons per minute or more at 20 PSI residual pressure shall be provided within 250-feet of Parcels 3 and 4. ~~along the private road.~~

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 §§ 1270.00-1276.04 and the El Dorado Hills Fire Code (EDHFC). The project ~~road~~ driveway shall provide for safe access for emergency fire equipment and civilian evacuation concurrently and must provide unobstructed traffic circulation during a wildfire emergency. To meet this standard the project must perform the following:

- a) ~~Parcels 2-4 3-4 shall be served by a two-way private road that provides a minimum of two ten (10) foot traffic lanes,~~ an unobstructed driveway that provides a minimum of one twelve (12) foot traffic lanes, not including shoulder and striping. ~~These~~ This traffic lanes shall provide for ~~two-way~~ traffic flow to support emergency vehicle and civilian egress. Road curb radii and clearances shall meet the requirements of the EDHFC. Traffic calming measures along the ~~private road~~ driveway are prohibited unless approved by EDHFC.
- b) The ~~private road~~ driveway shall be identified as a fire lane in accordance with the California Fire Code and shall be properly marked to restrict parking along the length of it at all times in accordance with the requirements of the EDHFC.

- c) If applicable, the ~~private road~~ driveway shall be named in accordance with the requirements identified by the County of El Dorado Surveyor's Office. An approved street sign shall be placed at the entrance onto the ~~private road~~ driveway from Park Drive.
 - d) All parcels shall be provided with an approved address number as issued by the County Surveyor's Office. An approved street sign shall be installed on the residence and/or at an approved location along the ~~private road~~ driveway as required by the EDHFC.
 - e) All essential ~~private road~~ driveway improvements for a given phase shall be complete and meet all of the requirements of ~~CCR Title 14 EDHFD, or a Parcel Map improvement agreement~~ bonded in accordance with County of El Dorado DOT requirements (or an alternative acceptable to EDHFD, El Dorado County DOT, and El Dorado County Surveyor) will be required prior to recording the ~~Final~~ Parcel Map for the project.
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. **New Buildings and Structures:** New buildings and structures placed on a parcel shall comply with all applicable fire safety regulations found in California Code of Regulations Titles 14, 19, 24, and EDHFPD ordinances and regulations.
- a) All parcels shall provide a minimum of thirty (30) foot setbacks for all buildings from all property lines and/or the center of a road in accordance with California Code of Regulations Title 14 Section 1276 (Setback for Structure Defensible Space).

El Dorado Irrigation District (EID):

27. The project shall adhere to the requirements from the El Dorado Irrigation District (EID) pertaining to project improvements, as applicable, prior to issuance of a grading and/or building permit. Including construction of a waterline extension (if required by EID) connecting to the existing 10-inch waterline to provide the required fire flow and to receive public water service. The location and number of new onsite sewer services required would be reviewed upon submittal of improvement plans. Construction of one new residence on Parcels 2, 3, and 4 would require 3 additional EDUs for sewer service.

Air Quality Management District (AQMD):

28. **Asbestos Dust:** Current County records indicate the portions of the subject property are located within the Asbestos Review Area. An Asbestos Dust Mitigation Plan (ADMP) Application with applicable fees shall be submitted to and approved by the AQMD prior to issuance of any grading permits or building permits if the proposed development moves more than 20 cubic yards of soil, pursuant to AQMD Rule 223.2, Fugitive Dust - Asbestos Hazard Mitigation. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223, Fugitive Dust - General Requirements, and Rule 223.2 Fugitive Dust - Asbestos Hazard Mitigation.

29. **Paving:** Project construction and related paving shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials if applicable.
30. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
31. **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.
32. **Construction Emission:** 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)). The full text can be found at CARB website: <https://ww2.arb.ca.gov/our-work/topics/construction-earthmoving-equipment>
33. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (CARB). A copy of the current portable equipment registration shall be with said equipment. Prior to issuance of any grading or building permits, 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, daily hours of operation of each piece of equipment.
34. **New Point Source:** Prior to issuance of any grading or building permit/installation of any new point/stationary source emissions units (e.g., emergency standby engine greater than 50 HP, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission estimates, and shall adhere to AQMD Rule 501, General Permit Requirements and 523, New Source Review.
35. **Electric Vehicle Charging - Residential:** Construction of any residences on the project site shall comply with the Residential Mandatory Measures identified in the 2019 Cal Green Building Code § 4.106.4.1 to facilitate future installation and use of EV chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the California Electrical Code, Article 625. For each dwelling unit, install a listed raceway to accommodate a dedicated 208/240-volt branch circuit. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter) and shall comply with all requirements listed in this subsection.

County Surveyor's Office:

36. Upon project approval from Planning Services, a Parcel Map Package will need to be submitted to the County Surveyor's Office.
37. All survey monuments must be set prior to recording the Parcel Map or the developer shall have surety of work to be done by bond or cash deposit prior to recording the Parcel Map. Verification of set survey monuments and the amount of the bond or deposit to be coordinated with the County Surveyor's Office prior to the filing of the Parcel Map.

38. 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 Surveyor's Office must be provided prior to recording the Parcel Map.
39. Site addressing for the project shall be coordinated with the County Surveyor's Office prior to recording the Parcel Map.
40. Prior to recording 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 PXX-XXXX by (that Agency) have been satisfied**". The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.
41. 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 Surveyor's Act).

El Dorado Hills Community Services District (EDHCS D)

42. **Parkland Dedication and Impact Fee Requirements:** All subdividers of land within the District's jurisdiction shall dedicate park land suitable for active recreation use, or pay fees in lieu thereof (Quimby), or by District Board authorization, follow a combination of these alternatives.

Application of all Parkland Dedication requirements shall follow the El Dorado County Subdivision Ordinance and be consistent with this project.

43. **Parkland Dedication and Development Standards - District Policy 6110.20:** As an alternative to parkland dedication, where Quimby fees are paid in lieu of land dedication; the sum owed shall be determined by District staff by consulting with the County Assessor's Office, County Planning Services, and/or approved private appraiser, as authorized by ordinance.
44. **Communities Facilities District - El Dorado Hills Community Service District Master CFD 2019-01:** Annexation into the District's Master CFD 2019-01 will satisfy the requirement for participating in the funding of the ongoing maintenance of future parks, trails and pathways, open space, landscaping, lighting and other common or public areas owned/maintained by the District within the District's service boundary.

In addition to the proposed Revised Conditions of Approval, here below are staff responses to the public comments presented by Lenny Patale at the December 7, 2022 Zoning Administrator hearing:

Preservation Retention of the on-site oak trees: Any impacts to oak trees from proposed development would be required to comply with the Zoning Ordinance Chapter 130.39 - Oak Resources Conservation.

Proliferation Construction of additional homes on the parcel: The parcel is zoned Single-unit, Residential (R1) which would allow a minimum parcel size of 6,000 square feet. The proposed ~~resultant~~ new parcels would exceed the minimum parcel size and is therefore consistent with the development standards of R1, as discussed in the Staff Report Findings. Each new parcel

could potentially be developed with a primary dwelling unit and an Accessory Dwelling Unit (ADU) by right.

Proximity of new development adjacent to the school: The parcel is zoned Single-unit, Residential (R1) which allows for residential development.

Location of the existing fire hydrant on the western property line, water supply, and fire protection: The project has been conditioned to meet the requirements of the El Dorado Hills Fire Protection District and El Dorado Irrigation District for water supply (potable and for emergency responses) and fire protection services (Conditions of Approval 23 and 27).

The existing 6-foot solid fence along Park Drive is located within the front setback: A new condition, Condition of Approval 13, has been included to read as follows: The existing solid fence located on the property along Park Drive is currently built at six (6) feet in height and located within the front property setback. Prior to recordation of the final parcel map, the fence shall be brought into compliance with the requirements of Zoning Ordinance Section 130.30.070 - Fences, Walls, and Retaining Walls.