

Findings

1.0 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 with mitigation. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15064(f)(2), a Mitigated Negative Declaration has been prepared for the project. The Mitigated Negative Declaration reflects the independent judgement of the County and has been completed in compliance with the CEQA and is adequate for this proposal. A Mitigation Monitoring and Reporting Program (MMRP) was developed to implement the mitigation measures identified in the Mitigated Negative Declaration.
- 1.2 The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department, Planning Division, 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 states that the Agricultural Lands (AL) land use designation is applied to lands described in General Plan Policy 8.1.1.8, which speaks of lands being of sufficient size to sustain agricultural use and possessing other characteristics suitable for agricultural use.

Rationale: The current parcel has the AL land use designation, is within an Agricultural District (-A), contains Locally Important Farmland, and is located in the County's Rural Region. The proposed project is consistent with this policy.

2.2 The project is consistent with General Plan Policy 2.2.2.2.

This policy states the purpose of the -A overlay designation is to identify the general areas within the County that contain choice agricultural soils and which the Board of Supervisors has determined should be preserved primarily for agricultural uses.

Rationale: The parcel has the -A overlay designation and contains County-designated locally important soils. The proposed project is consistent with this policy.

2.3 The project is consistent with General Plan Policy 2.2.2.7.

This policy states the purpose of the Mineral Resource (-MR) overlay designation, which is to identify the areas that are designated as Mineral Resource Zone 2 (MRZ 2xx) on the State Classification Reports. The -MR overlay is appropriate only with certain base land use designations.

Rationale: There is a small sliver in the northwestern portion of the parcel that contains the -MR overlay designation, which is consistent with the parcel's AL land use designation. The proposed project is consistent with this policy.

2.4 The project is consistent with General Plan Policy 2.2.2.8.

This policy establishes the Important Biological Corridor (-IBC) overlay designation in accordance with General Plan Policy 7.4.2.9. Where the -IBC Overlay is applied to lands that are also subject to the -A overlay or that are within the AL designation, the land use restrictions associated with the -IBC policies will not apply to the extent that the agricultural practices do not interfere with the purposes of the -IBC overlay.

Rationale: The parcel is in the -IBC overlay. The applicant has provided a biological resources technical report to the County for review. The proposed project is consistent with this policy.

2.5 The project is consistent with General Plan Policy 2.2.5.2.

This policy requires that all applications for discretionary projects or permits, including major and minor land divisions, be reviewed to determine consistency with the policies of the General Plan.

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

2.6 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The newly created parcels will be a minimum of 40 acres, and potential development includes residential units, agricultural structures, wells, septic systems, and utility improvements. The residential density will be similar or lower compared to the neighboring parcels. The project site will be compatible with adjoining land uses. There are some temporary structures on-site, which have been conditioned to be removed or required to secure building permits prior to the recordation of the map.

2.7 The project is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development prior to the approval of any discretionary development.

Rationale: The proposed Tentative Parcel Map and associated reports were distributed to different entities and agencies, including Pacific Gas & Electric (PG&E), County Environmental Management Department (EMD), Department of Transportation (DOT), Stormwater, Garden Valley Fire Protection District (GVFPD), and California Department of Forestry and Fire Protection (CAL FIRE). The above-noted agencies reviewed the proposed map, and many of the agencies provided comments, which were addressed, and conditions for the project. The public services and utilities are adequate for this project. The project is consistent with this policy.

2.8 The project is consistent with General Plan Policy 5.1.2.2.

General Plan Policy 5.1.2.2 requires that provision of public services to new discretionary development not result in a reduction of service below minimum established standards to current users.

Rationale: The proposed Tentative Parcel Map and associated reports were distributed to different entities and agencies, including EMD, DOT, Stormwater, GVFPD, and CAL FIRE. The above-noted agencies reviewed the proposed map, and many of the agencies provided comments, which were addressed, and conditions for the project. The provision of public services to new discretionary development, as conditioned, will not result in a reduction of service below minimum established standards to current users. The project is consistent with this policy.

2.9 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 states that an adequate quantity and quality of water for all uses, including fire protection, shall be provided for with discretionary development.

Rationale: The project was reviewed by GVFPD), CAL FIRE), and EMD for water supply for all uses. Water supply and conveyance facilities are currently available and sufficient to supply water supply, including emergency water supply, to the proposed parcels. The project is consistent with this policy.

2.10 The project is consistent with General Plan policy 5.2.3.4.

General Plan Policy 5.2.3.4 (Groundwater Systems) requires that all applications for divisions of land which rely on groundwater for domestic use, or any other type of use, shall demonstrate that groundwater is adequate as part of the review and approval process.

Rationale: EMD reviewed this project and found that the well located on the subject parcel produced eight (8) gallons per minute of water and determined that no additional information is needed to demonstrate adequate water supply for the three (3) proposed parcels of this project. The project is consistent with this policy.

2.11 The project is consistent with General Plan Policy 5.3.2.

General Plan Policy 5.3.2 (Rural Sewage Disposal/Alternative Wastewater Systems) requires the development of adequate and environmentally safe individual sewage disposal systems in rural areas.

Rationale: EMD reviewed this project for solid waste disposal capability and did not express any concerns for the project. The project is consistent with this policy.

2.12 The project is consistent with General Plan Policy 5.7.2.1.

General Plan Policy 5.7.2.1 (Fire Protection in Rural Regions and Rural Centers) requires that prior to approval of new development, the responsible fire protection district shall be requested to review all applications to determine the ability of the district to provide protection services. The ability to provide fire protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as Conditions of Approval.

Rationale: The project, along with a corresponding Fire Safe Plan, were distributed to GVFPD and CAL FIRE for review. Neither agency submitted comments expressing an inability to provide required services to the proposed parcels or concerning a service reduction below acceptable levels as a result of project approval. The project is consistent with this policy.

2.13 The project is consistent with General Plan Policy 6.2.2.2.

General Plan Policy 6.2.2.2 (High and Very High Fire Zone Development Limitations) precludes development in areas of high and very high wildland fire hazard or in areas identified as wildland-urban interface (WUI) communities within the vicinity of Federal lands that are a high risk for wildfire unless such development can be adequately protected from wildland fire hazard, as demonstrated in a WUI Fire Safe Plan prepared by a qualified

professional as approved by the El Dorado County Fire Prevention Officers Association. The WUI Fire Safe Plan shall be approved by the local fire protection district having jurisdiction and/or CAL FIRE.

Rationale: The project is located in High and Very High Fire Hazard Severity Zones in the State Responsibility Area. The Tentative Parcel Map and Fire Safe Plan were distributed to GVFPD and CAL FIRE for review and comment. GVFPD and CAL FIRE both approved the Fire Safe Plan and determined that the proposed parcels can be adequately protected from wildland fire hazard provided that local and state requirements are met. Any potential future development would be reviewed by GVFPD and CAL FIRE as a part of the building permit process. The project is consistent with this policy.

2.14 The project is consistent with General Plan Policy 6.2.3.2.

General Plan Policy 6.2.3.2 (Adequate Access for Emergencies) requires the applicant demonstrate that adequate access exists or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: The project was distributed for review by DOT, GVFPD, and CAL FIRE. None of these agencies expressed any concerns regarding adequate capacity for emergency vehicle access. Conditions of Approval have been included to ensure adequate access is maintained. The project is consistent with this policy.

2.15 The project is consistent with General Plan Policy 7.1.2.1.

General Plan Policy 7.1.2.1 states that development or disturbance of slopes over 30 percent shall be restricted.

Rationale: The slope map shows that each of the proposed parcels has sufficient areas with slopes less than 30 percent. Two (2) parcels (Parcels B and C) do not have slopes 30 percent or greater. One (1) parcel (Parcel A) has 3.8 acres that are sloped 30 percent or greater. The remaining 36.2 acres on Parcel A have slopes less than 30 percent; potential development would be able to avoid slopes over 30 percent. The project is consistent with this policy.

2.16 The project is consistent with General Plan Policy 7.2.2.1.

General Plan Policy 7.2.2.1 states that the minimum parcel size within, or adjacent to, areas subject to the -MR overlay shall be 20 acres unless the applicant can demonstrate to the approving authority that there are no economically significant mineral deposits on or adjacent to the project site and that the proposed project will have no adverse effect on existing or potential mining operations.

Rationale: The parcel contains the -MR overlay in its northwest portion, and the parcel is adjacent to parcels that contain the -MR overlay. The Tentative Parcel Map proposes parcels that are a minimum of 40 acres. The project is consistent with this policy.

2.17 The project is consistent with General Plan Policy 7.4.2.9.

General Plan Policy 7.4.2.9 establishes requirements for parcels within the -IBC overlay, including requiring a site-specific biological resources technical report.

Rationale: The proposed project, which is within the -IBC overlay, provided a site-specific biological resources technical report and includes mitigation measures to address impacts to biological resources. The project is consistent with this policy.

2.18 The project is consistent with General Plan Policy 7.4.4.4.

General Plan Policy 7.4.4.4 requires all new non-exempt development projects that result in impacts to oak resources be mitigated in accordance with the standards of the Oak Resource Management Plan (ORMP).

Rationale: No oak trees are proposed to be removed or impacted as a part of project approval. No development is being proposed as a part of this project. Should future development occur, any impacts to oak resources are expected to be mitigated in accordance with the standards of the ORMP. The project is consistent with this policy.

2.19 The project is consistent with General Plan Policy 8.1.1.8.

General Plan Policy 8.1.1.8 establishes characteristics for land that is assigned the AL land use designation.

Rationale: The parcel has AL land use designation. It contains the characteristics of choice agricultural land (i.e., Locally Important Farmland) and is located in the County's Rural Region. The project is consistent with this policy.

2.20 The project is consistent with General Plan Policy 8.1.2.2.

General Plan Policy 8.1.2.2 states that some lands within Rural Regions have historically been used for commercial grazing of livestock and are currently capable of sustaining commercial grazing of livestock. If they can be demonstrated to be suitable land for grazing, and if they were not assigned urban or other nonagricultural uses in the Land Use Map for the 1996 General Plan, those lands shall be protected with a minimum of 40 acres unless such lands already have smaller parcels or the Board of Supervisors determines that

economic, social, or other considerations justify the creation of smaller parcels for development or other nonagricultural uses. Where 40-acre minimum parcel sizes are maintained, planned developments may be considered which are consistent with the underlying land use designation. Before taking any actions to create parcels of less than 40 acres in areas subject to this policy, the Board of Supervisors and/or Planning Commission shall solicit and consider input from the Agricultural Commission.

Rationale: The proposed parcels are within the County's Rural Region, contain the Important Farmland designation of grazing, are currently capable of sustaining commercial grazing of livestock, and were not assigned urban or other nonagricultural uses in the Land Use Map for the 1996 General Plan, as determined by the Agricultural Commission on September 11, 2024 and February 12, 2025. The Tentative Parcel Map proposes parcels that are a minimum of 40 acres. The project is consistent with this policy.

2.21 The project is consistent with General Plan Policy 8.1.3.2.

General Plan Policy 8.1.3.2 states that agriculturally incompatible uses adjacent to agricultural zoned lands shall provide a minimum setback of 200 feet from the boundary of the agriculturally zoned lands.

Rationale: The newly created parcels shall be subject to this requirement at the building permit stage. The project is consistent with this policy.

2.22 The project is consistent with General Plan Policy 8.1.3.5.

General Plan Policy 8.1.3.5 states that on any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider and provide a recommendation on the agricultural use (except for parcels assigned urban or other non-agricultural uses by the land use map for the 1996 General Plan) or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved.

Rationale: The Agricultural Commission reviewed the proposed project on September 11, 2024 and February 12, 2025 and provided the determination that the proposed Tentative Parcel Map would be consistent with the Agriculture and Forestry Element, which includes this policy. The project is consistent with this policy.

2.23 The project is consistent with General Plan Policy 8.1.4.1.

General Plan Policy 8.1.4.1 states that the Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a

determination shall be made by the approving authority that the proposed use will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

Rationale: The Agricultural Commission reviewed the proposed project on September 11, 2024 and February 12, 2025 and provided the determination that the proposed Tentative Parcel Map would be consistent with the Agriculture and Forestry Element, which includes this policy. The project is consistent with this policy.

2.24 The project is consistent with General Plan Policy TC-1w.

General Plan Policy TC-1w requires that new streets and improvements to existing rural roads necessitated by new development be designed to minimize visual impacts, preserve rural character, and ensure neighborhood quality to the extent possible consistent with the needs of emergency access, on street parking, and vehicular and pedestrian safety.

Rationale: DOT has provided Conditions of Approval that require an encroachment permit for Parcel C prior to the recording of the final map and encroachment permits for Parcels A and B prior to the issuance of building permits. All roadway encroachments shall be constructed to the provisions of County Standard Plan 103B-1 at Hackomiller Road. The project is consistent with this policy.

2.25 The project is consistent with General Plan Policy TC-Xa.

(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: The project would create three (3) residential parcels; therefore, this policy does not apply.

(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 voter's approval.

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

(3) and (4) Intentionally blank as noted in the General Plan.

(5) The County shall not create an Infrastructure Financing District unless allowed by a two-thirds majority vote of the people within that district.

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

(6) Intentionally blank as noted in the General Plan.

(7) Before giving approval of any kind to a residential development project of five (5) or more units or parcels of land, the County shall make a 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 the public's 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: The project would create three (3) residential parcels; therefore, this policy does not apply.

2.26 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 as 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 judgment of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.”

Rationale: This project will not worsen (as defined by General Plan Policy TC-Xe) LOS for any County-maintained road or State highway.

2.27 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 two-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: This project will generate fewer than 10 trips in the peak hour, and fewer than 100 daily trips. The thresholds in criteria A, B, and C of this policy would not be exceeded.

2.28 The project is consistent with General Plan Policy TC-Xh.

All subdivisions shall be conditioned to pay the Traffic Impact Fees (TIF) in effect at the time a building permit is issued for any parcel created by the subdivision.

Rationale: This project will pay TIF related to the TIF Program at the time of primary residence building permit. The project is consistent with this policy should any future development occur. No development is being proposed as a part of this project.

3.0 ZONING FINDINGS

3.1 The project is consistent with Section 130.21.030.

Section 130.21.030 (Agricultural, Rural, and Resource Zone Development Standards) prescribes site-specific development standards for new parcels, allowed uses, and associated structures within the Planned Agriculture (PA) zone district.

Rationale: The proposed parcels exceed the required minimum parcel size of 20 acres and meet minimum lot frontage as required in Section 130.21.030. The project is consistent with this policy.

3.2 The project is consistent with Section 130.30.050.

Section 130.30.050.E (Special Setbacks for Agricultural and Timber Resource Protection) requires a 200-foot setback when the adjacent agriculturally zoned lot is within a General Plan designated Agricultural District. Section 130.30.050.G (Protection of Wetlands and Sensitive Riparian Habitat) is applicable to ministerial and discretionary development proposed adjacent to any perennial streams, rivers or lakes, any intermittent streams and wetlands and provides use regulations and performance standards.

Rationale: No development is proposed as part of this Tentative Parcel Map. However, all future development would be required to adhere to the requirements in this zoning section. The project is consistent with this policy.

4.0 PARCEL MAP FINDINGS

The Subdivision Ordinance Section 120.44.030 (Findings Requiring Disapproval) requires that the approving authority not approve a tentative map if the approving authority makes any of the following findings:

4.1 The proposed tentative map is not consistent with the General and Specific Plans (Section 120.44.030(A)).

Rationale: The project proposes to create three (3) parcels from an approximately 169.85-acre parcel. The resulting parcels would be as follows: 40.05 acres (Parcel A), 40.01 acres (Parcel B), and 89.79 acres (Parcel C). The project parcel is east of Garden Valley Rural Center. The parcel's General Plan land use designation is AL. The proposed Tentative Parcel Map has been found consistent with all applicable General Plan policies as set forth in Finding 2.0.

4.2 The design or improvement of the proposed division is not consistent with applicable General and Specific Plans (Section 120.44.030(B)).

Rationale: The design or improvement of the proposed Tentative Parcel Map has been found to be consistent with all General Plan policies as set forth in Findings Section 2.0 and as described in Finding 4.1 above.

4.3 The site is not physically suitable for the proposed type of development (Section 120.44.030(C)).

Rationale: The Tentative Parcel Map shows access for each parcel from Hackomiller Road. The slope map shows that each proposed parcel has sufficient land that is sloped less than 30 percent for potential residential development.

4.4 The site is not physically suitable for the proposed density of development (Section 120.44.030(D)).

Rationale: The project, as proposed, is consistent with the density requirements of the PA-20 zone and AL General Plan designation.

4.5 The design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat (Section 120.44.030(E)).

Rationale: An Initial Study – Mitigated Negative Declaration (Exhibit H) has been prepared for this project pursuant to CEQA guidelines. With adherence to incorporated mitigation measures (MM 3.2-1, MM 3.4-1, MM 3.4-2, MM 3.4-3, MM 3.4-4), the proposed Tentative Parcel Map will not result in substantial environmental damage and is consistent with the existing development in the vicinity. Any potential impacts have been determined to be less than significant with mitigation and are not likely to cause substantial environmental damage or substantial and unavoidable injury to fish or wildlife, or their habitat.

4.6 The design of the division or the type of improvements is likely to cause serious public health hazards (Section 120.44.030(F)).

Rationale: The proposed subdivision has been reviewed for potential public health hazards by all applicable County departments and agencies. Each proposed parcel would utilize well water and septic sanitation and would connect to PG&E for electric service. The project has been conditioned to minimize potential impacts associated with potential future residential development and occupancy. These conditions will ensure the project will not cause serious public health hazards.

4.7 The design of the division or the improvements are not suitable to allow for compliance of the requirements of Public Resources Code (PRC) § 4291 (Section 120.44.030(G)).

Rationale: The Tentative Parcel Map is proposed on a parcel that is in the state responsibility area. The project has been reviewed and approved by GVFPD and CAL FIRE. PRC § 4291 mandates fuels management activities for buildings and structures in the state responsibility area. No development is proposed with this project, but future development shall be required to adhere to these requirements related to vegetation management and fire protection measures surrounding buildings and structures.

4.8 The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the approving authority may approve a map if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision (Section 120.44.030(H)).

Rationale: The Tentative Parcel Map has been reviewed by the County Surveyor's Office for potential conflicts with existing or proposed easements, and no conflicts have been found on the project parcels. To further ensure no potential easement conflicts will occur on the project site, the County Surveyor's Office will conduct a final easement review of the project parcels, as part of standard procedure, prior to recordation of the map. The project does not propose any changes to currently existing easements. There are no off-site improvements proposed or required that would necessitate changes to any existing easements.

5.0 Government Code §1266.01 Fire Protection Findings (Parcel Maps)

5.1 Before approving a Tentative Map, or a Parcel Map for an area located in a State Responsibility Area or a Very High Fire Severity Zone, a legislative body of a County shall make the following findings: (1) A finding supported by substantial evidence in the record that the subdivision is consistent with: (A) regulations adopted by the State Board of Forestry or Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code, or (B) consistent with local ordinances certified by the State Board of Forestry or Fire Protection as meeting or exceeding the state regulations.

Rationale: GVFDPD and CAL FIRE reviewed the proposed project, and CALFIRE provided comments, which are included as Conditions of Approval. Future residential development is required to meet applicable Fire Safe requirements. With adherence to the Fire Safe requirements, the proposed project would be in compliance with the PRC. The project is consistent with this section.

5.2 Before approving a Tentative Map, or a Parcel Map for an area located in a State Responsibility Area or a Very High Fire Severity Zone, a legislative body of a County shall make the following findings: a finding supported by substantial evidence in the record that structural fire protection and suppression services will be available for the subdivision through any of the following entities: (A) A County, City, Special District, Political Subdivision of the State, or another entity organized solely to provide fire protection services that is monitored and funded by a County or other public entity; (B) The Department of Forestry and Fire Protection by contract entered into pursuant to Section 4133, 4142, or 4144 of the Public Resources Code.

Rationale: GVFDPD and CAL FIRE reviewed the proposed project and have determined that there is adequate structural fire protection and suppression services available for the subdivision. CAL FIRE provided comments, which are included as Conditions of Approval. Future residential development is required to meet applicable fire safe requirements. With adherence to the fire safe requirements, the proposed project would be in compliance with the PRC. The project is consistent with this section.

Conditions of Approval

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 F.....Tentative Parcel Map

Exhibit H.....Mitigated Negative Declaration and Initial Study

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:

This project is a Tentative Parcel Map that would create three (3) parcels from an existing 169.85-acre parcel as follows: 40.05 acres (Parcel A), 40.01 acres (Parcels B), and 89.79 acres (Parcel C) (Exhibit F).

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 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 120.74.030 (Extension of time for approved or conditionally approved maps) of the Subdivision Ordinance.
3. **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 Tentative Parcel Map.

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

4. **Tribal Cultural Archaeological Resources:** If any suspected Tribal Cultural Resources (TCRs) are discovered during ground-disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find, whichever is greater. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR. The Tribal Representative will make recommendations for further evaluation and treatment as necessary. Tribal Representatives act as a representative of their Tribal government and are qualified professionals that have the authority and expertise to identify sites or objects of cultural value to Native American Tribes and recommend appropriate treatment of such sites or objects. If human remains, or suspected human remains, are discovered, then the appropriate State and Federal laws shall be followed. Preservation in place is the preferred option for mitigation of TCRs under California Environmental Quality Act (CEQA) and Shingle Springs Band of Miwok Indians (SSBMI) protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. When avoidance is infeasible, the preferred treatment by SSBMI is to record the resource, minimize handling of cultural objects, leave objects in place within the landscape, or return objects to a location nearby where they will not be subject to future impacts. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA have been satisfied. This Condition of Approval shall be incorporated on any grading or building permit plans.
5. **Standard Archaeological Resources:** In the event of future development, the following language shall 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 a qualified professional archaeologist (36 Code of Federal Regulations 61) can examine the find in place. If the find is determined to be a “unique archaeological resource”, the archaeologist, in consultation with the County, shall develop appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to preservation in place, subsurface testing, or contiguous block unit excavation and data recovery. Construction work could continue on other parts of the project site while archaeological mitigation takes place.
6. **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 (PRC). The coroner shall make his or her determination within two (2) 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 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 PRC, 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 nondestructive removal and 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) of the PRC. 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.

7. **Temporary Structures:** Prior to recordation of the Parcel Map, any existing temporary structures shall be removed or converted to a permanent use. Compliance shall be verified by a site visit from Planning Division and Code Enforcement Division.
8. **Gates:** Gates installed across private driveways entering residential and nonresidential development shall adhere to the standards in El Dorado County Zoning Ordinance Section 130.30.090.
9. **Mitigation Monitoring and Reporting Program (MMRP):** All mitigation measures listed in the MMRP (Exhibit J) shall be incorporated into all grading and improvement plans and building permit plans. A Notice of Restriction shall be recorded on all parcels that includes all of the mitigation measures listed in the MMRP. For the two (2) parcels that contain Nissenan manzanita, as shown on the Tentative Parcel Map (Exhibit F), the Notice of Restriction shall state that no ground disturbance including, but not limited to, site preparation, grading, construction, or construction-related activity, shall occur within 50 feet of the Nissenan manzanita habitat area, as identified on the final map.

The final map shall note that development on all of the parcels is restricted by the Notice of Restriction and reference the recorded Notice of Restriction. The final map shall identify

the Nissenan manzanita habitat area and its 50-foot setback buffer and categorize both as a nondisturbance area and reference the recorded Notice of Restriction.

10. **Park Fees:** The subdivider shall be subject to an appraisal fee payable to the County Assessor's Office for the determination of parkland dedication in-lieu fees. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the County Assessor's Office and calculated in accordance with Section 120.12.090 of the County Code. Payment of the required fees shall be remitted to the Georgetown Divide Recreation District prior to the filing of the Parcel Map. A copy of the transaction receipt shall be provided to the Planning Division.

County Air Quality Management District (AQMD)

11. **Fugitive 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, during the course of the project, a grading permit is required from the Building Division. Dust control measures shall comply with the requirements of AQMD Rule 223, Fugitive Dust – General Requirements and Rule 223.1 – Construction, Bulk Material Handling, Blasting, Other Earthmoving Activities and Trackout Prevention.
12. **Open Burning:** Burning of waste vegetation that results 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.
13. **Paving:** Road construction shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials.
14. **Painting/Coating:** The application of architectural coatings shall adhere to AQMD Rule 215, Architectural Coatings.
15. **New Point or Stationary Source:** Prior to construction/installation of any new point/stationary source emissions units (e.g., emergency standby engine greater than 50 horsepower, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emissions estimates, and shall adhere to AQMD Rules 501, General Permit Requirements, and 523, New Source Review.
16. **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 (§ 2449 et al, Title 13, Article 4.8, Chapter 9, California Code of Regulations [CCR]). Questions on applicability should be directed to CARB at 1-866-634-3735. CARB is responsible for enforcement of this regulation.

17. **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 operations of each piece of equipment.
18. **Electric Vehicle (EV) Charging – Residential:** The residential portion of the project shall comply with the Residential Mandatory Measures identified in the 2022 Cal Green Building Code §4.106.4.2.2 to facilitate future installation and use of EV chargers. Please refer to: <https://codes.iccsafe.org/content/CAGBC2022P1/chapter-4-residential-mandatory-measures>

County Department of Transportation (DOT)

19. **Encroachments:** Prior to the recording of the final map, Parcel C shall obtain an encroachment permit from DOT and construct the roadway encroachment to the provisions of County Standard Plan 103B-1 at Hackomiller Road.

Prior to issuance of a building permit, Parcels A & B shall obtain an encroachment permit from DOT and construct the roadway encroachment to the provisions of County Standard Plan 103B-1 at Hackomiller Road.

20. **Offer of Dedication:** Irrevocably offer to dedicate the rights of way for Hackomiller Road for a half-width of 30 feet from the centerline of Hackomiller Road. Also offer any appurtenant slope, drainage, pedestrian, public utility, or other public service easements as determined necessary by the County. This offer will be accepted by the County.
21. **Proof of Offsite Road Entitlements:** Demonstrate to the County that this project has entitlements for use of the off-site roads and public utility easements for access to the project.
22. **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, Stormwater 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)*.

23. **Stormwater Management:** Construct post construction stormwater mitigation measures to capture and treat the 85th percentile 24-hour storm event as outlined in the CA Phase II MS4 Permit and the County's West Slope Development and Redevelopment Standards and Post Construction Stormwater Plan. Show detention and/or retention facilities on the project improvement plans to fully mitigate any increased runoff peak flows and volumes in accordance with the County Drainage Manual. As an alternative to treating the entire project with a regional treatment system, the project may propose distributed source control measures to be constructed for the roadways, any other impervious surfaces and on each lot with the individual lot building permits to achieve the same effect. In which case, a deed restriction shall be recorded with the final map to ensure construction of individual lot source control measures.
24. **Water Quality Stamp:** Include a stormwater quality message stamped into the concrete on new or reconstructed drainage inlets, conforming to the Stormwater 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.
25. **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.

26. **Electronic Documentation:** Upon completion of the required improvements, provide As-Built Plans to the County Engineer in Tag Image File Format (TIFF), and provide final Drainage and Geotechnical reports, and structural wall calculations to the County Engineer in Portable Document Format (PDF).

County Surveyor's Office

27. Upon project approval from the Planning Division, a Parcel Map package will need to be submitted to the County Surveyor's Office.
28. All survey monuments must be set prior to the recording of the Parcel Map or the developer shall have surety of work to be done by bond or cash deposit. 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.

29. Situs addressing for the project shall be coordinated with the County Surveyor's Office prior to filing the Parcel Map.
30. Prior to filing 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 P23-0006 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor's Office and copied to the consultant and the applicant.
31. All boundary monuments that may be disturbed or destroyed during project construction shall be identified and referenced and/or reset by a Professional Land Surveyor or Qualified Engineer as defined by Section 8771 of the California Business and Professions Code (Land Surveyors Act).

County Stormwater

32. **Post-Construction Water Quality Requirements.** The County is subject to the State of California's Phase II MS4 Permit and thus the County's post construction water quality requirements follow those outlined in that Permit in Section E.12, or superseding Permit at the time of application submittal. Projects typically qualify as "Small" or "Regulated/Hydromodification" projects under the current 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 2,500 square feet or more of impervious surface (including offsite improvements). Qualifying projects are required to provide treatment of stormwater prior to the water leaving the site or entering a waterbody. Submittal requirements for all projects are provided here: <https://www.eldoradocounty.ca.gov/Land-Use/Planning-and-Building/Tahoe-Planning-and-Building-Division-Stormwater-Unit/West-Slope-Development-and-Redevelopment-Standards>.
33. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan will need to be included in the plan submittal. If the project will disturb over one (1) acre of land, the Legally Responsible Person (LRP) is required to obtain Construction General Permit (CGP) coverage through the State Water Resources Control Board (SWRCB). The CGP requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP). CGP requirements can be found at the following link: https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html

California Department of Forestry and Fire Protection (CAL FIRE)

34. **Emergency Access and Egress:** Roads and driveways, whether public or private, unless exempted under 14 CCR § 1270.02(d), shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency.

35. **Roadway Surface:** Roadways shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an aggregate base. Project proponent shall provide engineering specifications to support design, if requested by the local authority having jurisdiction (AHJ).
36. **Driveways:** Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart. A turnaround shall be provided on driveways over 300 feet in length and shall be within 50 feet of the building.
37. **Roadway/Driveway Grades:** The grade for all roads, streets, private lanes and driveways shall not exceed 16 percent. Grade may exceed 16 percent, not to exceed 20 percent, with approval from AHJ.
38. **Radius:** No Road or Road Structure shall have a horizontal inside radius of curvature of less than 50 feet. An additional surface width of four (4) feet shall be added to curves of 50-100 feet radius; two (2) feet to those from 100-200 feet. The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than 100 feet.
39. **Turnarounds:** Turnarounds are required on driveways and dead-end roads. The minimum turning radius for a turnaround shall be 40 feet, not including parking. If a hammerhead/T is used instead, the top of the "T" shall be a minimum of 60 feet in length. Each dead-end road shall have a turnaround constructed at its terminus.
40. **Turnouts:** Turnouts shall be a minimum of 12 feet wide and 30 feet long with a minimum 25-foot taper on each end.
41. **Gate Entrances:** Gate entrances shall be at least two (2) feet wider than the width of the traffic lane(s) serving that gate and a minimum width of 14 feet unobstructed horizontal clearance and unobstructed vertical clearance of 13 feet 6 inches. All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Security gates shall not be installed without approval. Where security gates are installed, they shall have an approved means of emergency operation. Approval shall be by the local AHJ. The security gates and the emergency operation shall be always maintained in operational status.
42. **Addresses for Buildings:** All buildings shall be issued an address by the local jurisdiction which conforms to that jurisdiction's overall address system. Utility and miscellaneous Group U buildings are not required to have a separate address; however, each residential unit within a building shall be separately identified. (The size of letters, numbers, and symbols for addresses shall conform to the standards in the California Fire Code, CCR Title 24, part 9. Addresses for residential buildings shall be reflectorized.

43. **Address Installation, Location, and Visibility:** All buildings shall have a permanently posted address which shall be plainly legible and visible from the road fronting the property. Where access is by means of a private road and the address identification cannot be viewed from the public way, an unobstructed sign or other means shall be used so that the address is visible from the public way. Address signs along one-way roads shall be visible from both directions. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign or post. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter.
44. **Emergency Water:** Emergency water for wildfire protection shall be available, accessible, and maintained in quantities and locations specified in applicable statutes and regulations in order to attack a wildfire or defend property from a wildfire.
45. **Setbacks for Structure Defensible Space:** All parcels shall provide a minimum 30-foot setback for all buildings from all property lines and/or the center of a road, except as provided in the exception below. A reduction in the minimum setback shall be based upon practical reasons and shall provide for an alternative method to reduce structure-to-structure ignition.
46. **Fuel Breaks:** When Building construction meets the following criteria, the local jurisdiction shall determine the need and location for fuel breaks in consultation with the fire authority:

Fuel breaks required by the local jurisdiction, in consultation with the fire authority, shall be located, designed, and maintained in a condition that reduces the potential of damaging radiant and convective heat or ember exposure to access routes, buildings, or infrastructure within the development.

Fuel breaks shall have, at a minimum, one (1) point of entry for fire fighters and any fire apparatus. The specific number of entry points and entry requirements shall be determined by the local jurisdiction, in consultation with the fire authority.

The open space on the project will need to act as a fuel break for the project and meet the requirements above.
47. **Maintenance of Defensible Space Measures:** California PRC 4291 requires 100 feet of defensible space to the property line around structures to protect residents, first responders, and property.
48. **Disposal of Flammable Vegetation and Fuels:** Disposal, including chipping, burying, burning, or removal to a site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.

49. **Open Spaces and Parks:** Where a greenbelt, greenway, open space, park, landscaped or natural area, or portions thereof, is intended to serve as a fuel break, the space or relevant portion thereof shall conform with the requirements in CCR § 1276.03 (Fuel Breaks). See above.