

CONDITIONS OF APPROVAL

General Plan Amendment GPA21-0001/Rezone Z21-0001/ Tentative Parcel Map P21-0002/Rizzuto Planning Commission/August 10, 2023

1. This General Plan Amendment, Rezone, and Tentative Parcel Map, are based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit A, Attachment 8Tentative Parcel Map

Any deviations from the project description, exhibits, or Conditions of Approval must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval would constitute a violation of permit approval.

The project description is as follows:

The project consists of the following requests:

- 1) General Plan Amendment from Rural Residential (RR) to Low Density Residential (LDR);
 - 2) Rezone from Residential Estate, Ten Acres (RE-10) to Residential Estate, 5 Acres (RE-5); and
 - 3) Tentative Parcel Map to create two (2) parcels of 5.13 acres and 5.17 acres in size from an existing 10.3-acre parcel.
2. **Project Modifications:** Building design and building placement shall be completed in conformance with the plans submitted and in conformance with the Conditions of Approval herein. Minor variations are allowed, however, any major changes in the location of buildings shall require Planning Services review and approval.
 3. **Condition Compliance:** Prior to issuance of certificate of occupancy of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each Condition imposed as part of the project approval.
 4. **Mitigated Negative Declaration Fee:** An administration fee was required by the County Recorder to file the Mitigated Negative Declaration. This fee was payable to El Dorado County and was paid upon public comment period.
 5. **Permit Implementation:** Pursuant to Zoning Ordinance Section 130.54.060, implementation of the project must occur within 24 months of approval of this project, otherwise the approval becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.

6. **Hold Harmless Agreement:** 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 applicant 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 by El Dorado County. County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

7. **Park Fees:** The subdivision shall be subject to parkland dedication in-lieu fees based on values supplied by the County Assessor and calculated in accordance with Section 120.12.090 of the County Code. The applicant shall provide proof of payment of parkland dedication in-lieu fees to Planning Services prior to filing the final map.

Initial Study Mitigation Measures

8. All mitigation required as a part of the Initial Study/Mitigated Negative Declaration are also Conditions of Approval for this project approval.

Department of Transportation

9. Obtain an encroachment permit from County Department of Transportation (DOT) and improve the driveway access to Green Valley Road consistent with County Standard Plan 103C. Both parcels must take access off this single encroachment.
10. Waive direct access rights to Green Valley Road across the entire frontage, excepting therefrom the approved driveway location as shown on the Tentative Parcel Map (Exhibit A, Attachment 8).

Office of the County Surveyor

11. All survey monuments must be set prior to filing the Parcel Map.
12. 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 Surveyors Act).
13. 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 to our office prior to filing the Parcel Map.
14. Situs addressing for the project shall be coordinated with the County Surveyor's Office prior to filling the Final Map.

15. 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 the subject project by (that agency) have been satisfied.”** The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

Rescue Fire Protection District (RFPD)

16. Roads and Driveways

Roads, driveways and road or driveway structures, whether public or private, shall comply with the current regulations found in California Code of Regulations (CCR) Title 14 (Fire Safe Regulations), Title 24 - Part 9 (California Fire Code), and local ordinances and standards of RFPD. Roads and driveways shall provide for concurrent fire apparatus ingress and civilian evacuation and provide unobstructed traffic circulation during a fire as set forth in CCR Title 14 §1270-1276.

- a. Surface: Roads, driveways and associated structures shall be designed and maintained to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide an approved road surface base based on the grade.
- b. Grade: At no point shall the road or driveway grade exceed 16% unless mitigation to provide the same practical effect has been approved by RFPD.
- c. Dead-Ends: Approved turnarounds are required on all dead-end roads and driveways greater than 150 feet in length.
- d. Dimensions: Driveways shall be constructed to provide a minimum of one (1) 12-foot traffic lane, 16 foot unobstructed horizontal clearance, and unobstructed vertical clearance of 15 feet.
- e. Gates or Barricades: Electronic and manual gates installed across fire apparatus access roads and driveways shall comply with applicable RFPD ordinances and regulations.

17. Emergency Water Supply

The project area is not currently provided with an adequate means of emergency water supply, storage, or conveyance facilities. Prior to new buildings or structures being placed on one (1) or more of these parcels, the applicant will need to demonstrate that they can meet the required emergency water supply provisions found in Chapter 5 of the California Fire Code, along with local ordinances and standards of the RFPD.

18. Natural Hazard Disclosure

The project is located in a Moderate Fire Hazard Severity Zone within a CAL FIRE Responsibility Area. The applicant shall provide a Wildfire Hazard Real Estate Disclosure to all future property owners regarding this risk.

19. Vegetation Management / Defensible Space

- a. The project shall comply with all vegetation management and defensible space measures as found in California Code of Regulations Titles 14, 19, 24, El Dorado County Codes and Ordinances Chapter 8.09 and RFPD ordinances and regulations.
- b. Notice of Restriction: A Notice of Restriction (NOR), acceptable in form and content by RFPD, shall be recorded with the County of El Dorado at the time of recordation of the final map. Applicant shall coordinate directly with RFPD to prepare and finalize the language in the NOR. The NOR shall stipulate that the Fire Safe Plan mitigation measures shall be implemented and maintained annually by both individual property owners.
- c. Defensible Space Building Setback: All parcels shall provide a minimum 30-foot setback for all buildings from all property lines and/or center of the road, or the same practical effect, as required by CCR Title 14 §1276. 01 (Setback for Structure Defensible Space).

20. New Buildings and Structures

New buildings and structures placed on a parcel shall comply with all applicable fire safety regulations found in CCR Titles 14, 19, 24 and RFPD ordinances and regulations.

- a. Address Signage: All buildings shall be issued an address by the El Dorado County Surveyor which conforms to that agency's overall address system. 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. 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.
- b. Liquid Propane (LP) Gas Container Location: LP-Gas containers shall be located with respect to buildings and project parcel lines in accordance with California Fire Code Section 6104.3 RFPD reserves the right to update the following comments to comply with all current Codes, Standards, Local Ordinances, and Laws in respect to the official documented time of project application and/or building application to the County. Any omissions and/or errors in respect to this letter, as it relates to the aforementioned codes, regulations, and plans, shall not be valid, and does not constitute a waiver to the responsible party of the project from complying as required with all Codes, Standards, Local Ordinances, and Laws.

Central Valley Regional Water Quality Control Board

21. Construction Storm Water General Permit

Dischargers whose project disturb one (1) or more acres of soil or where projects disturb less than one (1) acre but are part of a larger common plan of development that in total disturbs one (1) or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground such as stockpiling or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/construction_general_permits/

22. Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

23. Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

24. Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley

Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004).

For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

25. Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

26. NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>.