

CONDITIONS OF APPROVAL

**General Plan Amendment GPA22-0004/Rezone Z22-0004/
Tentative Parcel Map P22-0010 McMann
Planning Commission/February 22, 2024**

Planning Division:

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

Exhibit F.....Tentative Parcel Map
Exhibit G.....Proposed Zone Change and General Plan Amendment
Exhibit H.....Proposed Mitigated Negative Declaration Initial Study

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

The project description is as follows:

A General Plan Amendment to amend the land use designation from Rural Residential (RR), to Low-Density Residential (LDR); a Rezone from Rural Land, Ten-acre (RL-10), to Residential Estate, Five-acre (RE-5); and a Tentative Parcel Map to create two (2) five (5)-acre parcels from an existing 10-acre parcel. Access to the proposed parcels would be from a private driveway easement from Vista Cielo, a non-County maintained roadway. Each parcel would be served by private well water for potable water and emergency water supply, and private, on-site septic systems. Electric service would be provided by connecting to Pacific Gas and Electric (PG&E).

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the 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.

2. **Tentative Parcel Map Limits:** This Tentative Parcel Map shall expire 36 months from the date of approval unless a timely extension has been filed consistent with Section 120.74.020 (Expiration Period of Approved Conditionally of Approved Maps) of the Subdivision Ordinance.

3. **Notice of Determination (NOD) Recording Fee:** The applicant shall submit to Planning Division a \$50.00 recording fee for the County Recorder to file the NOD within 48 hours of any decision-making body approving the project. Checks shall be made payable to El Dorado County.
4. **Condition Compliance:** Prior to issuance of any grading or building permit, or commencement of any use authorized by this action, the applicant shall provide a written description, together with appropriate documentation, in hard copy and electronic format, showing conformance of the project with each Condition imposed as part of the project approval. The applicant shall also schedule an inspection by the El Dorado County Planning and Building Department, Planning Division (Planning Division) prior to issuance of a grading or building permit for verification of compliance with applicable Conditions of Approval.
5. **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 El Dorado County (County) harmless from any legal fees or costs County may incur as a result of such action.

The developer and landowner shall defend, indemnify, and hold harmless County and its agents, officers, and employees from any claim, action, or proceeding against County or its agents, officers, or employees to attack, set aside, void, or annul an approval of County concerning a General Plan Amendment, Rezone, and Tentative Parcel Map. The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

6. **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.
7. **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). 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.

8. **Easements:** Prior to recording the final map, applicant shall ensure that the El Dorado County Surveyor's Office conduct a final easement review of the project parcels, as part of standard procedure, to further ensure no potential easement conflicts will occur on the project site.
9. **Adequate Facilities:** Prior to recording the final map, applicant shall provide the Planning Division with a "will serve" letter from PG&E for the proposed resultant parcels.
10. **Mitigation Measure from Initial Study - Mitigated Negative Declaration: MM BIO-01 Species of Special Concern, Potential Habitat, Coast Horned Lizard, Clearance Survey**

When future residential development is proposed, prior to issuance of any grading or building permits, the following mitigation measure shall be implemented to avoid impacts to special status species:

- a) A qualified biologist shall conduct a clearance survey for Coast Horned Lizard within 14-days prior to any project-related activities that result in ground disturbance or vegetation removal such as clearing/grubbing, grading, mowing, etc. The survey should be conducted during the lizard's active season (February to November) and when temperatures are warm enough for the lizard to be above ground and active. If Coast Horned Lizard is observed on the site during the survey, the California Department of Fish and Wildlife (CDFW) should be contacted to determine appropriate avoidance measures which could include relocation to a suitable location outside of the project footprint, exclusion fencing around work

areas to prevent access by Coast Horned Lizard, and/or monitoring during construction. This shall be included as a note on the final map.

Monitoring Requirement: Planning Division shall verify completion of the requirement prior to issuance of grading and building permits in coordination with the applicant.

Monitoring Responsibility: Planning Division.

11. **Mitigation Measure from Initial Study - Mitigated Negative Declaration: MM BIO-02 Special Status Wildlife, Nesting and Foraging Habitat, Cooper's Hawk, Pre-construction Survey**

When future residential development is proposed, prior to issuance of any grading or building permits, the following mitigation measure shall be implemented to avoid impacts to special status species:

- a) If development activities occur during the nesting season (February 1-August 31), then a qualified biologist should conduct a nesting bird survey prior to initiation to determine the presence of any active nests within the study area. The nesting bird survey should be conducted within 14 days prior to commencement of ground-disturbing or other development activities. If the nesting bird survey shows there is no evidence of active nests, then a letter report should be prepared to document the survey and be provided to the project proponent and no additional measures are recommended. If development does not commence within 14-days of the nesting bird survey, or halts for more than 14 days, then an additional survey is required prior to starting or resuming work within the nesting season. If active nests are found, then a qualified biologist should establish a species-specific buffer to prohibit development activities near the nest to minimize nest disturbance until the young have successfully fledged or the biologist determines that the nest is no longer active. Nest monitoring may also be warranted during certain phases of construction to ensure nesting birds are not adversely impacted. If active nests are found within any trees slated for removal, then an appropriate buffer should be established around the tree and all trees within the buffer and should not be removed until a qualified biologist determines that the nest has successfully fledged and/or is no longer active. This shall be included as a note on the final map.

Monitoring Requirement: Planning Division shall verify completion of the requirement prior to issuance of grading and building permits in coordination with the applicant.

Monitoring Responsibility: Planning Division.

County Department of Transportation (DOT) (Standard):

12. Prior to the issuance of any grading and/or building permits, future development on each parcel shall comply with the requirements from DOT, as applicable.

Rescue Fire Protection District (RFPD):

13. The water system with the purpose of fire protection for this residential development shall meet current California Fire Code, and local ordinance requirements. Local Ordinance D-003 Fire Water Storage Tanks is an acceptable alternative for fire water and NFPA13D Sprinkler water storage.
14. Future construction of residential homes shall be fire sprinklered in accordance with NFPA13D and RFPD requirements.
15. For single-unit residential dwelling units (R3) applications, all buildings shall comply with Title 14 SRA Fire Safe Regulations as adopted by El Dorado County Section 1273.09 and Local Adopted El Dorado County Fire Code.
16. Fire Apparatus Access Road Gates shall meet the standards identified in the RFPD's Gate Standard.
17. All driveways as defined by Title 14 SRA Fire Safe Regulations as adopted by El Dorado County shall not be less than 12 feet wide. Vegetation shall be cleared to an unobstructed vertical clearance of not less than 15 feet. Driveway grades exceeding 16 percent shall be on an all-weather surface (pavement of asphalt). Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near 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 at all building sites on driveways over 300 feet in length and shall be within 50 feet of the building.
18. If any fencing is used that backs up to wildland open space, it shall be required to use non-combustible type fencing.
19. Payment for Fire Prevention Fees for Services in Full: RFPD review is not intended to authorize any aspects of the work which is not in accordance with applicable codes, local fire department requirements, manufacturers requirements, and/or the contract documents. The RFPD reserves the right to make amendments to the requirements as deemed necessary and as conditions warrant.

Air Quality Management District (AQMD):

20. **Fugitive Dust:** Grading and excavation operations will result in temporary negative impact on air quality with regard to release of particulate matter (PM10) in the form of dust. A Fugitive Dust Plan (FDP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction if a grading permit is required from the El Dorado County Planning and Building Department, Building Division (Building Division). Mitigation measures for dust control 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.

21. **Paving:** Project construction and related paving shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials, if applicable.
22. **Painting/Coating:** Project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
23. **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.
24. **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>
25. **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.
26. **Electric Vehicle (EV) Charging - Residential:** Construction shall comply with the applicable requirements identified in the 2022 Cal Green Building Code §4.106.4 at [2022 California Green Building Standards Code, Title 24, Part 11 \(CAL Green\) - Chapter 4 Residential Mandatory Measures - §4.106.4 Electric Vehicle \(EV\) charging for new construction \(iccsafe.org\)](#).

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 recording 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. 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 County Surveyor's Office must be provided prior to recording the Parcel Map.
30. Site addressing for the project shall be coordinated with the County Surveyor's Office prior to recording the Parcel Map.
31. Prior to recording the Parcel Map, a letter will be required from all Agencies that placed Conditions on the map. The letter will state that "**all Conditions placed on P22-0010 by (that Agency) have been satisfied**". The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.
32. 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 Environmental Management Department (EMD):

33. **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.
34. **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.