

## **Findings**

### **1.0 CEQA FINDINGS**

- 1.1 An Initial Study (IS) has been prepared analyzing potential environmental impacts with implementation of the project. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15064(f)(2), a Mitigated Negative Declaration (MND) 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.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Division at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.3 The Mitigation Monitoring and Reporting Program (MMRP) is a California Environmental Quality Act (CEQA)-required component of the IS process. As part of the CEQA environmental review procedures, Public Resources Code §21081.6 requires a public agency to adopt a monitoring and reporting program to ensure efficacy and enforceability of any mitigation measures applied to the proposed project. The lead agency must adopt an MMRP for mitigation measures incorporated into the project or proposed as conditions of approval. As stated in Public Resources Code §21081.6 (a)(1): “The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.”

Exhibit L represents the MMRP for the Project. This table lists each of the mitigation measures proposed in the IS/MND.

### **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 Rural Residential (RR) land use designation as those areas suitable for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substandard access as well as “choice” agricultural soils. The RR designation shall be used as a transition between Low Density Residential (LDR) and the Natural Resource (NR) designation. Clustering of residential units under allowable densities is encouraged as a means of preserving large areas in their natural state or for agricultural production. Typical uses

include single-family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities. The allowable density for this designation is one (1) dwelling unit per 10 to 160 acres. This designation is considered appropriate only in the Rural Regions.

**Rationale:** The project, Tentative Parcel Map, proposes to subdivide a partially developed approximately 108.66-acre parcel into four (4) parcels of 11.56 acres (Parcel A), 41.40 acres (Parcel B), 10.24 acres (Parcel C), and 45.47 acres. The proposed project does not propose any change in the land use designation of the site and does not propose to install infrastructure beyond that needed to serve the proposed parcels. The proposed parcels would be capable of supporting residential, agricultural, and open space uses. The proposed parcel sizes would be consistent with the RR 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 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 that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

**Rationale:** The proposed project would be compatible with the surrounding development. The proposed parcel sizes are compatible within an area planned for an allowable density of one (1) dwelling unit per 10 to 160 acres. The project site is adjacent to similar residential development consistent with the zone and General Plan designation. The project is consistent with this Policy.

**2.4 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 Capital Improvement Plan (CIP) project is funded and authorized which will increase service capacity.

Rationale: The project was reviewed by the Rescue Fire Department (RFD). A determination was made by RFD to allow for alternate fire suppression infrastructure. These requirements have been incorporated as Conditions of Approval. As conditioned, the project is consistent with this policy.

**2.5 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 Rescue Fire Department (RFD), California Department of Forestry and Fire Protection (CALFIRE), and Environmental Management Department (EMD) for water supply for all uses. A determination was made by RFD to allow for alternate fire suppression infrastructure. These requirements have been incorporated as Conditions of Approval. Water supply and conveyance facilities are currently available and sufficient to supply emergency water supply to the proposed parcels. The project is consistent with this policy.

**2.6 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 65 gallons per minute of water and determined that no additional information is needed to demonstrate an adequate water supply for the four (4) proposed parcels of this project. The project is consistent with this policy.

**2.7 The project is consistent with General Plan Policy 5.3.2.3.**

General Plan Policy 5.3.2.3 (Rural Sewage Disposal/Alternative Wastewater Systems) requires the development of efficient and environmentally safe individual sewage disposal systems in rural areas.

Rationale: EMD reviewed the project. Percolation tests conducted as part of the feasibility study have been approved by EMD. No comments were received from EMD that would indicate that the project is inconsistent with this policy.

**2.8 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: RFD reviewed the project and provided comments confirming that the applicant's driveway/roadway and gate plan meets current fire code and is acceptable. With the number of parcels and parcel sizes, it was determined that a solution consistent with the El Dorado County Fire Protection District Water Supplies for Suburban and Rural Fire Fighting Standard D-003 was sufficient. Each parcel that is developed would be required to submit plans indicating water storage tank and drafting hydrant location. Tank size would be determined by dwelling square footage which is indicated in Table A of Standard D-003. RFD determined the project does not require a second access only a turnaround on Road A that complies to California Fire Code (CFC) and Local Ordinances and Standards. This determination was based on requirements for road length and the road distance of this project. RFD would review the improvement plans again at submittal of the grading and building permits, to review in accordance with their standards, as applicable. Any future improvements required for fire protection services on individual parcels would be reviewed at the time of grading and building permit submittal. These requirements have been incorporated as Conditions of Approval. As conditioned, the project is consistent with this policy.

**2.9 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 was distributed to RFD and CALFIRE 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. As conditioned, the project is consistent with this policy.

**2.10 The project is consistent with General Plan Policy 6.2.2.2.**

General Plan Policy 6.2.2.2 states the County shall preclude 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, as listed in the Federal Register Executive Order 13728 of May 18, 2016, 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 California Department of Forestry and Fire Protection (Resolution 124- 2019, August 6, 2019).

Rationale: A Wildland Fire Safe Plan (WFSP) was prepared for the project dated July 10, 2024 (Exhibit H) and was reviewed and accepted by CAL FIRE and RFD on July 16, 2024. The property owner shall have responsibilities for this plan specified in legally binding statements, and shall be incorporated into the Covenants, Conditions, and Restrictions (CC&Rs) or similar documents. The WFSP shall be periodically reviewed, and updates may be made by the property owners with approval from the Rescue Fire Department. Requirements are included as Conditions of Approval. As conditioned, the project is consistent with this policy.

**2.11 The project is consistent with General Plan Policy 7.4.2.8.**

General Plan Policy 7.4.2.8 states a 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 Biological Resources Assessment and Rare Plant Survey was prepared by Fremont Environmental Services, Inc. dated June 30, 2022 (Exhibit K). Future development of each of the proposed residential parcels would require review at the time of grading and building permit submittal. As discussed in the Initial Study prepared for the project, a mitigation measure (MM 3.4-1) would be included to reduce potential impacts to biological resources, specifically special-status plants. Additionally, the project site is in Mitigation Area 0 for potential of rare plant species.

Based on results of the Rare Plant Survey, no rare plant species were identified on-site. As conditioned, and with implementation of the mitigation measure (MM 3.4-1), the project is consistent with this policy.

**2.12 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 would result in impacts to oak resources to 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.

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

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: The project to create four (4) parcels will not result in, or worsen, LOS F traffic congestion during weekday, or peak-hour periods within the unincorporated areas of the County.

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: The project would create four (4) residential parcels; therefore, this policy does not apply.

**2.14 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 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 Fee (TIF) 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 TIF Program, and monitoring traffic volumes.

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

Developer paid TIF 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. No road capacity increases are necessary for this project.

**2.16 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 peak hour traffic volumes.

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

**2.17 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 AM peak hour, PM 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, 10<sup>th</sup> Edition, the project is anticipated to generate four (4) AM peak hour trips, five (5) PM peak hour trips, and 52 trips daily. The thresholds in criteria A, B, and C of this Policy would not be exceeded.

**2.18 General Plan Policy TC-Xf does not apply.**

At the time of approval of a Tentative Parcel Map for a single-family residential subdivision of five (5) 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 LOS 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 LOS 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: The project would create four (4) residential parcels and would not worsen traffic operations. This policy does not apply.

**2.19 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: This policy is not applicable as the proposed project would not worsen traffic conditions.

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

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

Rationale: This project will pay TIF at the time a building permit is issued. Resolution 072-2022 of the Board of Supervisors of El Dorado County states, "Applicants shall pay the TIF 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 TIF Administration Manual." The project is consistent with this policy.

**2.21 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 U.S. Highway 50 capacity enhancements.

**3.0 ZONING ORDINANCE FINDINGS**

**3.1 The project is consistent with Section 130.21.010 C.6.**

Section 130.21.010 C.6. Rural Lands, (RL): The project site is zoned RL-10. The RL-10 zone is intended to identify those lands that are suitable for limited residential development based on topography, access, groundwater or septic capability, and other infrastructural requirements. This zone may be applied where resource-based industries in the vicinity may impact residential uses. Commercial support activities that are compatible with the available infrastructure may be allowed within this zone to serve the surrounding rural and agricultural communities. Although agricultural uses are allowed, these lands generally do not support exclusive agricultural use. This zone is applied to those lands to allow uses which supplement the agricultural use. For special setback purposes, the RL zone is not considered to be an agricultural or timber zone. Minimum lot size designators shall be applied to this zone based on the constraints of the site, surrounding uses, and other appropriate factors. The designator shall represent the minimum number of acres and shall be in the following increments: 10, 20, 40, 80, and 160. Typical uses include single-family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities. This zone is applicable to lands designated as RR in the General Plan and is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited to substandard access as well as “choice” agricultural soils.

Rationale: The proposed Tentative Parcel Map to create four (4) parcels would be a use consistent with the RL-10 zone. The proposed parcels meet the RL-10 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 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 Biological Resource Assessment was prepared by Fremont Environmental Consulting, Inc. dated December 4, 2023. Mitigation Measure 3.4-6: Aquatic Resources Protection provides the mitigation measures that must be taken to reduce any impacts from future development to less than a significant level. The project is consistent with this section.

**3.3 The project is consistent with 130.39.070.**

Section 130.39.070 Oak Tree and Oak Woodland Removal Permits - Discretionary Development Projects establishes standards for impacts to oak trees and oak woodlands as a result of discretionary development.

Rationale: The proposed discretionary development is Tentative Parcel Map P23-0008, proposing to subdivide a partially developed 108.66-acre parcel into four (4) parcels as follows: 11.56 acres (Parcel A), 41.40 acres (Parcel B), 10.24 acres (Parcel C), and 45.47 acres (Parcel D). Any potential future development on each new parcel would be subject to the requirements of Zoning Ordinance Section 130.39.060 - Oak Tree and Oak Woodland Removal Permits for Ministerial Development Projects. As conditioned, the project is consistent with this section.

**4.0 SUBDIVISION MAP FINDINGS**

**4.1 The proposed tentative map, is consistent with Section 120.44.030.A.**

Section 120.44.030 establishes findings for the disapproval of a tentative map.

Rationale: The project proposes to subdivide a partially developed approximately 108.66-acre parcel into four (4) parcels as follows: 11.56 acres (Parcel A), 41.40 acres (Parcel B), 10.24 acres (Parcel C), and 45.47 acres (Parcel D).

Access to Parcels A and B would be from an unpaved road that connects to Ridgewood Drive. Access to Parcels C and D would be from a new private road, “Road A”, that connects to Deer Valley Road. The proposed new access road would be 20 feet wide with either asphalt or chip seal surface with one-foot unpaved shoulders on each side. Each parcel would have its own septic system and private well. Electric service would be provided by connecting to Pacific Gas and Electric (PG&E). The parcel’s General Plan land use designation is Rural Residential (RR). The proposed Tentative Parcel Map has been found consistent with all applicable General Plan policies as set forth in Finding 2.2.

The proposed project includes a WFSP with Amendment A which requires the formation of a Homeowners Association (HOA) and the creation of CC&Rs for funding the implementation, maintenance, and enforcement of the road maintenance and fire safe actions. As stated in Amendment A, the WFSP shall be reviewed by the RFD and updated every five (5) years, and a Notice of Restriction (NOR) shall be filed prior to approval of the final map.

At this time, no development is proposed; however, future development is anticipated on each new parcel. The project site has a General Plan land use designation of RR. The surrounding area is developed with low density residential uses similar to the proposed project. The proposed project would be consistent with applicable General Plan policies as set forth in the General Plan Findings Section 2.0 and does not meet the finding for disapproval contained in 120.44.030.A.

**4.2 The proposed tentative map, is consistent with 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 physically suitable for the proposed type and density of development and therefore consistent with (Section 120.44.030.C & D).**

Rationale: The proposed project, Tentative Parcel Map P23-0008, is to subdivide a partially developed approximately 108.66-acre parcel into four (4) parcels as follows: 11.56 acres (Parcel A), 41.40 acres (Parcel B), 10.24 acres (Parcel C), and 45.47 acres (Parcel D). Future development on each parcel would need to meet established development standards of RL-10 zoning including minimum lot size, minimum lot width, and building setbacks. As shown on the Tentative Parcel Map (Exhibit A), 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 and is consistent with 120.44.030.E.**

Rationale: A Biological Resource Assessment and Rare Plant Survey was prepared by Fremont Environmental Consulting, Inc. with a total of three (3) field surveys conducted on April 20, May 19, and June 9, 2022, and final report dated December 4, 2023. Staff analyzed the results of the technical reports with further discussion in the Initial Study Mitigated Negative Declaration (Exhibit F). With the incorporation of mitigation measures and Conditions of Approval, the project is not anticipated to result in substantial environmental damage or substantial avoidable injury to fish or wildlife or their habitat and the type of proposed project is consistent with the existing residential development in the Rescue vicinity.

**4.5 The proposed subdivision is not likely to cause serious public health hazards and is consistent with 120.44.030.F.**

Rationale: The proposed project has been reviewed for potential public health hazards. The project has been conditioned to address potential impacts associated with future residential development and occupancy including air quality and asbestos, stormwater management, and fire safety. As conditioned, the proposed project would not be anticipated to 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 and is consistent with 120.44.030.G.**

Rationale: RFD reviewed the proposed project and provided comments which are included as Conditions of Approval. A WFSP was prepared with further requirements for fire safety protections. Future development would be required to meet applicable fire safe requirements, including adherence to the WFSP, and 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 and is consistent with 120.44.030.H.**

Rationale: The project would not result in any changes to existing easements for access through or use of property within the proposed subdivision. 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**

#### **Planning Division:**

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 A.....Tentative Parcel Map  
Exhibit F.....Mitigated Negative Declaration and Initial Study  
Exhibit H.....Wildland Fire Safe Plan

Any deviations from the project description, Conditions of Approval, 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, P23-0008, to subdivide a partially developed approximately 108.66-acre parcel into four (4) parcels. (Parcel A) 11.56 acres, (Parcel B) 41.40 acres, (Parcel C) 10.24 acres and (Parcel D) 45.47 acres. Access to Parcels A and B would be from Ridgewood Drive. Access to Parcels C and D would be taken from a new private road labeled “Road A” that connects to Deer Valley Road. The proposed new access Road A would be 20 feet wide with either asphalt or chip seal surface with one-foot unpaved shoulders on each side. Each parcel would have its own septic system and private well. Electric service would be provided by Pacific Gas and Electric (PG&E).

The formation of a Homeowners Association (HOA), as required by the Wildland Fire Safe Plan (WFSP), will provide for the creation of Covenants, Codes, and Restrictions (CC&Rs) for funding the implementation, maintenance, and enforcement of the road maintenance and fire safe actions. The WFSP shall be reviewed and updated every five (5) years, and a Notice of Restriction (NOR) shall be filed prior to approval of the final map.

#### **The lots shall conform to the table listed below:**

<b><u>Lot Number</u></b>	<b><u>Gross Area (S.F.)</u></b>	<b><u>Net Area (S.F.)</u></b>
A	11.56	10.64
B	41.40	41.40
C	10.24	10.16
D	45.47	43.85

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the exhibits and Conditions of Approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved exhibits and Conditions of Approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. **The Mitigation Monitoring and Reporting Program (MMRP):** Exhibit L represents the MMRP for the Project. To ensure that the mitigation measures identified in the negative declaration are implemented, Property owner or designee is responsible for implementation of the MMRP according to stated timing requirements. El Dorado County Planning Division will verify mitigation compliance according to each monitoring and/or reporting action.
3. **Permit Time Limits:** This Tentative Parcel Map shall expire 36-months from the date of approval unless a timely extension has been filed consistent with Section 120.74.020 (Expiration Period of Approved or Conditionally Approved Maps) of the Subdivision Ordinance.
4. **Indemnity:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and landowner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Tentative Parcel Map.

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

5. **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.

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. 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 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) of the Public Resources Code. 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. **Easements:** Prior to approval of 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.
8. **Subdivision and/or Private Roadway Gates:** The proposed project does not include the placements of any gates across County or non-County maintained roads or private driveways. Installation, or the proposal of the installation, of any gates associated with the project or individual parcels shall comply with Section 130.30.090, Gates, of the Zoning Ordinance.
9. **Prior to issuance of any grading or building permits:** The following mitigation measures shall be implemented to avoid impacts to special status species:
  - a) If oak tree removal occurs at any time during the typical nesting season (February 15-September 15) a pre-construction survey shall be conducted by a qualified biologist no more than 15 days prior to initiation of proposed development



activities. If active nests are found on or immediately adjacent to the site, the biologist shall contact the California Department of Fish & Wildlife (CDFW) as appropriate to determine appropriate avoidance measures. If no nesting is found to occur, necessary oak tree removal could then proceed for review and compliance with the standard requirements for oak tree removal, which would be reviewed at time of future grading and building permit submittal; and

- b) If construction activities encroach upon the pond, a pre-construction survey (standard visual survey) shall be conducted for the presence/absence of western pond turtle in the pond during the time when water is present. If the pond is dry, there is no need for the survey. Should a wetland pond turtle be located during construction, it shall be captured and moved to another pond. If impacts are proposed for the pond, it shall take place in the fall when there is no water and therefore, no turtles or other aquatic species are present.

Monitoring Requirement: This condition shall be noted on the recorded parcel map. Applicant shall provide proof of implementation of this condition to Planning Division prior to issuance of any grading or building permits.

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

**Department of Transportation (Project Specific):**

- 10. **Access Road Improvements:** Construct the roadway easement serving proposed Parcels C and D consistent with County Standard Plan 101C, modify to 20 feet in width if required by the fire department
- 11. **Offer of Dedication:** Irrevocable offer to dedicate to the County of El Dorado a road, slope, drainage, and public utility easement 60 feet in width for Deer Valley Road along the property frontage. This offer will be accepted by the County.

**Department of Transportation (Standard Conditions):**

- 12. **Proof of Off-Site 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.
- 13. **Maintenance Entity:** Prior to approval of the 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.

14. **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 Department of Transportation and pay all applicable fees prior to approval 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 (Ordinance 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).

15. **Stormwater Management:** Construct post construction stormwater mitigation measures to capture and treat the 85<sup>th</sup> percentile 24 hour storm event as outlined in the CA Phase II MS4 Permit and the County's <https://www.eldoradocounty.ca.gov/Land-Use/Planning-and-Building/Tahoe-Planning-and-Building-Division-Stormwater-Unit/West-Slope-Development-and-Redevelopment-Standards>. 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.
16. **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.
17. **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.

18. **Electronic Documentation:** Upon completion of the required improvements, provide As-Built Plans to 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).

**Rescue Fire Department (RFD):**

19. **Fire Flow:** The California Fire Code (CFC), as amended locally, requires the minimum fire flow for residential one and two-family dwellings to be 1,000 gallons per minute for a 1-hour duration for dwellings 3,600 square feet or smaller. For dwellings 3,601 square feet or greater, the minimum fire flow is 1,000 gallons per minute for a 2-hour duration. The CFC grants the fire code official the authority to reduce the fire flow requirements for buildings in rural areas where the development of full fire flow requirements is impractical.
20. **Sprinklers:** The building(s) shall have fire sprinklers installed in accordance with National Fire Protection Association (NFPA) 13D (residential use), including all Building Division and fire department requirements.
21. **Hydrants:** This development shall install an approved water supply capable of providing the required fire flow for fire protection to premises upon which facilities, buildings, or portions of buildings which are hereinafter constructed or moved into or within the jurisdiction. This shall conform to El Dorado County Regional Fire Protection Standard Water Supplies for Suburban and Rural Fire Fighting, Standard D-003 adopted March 24, 2021, with specifications for the purpose of providing water for fire protection for each developed parcel.
22. **Fire Department Access:** Approved fire apparatus access roads and driveways shall be provided for every facility, building, or portion of a building. The fire apparatus access roads and driveways shall comply with the requirements of RFD as well as State Fire Safe Regulations as stated below, but not limited to:
  - a) All roadways shall be a minimum of 20 feet wide, providing two (2) 10-foot traffic lanes, not including shoulder and striping;
  - b) Each dead-end road shall have a turnaround constructed at its terminus;
  - c) Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1,320-foot intervals;
  - d) Where maximum dead-end road lengths are exceeded, there shall be a minimum of two (2) access roadways allowing for the safe access of emergency apparatus and civilian evacuation concurrently;

- e) The fire apparatus access roads and driveways shall extend to within 150 feet of all portions of each facility and all portions of the exterior of the first story of the building as measured by an approved route around the exterior of the building or facility;
  - f) Driveways and roadways shall have unobstructed vertical clearance of 15 feet and a horizontal clearance providing a minimum two (2) feet on each side of the required driveway or roadway width; and
  - g) Depending on final heights of each building, the final layout of fire apparatus access roads shall be determined and approved by the fire code official with consideration of whether a ladder truck or ground ladders would be used for firefighting operations.
23. **Roadway Surface:** Roadways shall be designed to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide all-weather driving conditions. All-weather surfaces shall be asphalt or chip seal. Project proponent shall provide engineering specifications to support design, if requested by the local Authority Having Jurisdiction (AHJ).
24. **Roadway Grades:** The grade for all roads, streets, private lanes and driveways shall not exceed 16 percent if paved or concrete.
25. **Traffic Calming:** This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway. All other proposed traffic calming devices shall require approval by the fire code official.
26. **Turning Radius:** The required turning radius of a fire apparatus access road/driveway shall be determined by the fire code official. Current requirements are 40 feet inside and 56 feet outside.
27. **Gates:** All gates shall meet the El Dorado County Fire District requirements, including an approved Knox access.
28. **Funding Mechanism for Emergency Fire Access Components:** Through the creation of a Homeowners Association (HOA) and Covenants, Conditions, and Restrictions (CC&Rs), the property owner shall be responsible to ensure the maintenance of emergency access roadways, gates, vegetative clearances, and other fire access components.
29. **Wildland Fire Safe Plan:** This development shall be conditioned to revise/develop, implement, and maintain a WFSP that is approved by the fire department as complying with the State Fire Safe Regulations, prior to approval of the Tentative Parcel Map. This project shall be annexed into the existing WFSP as a revised supplement.

30. **Fencing:** Lots that back up to wildland open space shall be required to use non-combustible type fencing.
31. **Parking and Fire Lanes:** All parking restrictions as stated in the current California Fire Code (CFC) and the current El Dorado County Fire Protection District Ordinance shall be in effect. All streets with parking restrictions will be signed and marked with red curbs as described in the El Dorado County Regional Fire Protection Standard titled “No Parking-Fire Lane”. All curbs in the parking lot(s) that are not designated as parking spaces will be painted red and marked every 25 feet “No Parking - Fire Lane.” This shall be white letters on a red background. There shall be a designated plan page that shows all Fire Lanes as required by the El Dorado County Regional Fire Protection Standard B-004 “No Parking-Fire Lane” and the fire code official.
32. **Setbacks:** Any parcels greater than one (1) acre shall conform to State Fire Safe Regulations requirements for setbacks (minimum 30-foot setback for buildings and accessory buildings from all property lines).
33. **Vegetative Fire Clearance:** Prior to June 1<sup>st</sup> each year, there shall be vegetative clearance around all Emergency Vehicle Access (EVA), buildings, up to the property line as stated in Public Resources Code Section 4291, Title 19, as referenced in the CFC, and the conditioned WFSP and any amendments to the WFSP.
34. **Trail Systems and Land-Locked Access:** If this project decides on designing a trail-type system or contains/abuts to land-locked open space, the project shall be conditioned to provide EVA points as required by the fire code official. Gates may be installed and locked with a low priority Knox lock. The street curbs adjacent to the trail access point shall be painted red. All trails and multi-use paths need to be constructed so as to ensure a minimum of a 10-foot drivable width and 14-foot minimum vegetation clearance (the WFSP will likely require additional clearance on these paths). The purpose of this requirement is to allow access for ambulances and smaller fire apparatus in case of emergency.
35. **Addressing:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property and shall meet all addressing requirements.
36. **Landscaping:** The landscaping plan shall be reviewed by the fire department to ensure that trees, plants, and other landscaping features proposed to be adjacent to the Fire Apparatus Access roads, Fire and Life Safety equipment, and near address locations on buildings and monuments will not impede fire apparatus access or visual recognition.
37. **Improvement (Civil) Plans:** A Fire Plan sheet shall be included in the Subdivision Improvement Plans that shows or lists all requirements from the fire department as they relate to design of the subdivision. These requirements include, but are not limited to, Fire Lanes (and how they relate to allowed parking), Hydrants, Turning Radius of all

turns, Slope Percentages of Roads/Driveways, Points of Egress for the Public and Emergency Personnel, Underground water mains, EVA as required, Road Widths, Gates, etc.

38. **Building and Fire Plans:** Building, fire sprinkler and fire alarm plans shall be reviewed and approved by the fire department prior to respective permit issuance. The plans shall provide the use classification for each proposed buildings for future comments in regards to fire sprinklers, Public Resources Code Title 14, smoke alarms, carbon monoxide alarms, and other fire and life safety features.

**Air Quality Management District (AQMD):**

39. **Fugitive Dust:** As we understand the project, there will be no grading or construction necessary. Please be advised that a Fugitive Dust Mitigation Plan (FDP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to 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.
40. **Paving:** Project construction and related paving shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials, if applicable.
41. **Painting/Coating:** Project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
42. **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.
43. **Construction Emission:** During grading, building, and other construction activities, 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>
44. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with CARB. A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, and daily hours of operation of each piece of equipment.

45. **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. 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. Please refer to [https://www.edcgov.us/Government/buildings/pages/california\\_building\\_standards\\_in-effect.aspx](https://www.edcgov.us/Government/buildings/pages/california_building_standards_in-effect.aspx)
46. **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 diagrams(s), equipment specifications and emissions estimates, and shall adhere to AQMD Rules 501, General Permit Requirements and 523, New Sourced Review.

**County Surveyor's Office:**

47. **Final Map Package:** Upon project approval of the Tentative Parcel Map, a Final Map Package will need to be submitted to the County Surveyor's Office.
48. **Survey Monuments:** All survey monuments must be set prior to approval of the Final Map, or the developer shall have surety of work to be done by bond or cash deposit prior to approval of the Final 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 approval of the Final Map.
49. **Road Name:** 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 approval of the Final Map.
50. **Site Addressing:** Site addressing for the project shall be coordinated with the County Surveyor's Office prior to approval of the Final Map.
51. **Final Subdivision Map:** Prior to recording the Final 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 P23-0008 by (that Agency) have been satisfied**". The letter is to be sent to the County Surveyor and copied to the consultant and the applicant.
52. **Boundary Monuments:** 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 County Stormwater Coordinator West Slope:**

53. **Erosion and Sediment Control Plan:** 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 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. 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. Additional Hydromodification requirements may be required as well. Submittal requirements for Regulated and Hydromodification projects are provided online.

Prior to issuance of any grading and/or building permits, an Erosion and Sediment Control Plan will need to be included in the plan submittal. If development will disturb over 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 (SWRCB). The CGP requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP). CGP requirements: [https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html)

**El Dorado County Environmental Management Department (EMD):**

54. **Private Wells:** Prior to the issuance of any building permits, future development on each parcel shall comply with the requirements for having a private well, as determined by EMD.
55. **On-Site Septic System:** Prior to issuance of any building permits, future development of each parcel shall comply with the requirements for having a private on-site septic system, as determined by EMD.