

**COUNTY OF EL DORADO
PLANNING AND BUILDING DEPARTMENT
ZONING ADMINISTRATOR
STAFF REPORT**



Date: November 16, 2022

Staff: Bianca Dinkler

TENTATIVE PARCEL MAP

FILE NUMBER: P21-0010/Kukharets Parcel Map

APPLICANT: Anatoliy Kukharets

PROPERTY OWNER: Anatoliy Kukharets

REQUEST: A Tentative Parcel Map, P21-0010, dividing a 2.86-acre parcel into four (4) parcels ranging in size from 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).

LOCATION: On the west side of El Dorado Hills Boulevard, approximately 0.83 mile west of the intersection with Serrano Parkway, in the El Dorado Hills area, Supervisorial District 2 1 (Exhibits A, B).

APNs: 120-150-002 (Exhibit C)

ACREAGE: 2.86 acres

GENERAL PLAN: High Density Residential (HDR) (Exhibit D)

ZONING: Single-unit Residential (R1) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration and Initial Study (Exhibit O)

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt a Mitigation Monitoring Program in accordance with California Environmental Quality Act (CEQA) Guidelines 15074(d), based on the Mitigation Measures contained in the Mitigated Negative Declaration and Initial Study; and

3. Approve Tentative Parcel Map, P21-0010, based on the Findings and subject to the Conditions of Approval as presented herein.

EXECUTIVE SUMMARY

Approval of this Parcel Map would allow the subdivision of a 2.86-acre parcel into four (4) parcels ranging in size from 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 existing parcel is zoned R1 and General Plan land use designation of HDR. The resultant parcels would meet the required development standards in the R1 zone including minimum lot size and lot width. The proposed project has been reviewed for consistency with the County Zoning Ordinance, General Plan Policies, and an environmental review determination.

EXISTING CONDITIONS/SITE CHARACTERISTICS

The project site is 2.86 acres and developed with a single-unit residence and accessory dwelling unit (shown on Parcel 1). The elevation ranges from 680 feet to 731 feet above mean sea level. The site topography has moderate to steep slopes and slopes downwards from the northern property line to the southern property line. The soil types present on-site are Auburn very rocky silt loam, two (2) to 30 percent slopes. Based on the results of the Wetland and Biological Resources Assessment was prepared by Barnett Environmental with the field survey conducted by Dr. Barnett on March 1, 2021 with report dated April 12, 2021, water enters the property primarily from rainfall or runoff. Drainage water was directed onto the site sometime on the 1960s via two (2) outfall pipes when the area was first developed for residential use. One (1) culvert enters the site from the northeast corner, the other 140-ft to the south along the eastern property line. Over time, this drainage water has created/sustained distinct riparian woodland (total 0.73 acres) along most of the flowline. Wetlands totaling approximately 0.23-acre of historic drainage runs in a N/S direction for 400-ft, from the culvert on the property's NE corner, through the entire eastern half of the Study Area, before exiting the parcel through the culvert at the SW corner. Another drainage enters the parcel through a culvert on the property's eastern boundary and joins the N/S drainage about halfway along its course. This N/S drainage supports a healthy riparian woodland in the northeastern and southern portion of the property and an open, wet, grassland sump where the eastern drainage joins in the center of the site. The drainage contained flowing water at the time the field survey conducted. Vegetation on the parcel's eastern side supports two (2) healthy stands of oak trees in the northeastern and southern portions of the parcel. There are 54 overstory trees in these stands consisting of 44 interior live oaks and 10 blue oaks. One (1) live oak at the southern end of the parcel could potentially qualify as a heritage tree but is in poor health. The predominant shrub layer under the oaks is Himalayan blackberry. The adjacent parcels are developed with residences to the north and east; an elementary school to the west (Williams Brook Elementary); and a community park to the south (Peter Bertelsen Memorial Park).

PROJECT DESCRIPTION

A Tentative Parcel Map dividing a 2.86-acre parcel into four (4) parcels ranging in size from 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). If this Parcel Map is approved, the existing residences would be located on proposed 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.

STAFF ANALYSIS

General Plan Consistency: The project is consistent with all applicable General Plan policies including: Policy 2.2.1.2 (High Density Residential Land Use Designation), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.21 (compatibility with adjoining land uses), Policies TC-Xa through TC-Xi (Transportation and Circulation Element), Policy 5.1.2.1 (adequacy of public services and utilities), Policy 5.7.1.1 (adequate emergency water supply, storage, conveyance facilities, and access for fire protection), and Policy 7.4.2.8 (biological resources). Further analysis of each policy is discussed in the Findings section below.

Zoning Ordinance Consistency: Staff has determined that the proposed project, as conditioned, is consistent with all applicable standards and requirements of Title 130 of the County Zoning Ordinance. The subject parcel is zoned single-unit residential (R1) and the proposed project has been analyzed in accordance with all applicable development standards for this zone district. No development is proposed at this time; however, future residential development of each lot would be reviewed at the time of grading and building permit submittal for compliance with the zoning development standards, including meeting standard R1 setbacks and 25-foot setbacks from any intermittent stream, wetland, and sensitive riparian habitat. As conditioned, the proposed project would be consistent with the R1 zoning requirements, as more fully described in the Findings section below.

Public water and sewer service: The El Dorado Irrigation District (EID) reviewed the project and provided comments for requirements to connect proposed Parcels 2, 3, and 4 to public water and sewer service. Improvements would be on-site with no off-site improvements required.

Fire protection services: The El Dorado Hills Fire Protection District (EDHFPD) reviewed the project and provided comments stating that they can provide fire protection service to the parcels. An approved fire hydrant capable of meeting a fire flow 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. EDHFPD would review the improvement plans again at submittal of the grading and building permits, to review in accordance with their standards, as applicable. This includes private road improvements, providing a Wildfire Hazard Real Estate Disclosure to future property owners, proper addressing, and maintaining minimum setbacks of 30-feet for all buildings from all property lines in accordance with the California Code of Regulations Title 14 for defensible space for structures.

Storm water: The project was reviewed by the County Storm Water Coordinator - West Slope, and distributed to the California Water Regional Quality Control Board. The County provided formal comments stating that the County is subject to the State of CA Phase II MS4 Permit and thus the County's post construction water quality requirements follow those outlined in that Permit in Section E.12. Projects typically qualify as a "Regulated" project under the MS4 Permit / West Slope Development and Redevelopment Standards and Post Construction Stormwater Plan Requirements if improvements (i.e., parking lots, rooftops, driveways, etc.) create or replace 5,000 sq. ft. or more of impervious surface. Regulated Projects are required to provide treatment of stormwater from the 85th percentile/24-hour storm event prior to the water leaving the site or entering a waterbody. An Erosion and Sediment Control Plan will need to be included in the plan submittal. If the project will disturb an acre or more of land, the Legally Responsible Person (LRP) is required to obtain Construction General Permit (CGP) coverage through the State Water Resources Control Board (CAWRCB). The CGP requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The requirements have been incorporated as conditions of approval.

Staff Analysis and Conclusion: The proposed project is designed to be consistent with all of the applicable requirements for a Tentative Parcel Map, as discussed in the analysis above, and as contained in the Conditions of Approval and Findings in this staff report.

PROJECT COMMENTS

The project was distributed to all applicable local and state agencies for review and comment, including the County Department of Transportation, Environmental Management Department, Air Quality Management District, Storm Water Coordinator - West Slope, El Dorado Irrigation District, El Dorado Hills Fire Protection District, and PG&E. Comments received have been considered and if applicable, incorporated as conditions of approval for the project.

A public comment from neighbor Karen Brown was received on September 19, 2022, and a public comment from neighbor Kent Vogel was received on September 20, 2021, in response to the 30-day public review of the CEQA document, a Mitigated Negative Declaration, which review period concluded on September 21, 2022. Both comments are included with this Staff Report (Exhibit P). Staff responses to the comments received are included with this Staff Report (Exhibit Q).

PUBLIC NOTICE

The project was duly noticed with a public notification range of 1,000-ft and a legal advertisement was published in applicable local newspapers. No formal public outreach was conducted by the County. No physical sign posting or public outreach plan is required for this project pursuant to the County Zoning Ordinance.

ENVIRONMENTAL REVIEW

In accordance with CEQA staff has prepared an Initial Study analyzing the potential environmental effects resulting from the implementation of the project. Based on the Initial Study, a Mitigated Negative Declaration has been prepared (Exhibit O).

The applicant shall submit to Planning Services a **\$50.00** recording fee as required by the County Recorder to file the Notice of Determination by the County, as well as the current 2022 California Department of Fish and Wildlife CEQA review fee for a Mitigated Negative Declaration, **\$2,548.00**: <https://wildlife.ca.gov/Conservation/Environmental-Review/CEQA/Fees>

SUPPORT INFORMATION

Attachments to Staff Report:

Findings	
Conditions of Approval	
Exhibit A.....	Location Map
Exhibit B.....	Aerial Map
Exhibit C.....	Assessor's Parcel Page
Exhibit D.....	General Plan Land Use Map
Exhibit E.....	Zoning Map
Exhibit F.....	Tentative Parcel Map
Exhibit G.....	Preliminary Grading and Drainage Plan
Exhibit H.....	Preliminary Sewer and Water Plan
Exhibit I.....	Slope Map
Exhibit J.....	Tree Preservation Plan
Exhibit K.....	Aerial Overlay
Exhibit L.....	Wetland and Biological Resources Assessment with Soil Resource Report
Exhibit M.....	Arborist Report
Exhibit N.....	Preliminary Drainage Memo
Exhibit O.....	Proposed Mitigated Negative Declaration and Initial Study
Exhibit P.....	Public Comments
Exhibit Q.....	Staff Response to Public Comments

FINDINGS

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

1.0 California Environmental Quality Act (CEQA) FINDINGS

- 1.1 An Initial Study has been prepared analyzing potential environmental impacts with implementation of the project. Based on the Initial Study, impacts have been identified to be less than significant and a Mitigated Negative Declaration has been prepared.
- 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 Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 identifies the purpose of the High Density Residential (HDR) land use designation as areas suitable for intensive single-family residential development at densities from one to five dwelling units per acre. Allowable residential structure types include single-family attached (i.e., air-space condominiums, townhouses) and detached dwellings and manufactured homes. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.

Rationale: The subject parcel is located within the El Dorado Hills Community Region. The proposed project is for a Tentative Parcel Map. The proposed parcel sizes are consistent with the HDR General Plan land use designation. The project is consistent with this policy.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

General Plan Policy 2.2.5.2 states that all applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.

Rationale: As conditioned, the proposed Tentative Parcel Map project is consistent with applicable General Plan policies as discussed in the Staff Report. The project is consistent with this policy.

2.3 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

Rationale: The proposed project would be compatible with the surrounding development. The proposed parcel sizes are compatible within an area planned for high density residential development. The subject parcel is currently developed with an existing single-unit residence and accessory dwelling unit (ADU) as shown on proposed Parcel 1. The proposed Tentative Parcel Map would subdivide the property into four (4) parcels total and would allow future development of each parcel. The project site is adjacent to residences to the north and east; an elementary school to the west (Williams Brook Elementary); and a community park to the south (Peter Bertelsen Memorial Park). The project is consistent with this policy.

2.4 General Plan Policy TC-Xa does not apply.

Except as otherwise provided, the following TC-Xa policies shall remain in effect indefinitely unless amended by voters:

1. Traffic from residential development projects of five (5) or more units or parcels of land shall not result in, or worsen, Level of Service (LOS) F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.

Rationale: This is not applicable as the residential project to create four (4) parcels will not worsen traffic, as defined in General Plan Policy TC-Xe.

2. The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at LOS F without first getting the voters' approval.

Rationale: This is not applicable as the project is not requesting any modifications to Table TC-2.

3. Intentionally blank (Resolution 125-2019, August 6, 2019)
4. Intentionally blank (Resolution 159-2017, October 24, 2017)

5. The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

Rationale: This is not applicable as the project is not requesting the County create an Infrastructure Financing District.

6. Intentionally blank (Resolution 159-2017, October 24, 2017)
7. Before giving approval of any kind to a residential development of five (5) or more units or parcels of land, the County shall make the finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect public health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Rationale: General Plan Policy TC-Xa does not apply to the project.

2.5 **General Plan Policy TC-Xb does not apply.**

To ensure that potential development in the County does not exceed available roadway capacity, the County shall:

- A. Every year prepare an annual Capital Improvement Program (CIP) specifying expenditures for roadway improvements within the next 10 years. At least every five (5) years prepare a CIP specifying expenditures for roadway improvements within the next 20 years. Each plan shall contain identification of funding sources sufficient to develop the improvements identified;
- B. At least every five (5) years, prepare a Traffic Impact Mitigation (TIM) Fee Program specifying roadway improvements to be completed within the next 20 years to ensure compliance with all applicable LOS and other standards in this plan; and
- C. Annually monitor traffic volumes on the County's major roadway system depicted in Figure TC-1.

Rationale: This policy is not applicable as this policy refers to the county preparing a CIP, preparing a TIM Fee Program, and monitoring traffic volumes.

2.6 **General Plan Policy TC-Xc does not apply.**

Developer paid traffic impact fees combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the County. (Resolution 201-2018, September 25, 2018).

Rationale: This policy is not applicable as this policy directs how the County will pay for building the necessary road capacity.

2.7 The project is consistent with General Plan Policy TC-Xd.

LOS for County-maintained roads and state highways within the unincorporated areas of the County shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. LOS will be defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgement of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Hour traffic volumes.

Rationale: This project is located in the El Dorado Hills Community Region and it will not worsen, as defined in General Plan Policy TC-Xe, LOS for any County-maintained road or state highway.

2.8 The project is consistent with General Plan Policy TC-Xe.

For the purposes of this Transportation and Circulation Element, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. A 2 percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily; or
- B. The addition of 100 or more daily trips; or
- C. The addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.

Rationale: The project, as proposed, would not worsen traffic operations and is therefore consistent with this policy. Using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition, the project is anticipated to generate 6 AM peak hour trips, 8 PM peak hour trips, and 75 trips daily.

2.9 General Plan Policy TC-Xf does not apply.

At the time of approval of a tentative map for a single-family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A], [B], or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element

based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County's 10-year CIP.

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A], [B], or [C]) traffic on County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County's 20-year CIP.

Rationale: This policy is applicable to projects that worsen traffic on County road system as defined in Policy TC-Xe. The project, as proposed, would not worsen traffic operations, and therefore, this policy does not apply.

2.10 This project is consistent with General Plan Policy TC-Xg.

Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. This policy shall remain in effect indefinitely unless amended by voters.

Rationale: The project, as proposed, would not worsen traffic conditions.

2.11 This project is consistent with General Plan Policy TC-Xh.

All subdivisions shall be conditioned to pay the TIM fees in effect at the time a building permit is issued for any parcel created by the subdivision.

Rationale: This project will pay TIM fees at the time a building permit is issued. Resolution 095-2020 of the Board of Supervisors of El Dorado County states, "*Applicants shall pay the TIM Fee rate in effect at the time of building permit issuance or at the time of approval of an application for a change in the use of a building or property as provided in County Code Chapter 12.28 and the TIM Fee Administration Manual.*"

2.12 General Plan Policy TC-Xi does not apply.

The planning for the widening of U.S. Highway 50, consistent with the policies of this General Plan, shall be a priority of the County. The County shall coordinate with other affected agencies, such as the City of Folsom, the County of Sacramento, and Sacramento Area Council of Governments (SACOG) to ensure that U.S. Highway 50 capacity

enhancing projects are coordinated with these agencies with the goal of delivering these projects on a schedule agreed to by related regional agencies.

Rationale: This policy is not applicable to the project as it is direction to the County to coordinate with other agencies, and the project does not include any Highway 50 capacity enhancements.

2.13 The project is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 states prior to the approval of any discretionary development, the approving authority shall make a determination of the adequacy of the public services and utilities to be impacted by that development. Where, according to the purveyor responsible for the service or utility as provided in Table 5-1, demand is determined to exceed capacity, the approval of the development shall be conditioned to require expansion of the impacted facility or service to be available concurrent with the demand, mitigated, or a finding made that a CIP project is funded and authorized which will increase service capacity.

Rationale: El Dorado Irrigation District (EID) and El Dorado Hills Fire Protection District (EDHFPD) reviewed the project and provided comments for requirements to connect for water and sewer service. Improvements to connect for water and sewer service would be on-site only with no off-site improvements required. These requirements have been incorporated as conditions of approval. As conditioned, the project is consistent with this policy.

2.14 The project is consistent with General Plan Policy 5.7.1.1.

General Plan Policy 5.7.1.1 states prior to approval of new development, the applicant will be required to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or will be provided concurrent with development.

Rationale: EDHFPD reviewed the project and provided comments which are incorporated as Conditions of Approval. The comments state that they can provide fire protection service to the parcels. An approved fire hydrant capable of meeting a fire flow 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. EDHFPD would review the improvement plans again at submittal of the grading and building permits, to review in accordance with their standards, as applicable. This includes private road improvements, providing a Wildfire Hazard Real Estate Disclosure to future property owners, proper addressing, and maintaining minimum setbacks of 30-feet for all buildings from all property lines in accordance

with the California Code of Regulations Title 14 for defensible space for structures. As conditioned, the project is consistent with this policy.

2.15 The project is consistent with General Plan Policy 7.4.2.8.

General Plan Policy 7.4.2.8 states site-specific biological resources technical report will be required to determine the presence of special-status biological resources that may be affected by a proposed discretionary project.

Rationale: A Wetland and Biological Resources Assessment was prepared by Barnett Environmental with the field survey conducted by Dr. Barnett on March 1, 2021 with report dated April 12, 2021 (Exhibit L). Based on the results, there are six (6) special-status plant species that have the potential to occur on site: El Dorado County mule ears, El Dorado bedstraw, Layne's ragwort, Stebbins' morning glory, Sanford's Arrowhead, and Red hills soaproot. As for special-status wildlife, the oak groves on site provide food and shelter for wildlife, including tree frogs, gopher snakes, acorn woodpeckers, oak titmice, white-breasted nuthatches, California quail, and western gray squirrels. Wildlife species observed during field review included western fence lizard, black-tailed jackrabbit, mockingbird, scrub jay, house finch, white-crowned sparrow, American goldfinch, dark-eyed junco, chipping sparrow, spotted towhee, and mourning dove. As discussed in the Initial Study prepared for the project (Exhibit O), mitigation measures are proposed to reduce potential impacts to biological resources to less than significant (MM BIO-01 and MM BIO-02). Further, the project site is located within the County's Mitigation Area 2 for parcels located within the EID service area and would be subject to paying the Mitigation Area 2 fee at the time of grading and/or building permits. As conditioned, and with implementation of the mitigation measures, the project is consistent with this policy.

3.0 ZONING ORDINANCE FINDINGS

3.1 The project is consistent with Section 130.24.010 C.2.

Section 130.24.010 C.2. Single-unit Residential (R1): The project site is zoned Single-unit Residential (R1). The R1 zone is used to promote and regulate the development of higher density, single-unit dwellings, and accessory structures and uses. Minimum lot size designations of R1 and R20K are applied to this zone based on surrounding use compatibility, and physical and infrastructural constraints. Said designations represent the minimum lot size of 6,000 and 20,000 square feet, respectively. This zone is applicable to lands designated as High Density Residential (HDR) in the General Plan.

Rationale: The proposed Tentative Parcel Map to create four (4) residential parcels would be a use consistent with the R1 zone. The proposed parcels meet the

R1 development standards including minimum lot size, and lot width. The project is consistent with this section.

3.2 The project is consistent with 130.30.050. G.

Section 130.30.050 G. Protection of Wetlands and Sensitive Riparian Habitat which establishes standards for avoidance and minimization of impacts to wetlands and sensitive riparian habitat. New ministerial and discretionary development shall avoid or minimize impacts to perennial streams, rivers or lakes, intermittent streams and wetlands, and any sensitive riparian habitat to the maximum extent practicable. Ministerial development, including single family dwellings and accessory structures, shall be set back a distance of 25-feet from any intermittent stream, wetland or sensitive riparian habitat, or a distance of 50-feet from any perennial lake, river, or stream. All discretionary development which has the potential to impact wetlands or sensitive riparian habitat shall require a Biological Resource Assessment to establish the area of avoidance and any buffers or setbacks required to reduce the impacts to a less than significant level.

Rationale: A Wetland and Biological Resources Assessment was prepared for the project by Barnett Environmental dated April 12, 2021. The seasonal wetland is denoted on the Tentative Parcel Map and would be denoted on the Final Parcel Map. Further, future residential development would be required to meet the required R1 zone setbacks and the additional setback from the wetland area. The project is consistent with this section.

4.0 PARCEL MAP FINDINGS

4.1 The proposed Tentative Parcel Map, including design and improvements, is consistent with the General Plan.

Rationale: The proposed Tentative Parcel Map would create four parcels from a 2.86-acre parcel. The resultant parcels would be 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). Parcel 1 is currently developed with a primary residence and ADU. No development is proposed at this time; however, future residential development is anticipated on each resultant parcel. The subject parcel is in the HDR General Plan land use designation within the El Dorado Hills Community Region. The surrounding area is developed with similar residential uses. The proposed project would be consistent with applicable General Plan policies as set forth in Finding 2.2.

4.2 The proposed Tentative Parcel Map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance.

Rationale: The proposed Tentative Parcel Map has been analyzed and conditioned in accordance with the R1 Zone and HDR General Plan land use designation. Future residential development on the resultant parcels would be reviewed for compliance with applicable development standards of the R1 zone. As proposed and conditioned, the project conforms to the R1 zone and the Minor Land Division Ordinance.

4.3 The site is physically suitable for the proposed type and density of development.

Rationale: The proposed project would create four (4) parcels from a 2.86-acre parcel. Future residential development would be designed to meet the R1 residential development standards including minimum lot size, minimum lot width, and building setbacks. As shown on the Tentative Parcel Map site plan (Exhibit F), the site is physically suitable for the proposed type and density of development.

4.4 The proposed subdivision is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.

Rationale: A Wetland and Biological Resource Assessment was prepared for the proposed project (Exhibit L). Staff analyzed the results of the technical reports with further discussion in the Initial Study - Mitigated Negative Declaration (Exhibit O). With the incorporation of mitigation measures and Conditions of Approval, the project would not result in substantial environmental damage or substantial avoidable injury to fish or wildlife or their habitat and the type of proposed residential development is consistent with existing residential development in the El Dorado Hills vicinity.

4.5 The proposed subdivision is not likely to cause serious public health hazards.

Rationale: The proposed project has been reviewed for potential public health hazards. The project has been conditioned to mitigate potential impacts associated with future residential development and occupancy including air quality, storm water management, and fire safety. As conditioned, the proposed project would not cause serious public health hazards.

4.6 The proposed subdivision design and improvements are suitable and in compliance with the requirements of Public Resources Code Section 4291.

Rationale: EDHFPD reviewed the proposed project and provided comments which are included as Conditions of Approval. Future residential development is required to meet applicable fire safe requirements including maintaining defensible space from structures to property lines. With adherence to the fire safe requirements, the proposed project would be in compliance with the requirements of Public Resources Code Section 4291.

- 4.7 **The proposed design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.**

Rationale: The project would not result in any changes to currently existing easements. Further, there are no off-site improvements proposed or required which would necessitate changes to, nor development within, any existing easements. Therefore, as proposed, the project would not result in any changes to an existing easement.

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 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.

Planning Services

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 of Conditionally Approved Maps) of the Subdivision Ordinance.
3. **Notice of Decision (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 (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. 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 pre-construction 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.

Department of Transportation (Project Specific):

13. **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.
14. **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.
15. **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.

Department of Transportation (Standard Conditions):

16. **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.
17. **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).*

18. **Stormwater Management:** Comply with the West Slope Development and Redevelopment Standards and Post Construction Storm Water Plan.
19. **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.

20. **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.

21. **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:

22. **Emergency Water Supply:** The project area currently provided with an adequate means of emergency water supply, storage, or conveyance facilities. Prior to issuance of any building permits 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.

23. **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 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 shall be served by a two-way private road that provides a minimum of two ten (10) foot traffic lanes, not including shoulder and striping. These 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 are prohibited unless approved by EDHFC.

- b) The private road 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) The private road 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 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 or at an approved location along the private road as required by the EDHFC.
 - e) All essential private road improvements shall be complete and meet all of the requirements of CCR Title 14 or bonded in accordance with County of El Dorado DOT requirements, prior to recording of the Final Map for the project.
24. **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.
25. **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):

26. 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 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):

27. **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.

28. **Paving:** Project construction and related paving shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials if applicable.
29. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
30. **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.
31. **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>
32. **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.
33. **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.
34. **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:

35. Upon project approval from Planning Services, a Parcel Map Package will need to be submitted to the County Surveyor's Office.
36. 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.
37. 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.
38. Site addressing for the project shall be coordinated with the County Surveyor's Office prior to recording the Parcel Map.
39. 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.
40. 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 (EDHCSD)

41. **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.

42. **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.

43. **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.