

## **Findings**

### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

### **2.0 GENERAL PLAN FINDINGS**

- 2.1 The project is consistent with policy 2.2.1.2 because the commercial land use designation allows mixed use development of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses provided the commercial activity is the primary and dominant use of the parcel. The maximum residential density shall be 10 dwelling units per acre within Community Regions. As proposed, the maximum overall project density is 7.62 dwelling units per acre and 13,000 total square feet of residential space with 14,720 total square feet of commercial space. As such, the project is consistent with policies 2.1.1.3 and 2.2.1.3.
- 2.2 The proposal is consistent with General Plan Land Use Policies 2.1.1.3, 2.2.1.2, 2.2.1.3, 2.2.1.5, 2.2.3.1, 2.2.3.2, 2.2.5.3, and 2.2.5.21 concerning mixed use developments, land use densities, floor area ratio (FAR), land use designations, planned developments, rezoning, and land use compatibility because sufficient open space and clustering of housing units to conform to the natural topography is provided for the project. The

proposal was reviewed against the 19 specific criteria under policy 2.2.5.3 and found to be consistent with applicable criteria such as availability and capacity of public treated water system, septic and leach field capability capacity of the transportation system serving the area and existing land use pattern. There are no existing CC & R's. The project is also consistent with General Plan Policies TC-Xe, TX-Xf, HO-1h, 5.2.1.3, 5.2.1.4, 5.3.1.1, 5.3.1.7, 5.7.1.1, 5.7.3.1, 5.8.1.1, 6.2.3.2, 6.5.1.3, 7.1.2.1, 7.4.4.4, and 7.5.1.3 regarding traffic impacts, mixed-use development opportunities, connection to public water, availability of reliable water supply, wastewater capacity, fire protection, law enforcement, school capacity, fire safe access, noise mitigation, grading on slopes in excess of 30 percent, and cultural resource protection. Sufficient transportation mitigation measures are included within the project's conditions of approval to demonstrate General Plan consistency. The project is consistent with these policies based on comments and analysis provided by El Dorado Irrigation District, El Dorado County Fire Protection District, and the Pollock Pines District. Adequate fire safe access is provided and mitigation measures are included within the environmental document that will reduce any potential noise impacts to a level of less than significance.

### **3.0 ZONING FINDINGS**

- 3.1 The subdivision contains 20 lots which are substantially consistent with the development standards identified within the Commercial (C) zone district outlined in Section 17.32.040 of the Zoning Ordinance, including a minimum lot area, maximum building coverage, and maximum building height. Deviations from the development standards include a minor reduction in minimum lot area, reduced minimum lot width, and zero foot setbacks for all units. Such deviations from the development standards are identified within the staff report discussion above and appropriate findings for such deviations can be found below. However, the two proposed buildings meet the minimum front, side, and rear yard setbacks specified in Section 17.32.040.D of the Zoning Ordinance.
- 3.2 The proposed commercial uses at the subject site are permitted by right under Section 17.32.020. The residential component of the project is authorized with an approved Special Use Permit pursuant to Section 17.32.030.I of the Zoning Ordinance. Special Use Permit findings are included below.

### **4.0 ADMINISTRATIVE FINDINGS**

#### **4.1 Planned Development**

- 4.1.2 *The Planned Development and Zone request and Development Plan is consistent with the General Plan.* As outlined within the staff report and General Plan consistency findings above, the planned development is consistent with the applicable policies of the General Plan concerning land use, transportation and circulation, housing, public services and utilities, public health, safety, and noise, and conservation and open space.
- 4.1.3 *The proposed development is so designed to provide a desirable environment within its own boundaries.* The proposed development plan features approximately 0.63 acres of

open space including two picnic areas and a children's play area. As such, the development is designed to provide a desirable environment within its own boundaries.

- 4.1.4 *Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.* Deviations from the development standards include a minor reduction in minimum first story lot area, reduced minimum lot width, and zero foot setbacks for all units. These exceptions to the standard requirements of the zone regulations are justified to accommodate the project's innovative design concepts.
- 4.1.5 *The site is physically suited for the proposed use.* The site contains sufficient developable areas to accommodate the proposed commercial and residential uses and proposed overall project density of approximately 7.62 dwelling units per acre.
- 4.1.6 *Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.* Public water service will be provided to the lots by the El Dorado Irrigation District while a septic system will provide wastewater treatment. El Dorado Irrigation District provided a letter dated July 27, 2007 indicating that it has adequate water supplies to serve the project. The proposed septic system for the project was reviewed and approved by the Environmental Management Department subject to the conditions of approval within Attachment 1. According to the traffic impact analysis, "the proposed project is expected to generate 640 daily trips, including 26 AM peak-hour trips and 56 PM peak-hour trips" (*Traffic Impact Analysis Red Hook & Sanders Mixed-Use Project Pollock Pines, California, Kimley-Horn and Associates, Inc., June 26, 2007*). The analysis also determined, "as defined by the County, the addition of the proposed project to the cumulative (2025) conditions scenario results in a significant impact at the Sly Park Road intersection with the US-50 eastbound ramps during the PM peak-hour." However, the Department of Transportation has provided standard conditions of approval included within Attachment 1 of the staff report which address the issues identified in the traffic study. Implementation of these conditions of approval would reduce potential impacts to a less than significant level.
- 4.1.7 *The proposed uses do not significantly detract from the natural land and scenic values of the site.* The project includes approximately 0.3 acres of open space with two picnic areas and a children's play area and minimal grading of a previously disturbed site.

## **4.2 Tentative Subdivision Map**

- 4.2.1 *The proposed map and design is consistent with the General Plan and Specific Plans adopted by the County.* As proposed, the tentative map conforms to the C General Plan land use designation and applicable General Plan policies including access, public water service, grading, transportation, fire protection and wastewater disposal.
- 4.2.2 *The site is physically suitable for the type and density of development proposed.* The site contains sufficient developable areas to accommodate the proposed commercial and residential uses and proposed overall project density of approximately 7.62 dwelling units per acre.

- 4.2.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat.* A Mitigated Negative Declaration (Exhibit P) was prepared to assess project-related environmental impacts. Based on the Initial Study, the Planning Commission finds that the project could have a significant effect on cultural resources, noise, and transportation. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared
- 4.2.4 *The subdivision shall have adequate access to accommodate the proposed density.* Access to proposed parcel two will be via a reciprocal access easement through APNs 101-210-16; 56; and 63 while proposed parcel one will be served by improvements to Red Hook Trail. Access agreement and improvements are addressed within the project's conditions of approval (Attachment 1). Proposed access to all lots is consistent with fire safe standards. As such, the proposed project does not include any design features, such as sharp curves or dangerous intersections, or incompatible uses that will substantially increase hazards. No traffic hazards will result from the project design. The proposed subdivision is consistent with General Plan Policy 6.2.3.2 as the El Dorado County Fire Protection District has reviewed the project and confirmed that the proposed access and on-site roadways are adequate for the development.
- 4.2.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties.* The El Dorado County Fire Protection District reviewed the proposed project and would require new fire hydrants for the site as well as road improvements as shown on the tentative map and an approved fire safe plan. The applicant revised the initial site plan to address parking and striping plan concerns raised by the Fire District. As revised, the Fire District has no further concerns. Fire issues are addressed within the project's conditions of approval.

### **4.3 Special Use Permit**

- 4.3.1 *The issuance of the permit is consistent with the general plan.* As outlined within the staff report and General Plan consistency findings above, the special use permit is consistent with the applicable policies of the General Plan concerning land use, land use compatibility, transportation and circulation, housing, public services and utilities, public health, safety, and noise, and conservation and open space.
- 4.3.2 *The proposed use would not be detrimental to the public health, safety or welfare, or injurious to the neighborhood.* The subject site is surrounded by commercial and residential uses. The proposed project would provide additional neighborhood commercial service and housing opportunities. Therefore, the proposed project would fit within the context of the surrounding land uses. Additionally, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce potential environmental impacts to a level considered to be less than significant.

- 1.3.3 *The proposed use is specifically permitted by special use permit pursuant to this Title.* The proposed residential component of the project is authorized by special use permit pursuant to Section 17.32.030.I of the Zoning Ordinance. Under this section of the Zoning Ordinance, multiple-family dwellings are permitted with an approved special use permit.

## **Conditions**

### **I. PROJECT DESCRIPTION**

1. This development plan, tentative subdivision map and special use permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit E “Site Plan,” Exhibit F “Tentative Subdivision Map,” Exhibit G “Preliminary Grading/Drainage Plan,” Exhibit H “Preliminary Elevations,” Exhibit I “Building Materials/Colors,” Exhibit J “Preliminary Sign Plan,” Exhibit K “Sound Barrier Wall Elevation,” Exhibit L “Preliminary Landscape Plan,” and Exhibit M “Preliminary Outdoor Lighting Plan” dated May 22, 2008 and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Minor deviations (up to 10 percent of floor area or sign area square footage) may be approved administratively while deviations greater than 10 percent may require approved changes to the permit and/or further environmental and Planning Commission review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

PD07-0033/TM07-1461/S08-0005 consists of a development plan and tentative subdivision map creating two commercial parcels (5,375 square feet and 15,650 square feet), 16 residential units (750 square feet to 1,000 square feet) with private outdoor patios, and two open space lots (9,148 square feet and 18,296 square feet). The development plan permits two three story mixed use buildings with commercial uses on the first and second floors and residential uses on a portion of the second floor and the entire third floor with the exception of several commercial storage closets. Commercial uses authorized under the development plan supersede those uses allowed by right under the Commercial zone district and are limited to retail and office uses fully enclosed within the commercial parcel boundary lines. Accessory commercial uses such as outdoor patios for office staff break areas are permitted as well. Based on constraints of the onsite wastewater treatment system, eating and drinking establishments, automobile service, service stations, health facilities, and community care facilities are prohibited. A proposed change in the allowable commercial uses authorized under the approved development plan requires the submittal of a planned development revision application for Planning Commission review. Sixteen residential units are authorized under S08-0005. Two 80 square-foot monument signs are permitted. Water service will be provided to the lots by the El Dorado Irrigation District while a septic system will provide wastewater treatment. Primary site access will be provided via a reciprocal

access easement through APNs 101-210-16; 56; and 63 while proposed parcel one will be served by improvements to Red Hook Trail.

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 (such as Landscape Plans) must be submitted for review and approval and shall be implemented as approved by the County.

## **II. PROJECT CONDITIONS OF APPROVAL**

### **Planning Services**

2. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
3. In accordance with CEQA § 15064.5, should previously unidentified paleontological resources be discovered during construction, the project sponsor is required to cease work in the immediate area until a qualified paleontologist can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this goal, the contractor shall ensure that all construction personnel understand the need for proper and timely reporting of such finds and the consequences of any failure to report them.
4. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
5. Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on Saturday, Sunday, and federal holidays. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards.

6. The applicant shall provide a meter award letter or similar document by the water purveyor to Planning Services. Planning Services shall review the letter prior to filing the final map.
7. The subdivider shall be subject to a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu 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 16.12.090 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.

8. All open space lots shall be dedicated to a Homeowner's Association or similar entity with an appropriate maintenance program. Planning Services shall review and approve the program prior to filing the final map.
9. All open space lots shall be dedicated prior to filing of a final map for any phase. Planning Services shall review and approve the open space lots prior to filing the final map.
10. CC & R's shall be subject to review and approval by County Counsel. The applicant shall submit the CC & R's to Planning Services prior to filing the final map.
11. Prior to building permit issuance, the applicant shall provide a written description, together with appropriate documentation, demonstrating conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services permit center staff prior to final occupancy for verification of compliance with applicable conditions of approval.
12. The applicant is responsible for providing 91 off-street parking spaces at all times while the facility is in operation pursuant to 17.18.060 of the Zoning Ordinance. All on-site parking shall meet the parking lot design standards contained in Section 17.18.030 of the County Code.
13. The Parking Lot Landscaping and Buffering Standards (Section 17.18.090, El Dorado County Zoning Ordinance) shall be incorporated into the site plan and final landscape plan and be approved by Planning Services prior to issuance of a building permit. The applicant shall submit a final landscape plan at the time of building permit submittal which will be substantially compliant with Exhibit L, "Preliminary Landscape Plan." Additionally, staff will make an on-site inspection to verify compliance with the final landscape plan prior to occupancy.
14. Prior to final building occupancy, all outdoor lighting shall conform to Section 17.14.170 of the County Code, as indicated on Exhibit M, "Preliminary Outdoor Lighting Plan," and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation, as determined by Planning Services.

15. This tentative subdivision map shall expire within 36 months from date of approval unless a timely extension has been filed.
16. All fees associated with the tentative subdivision map shall be paid prior to recording the final subdivision map.
17. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$1,876.75 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
18. 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, as provided in Section 66474.9(b) of the Government Code.

The subdivider 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 subdivision, which action is brought within the time period provided for in Section 66499.37.

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

### **Air Quality Management District**

19. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:
  - Application of water on disturbed soils and unpaved roadways a minimum of three times per day
  - Using track-out prevention devices at construction site access points
  - Stabilizing construction area exit points
  - Covering haul vehicles
  - Restricting vehicle speeds on unpaved roads to 15 miles per hour
  - Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust
20. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.



21. Burning of vegetative wastes that result from “Land Development Clearing” must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
22. The application of architectural coating shall adhere to District Rule 215 Architectural Coatings.
23. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
24. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construction applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.

**Department of Transportation**

25. **Road Design Standards:** The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map (the requirements outlined in Table 1 are minimums):

<b>Table 1</b>					
<b>ROAD NAME</b>	<b>DESIGN STANDARD PLAN</b>	<b>ROAD WIDTH* / SIDEWALK WIDTH</b>	<b>RIGHT OF WAY**</b>	<b>DESIGN SPEED</b>	<b>EXCEPTIONS /NOTES</b>
Red Hook Trail <i>(from northern property boundary to Sanders Drive)</i>	Std Plan 101A	40ft / <del>8ft</del> <u>6 ft.</u>	50ft	40 mph	40-ft paved width, Type <u>II</u> <u>rolled</u> curb & gutter, <del>8-ft</del> <u>6-foot</u> sidewalk along project frontage (one side only)
Sanders Drive <i>(from Red Hook Trail intersection to Pony Express Trail)</i>	Std Plan 101A	40ft / <del>8ft</del> <u>4 ft.</u>	50ft	40 mph	40-ft paved width, Type II curb & gutter.

\* Road widths are measured from curb face to curb face or edge of pavement to edge of pavement if no curb (traveled way). Curb face for rolled curb and gutter is 6” from the back of the curb.

\*\* Non-exclusive road and public utility easements included.

26. **Off-site Access Improvements:** The applicant shall construct and /or verify that the off-site portion of Red Hook Trail and Sanders Drive, from the northern project boundary to Pony Express Trail, meet the requirements of El Dorado County Standard Plan 101A (as indicated and modified in Table 1 above). The applicant shall provide an exhibit to the DOT, Planning, and the Fire Agency that shows all proposed access points comply with the DISM and Fire Safe Regulations. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map issuance of building permits for development on Assessor's Parcel Number 101-210-13.
27. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct new encroachments from Red Hook Trail onto Sanders Drive to the provisions of County Design Std 103D. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map issuance of building permits for development on Assessor's Parcel Number 101-210-13.
28. **Access Agreements and Improvements:** If APN 101-210-15 is developed prior to APN 101-210-13, the applicant shall provide an access agreement guaranteeing access to APN 101-210-15 from Sanders Drive over the commercial lots to the south, prior to the filing of the map. If an access easement cannot be provided, the applicant shall then improve Red Hook Trail as indicated in Condition #1 prior to the filing of the map.
29. **Sly Park Road & US 50 EB Ramp Improvements:** The applicant shall construct, or ensure adequate funding is identified and the improvement is programmed for, the conversion of the Sly Park Road and US 50 eastbound ramp intersection to an All-Way Stop Controlled intersection, prior to filing of the map.
30. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities prior to prior to filing of the map.
31. **Drainage Easements:** The site plans shall show drainage easements for all on-site drainage courses and facilities prior to filing of the map.
32. **Easements:** All applicable existing and proposed easements shall be shown on the project plans prior to filing of the map.
33. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the map. The signing and striping for this

encroachment shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.

34. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
35. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
36. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the final map.
37. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map.
38. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
39. **Grading Permit / Plan:** If more than 50 cubic yards of earth movement are required for improvements, a grading permit will be required. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado “Design and Improvement *Standards Manual*”, the “*Grading, Erosion and Sediment Control Ordinance*”, the “*Drainage Manual*”, the “*Off-Street Parking and Loading Ordinance*”, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
40. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado

County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.

41. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
42. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
43. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- The site can be adequately drained;
  - The development of the site will not cause problems to nearby properties, particularly downstream sites;
  - The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.
  - The ultimate drainage outfall of the project.
44. The improvements shall be completed to the approval of the Department of Transportation, prior to the filing of the final map or the applicant shall obtain an approved improvement agreement with security.

45. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a “Notice of Intent” (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
46. **CEQA Review:** All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.
47. **Off-site Improvements (Security):** Prior to the filing of the map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
48. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant’s expense and within 120 days of filing the map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of the map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:
  - a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
  - b. Approved improvement plans and specifications of the required off-site

- improvements, prepared by a civil engineer.
- c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

In addition to the agreement the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.

49. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
50. **TIM Fees:** The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete for the residential portion and either pay the commercial TIM fees at the time a building permit is deemed complete or enter into a signed agreement with the Department of Transportation to make payments as allowed by the TIM fee program.

#### **El Dorado County Fire Protection District**

51. A plan check fee of \$120.00 shall be submitted to the El Dorado County Fire Protection District (EDC FPD) prior to improvement plan approval.
52. All additional required fire hydrants shall be shown on the improvement plans as Mueller Centurion 200 hydrants and installed throughout the project subject to EDC FPD approval.
53. At time of final map filing, a fire safe plan including all lots and open space shall be submitted to the EDC FPD for review and approval.

#### **Environmental Management Department**

54. If the commercial facilities will store reportable quantities of hazardous materials (55 gallons) or generate hazardous waste, prior to commencing operations the owner/operator must:
- Prepare, submit and implement a hazardous materials business plan and pay appropriate fees.
  - Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
  - Train all employees to properly handle hazardous materials and wastes.
  - Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

55. As shown on the site plan, Exhibit E, adequate space shall be provided for both trash and recycling enclosures with separate trash and recycling dumpsters.
56. A homeowner's association or other legal entity shall be established prior to recordation of the final map. This legal entity shall be set up so as to accrue funds to provide for the maintenance and monitoring and future repair and/or replacement of the onsite wastewater treatment system servicing the property. The contractual agreement shall stipulate the manner in which this funding can be used for repair and/or replacement of the onsite wastewater treatment system.
57. The onsite wastewater treatment system construction permit shall include a maintenance and monitoring agreement permit that shall be renewed with Environmental Management Department yearly.
58. Commercial use is limited due to the constraints of the onsite wastewater treatment system. Building A-1 = 2,000 gallons per day; Building A-2 = 3,200 gallons per day; Building B = 3,400 gallons per day. This usage is consistent with the proposed usage for the following: Building A-1 = four, 1-bedroom condominiums and 5 bathrooms for commercial office space; Building A-2 = four, 1-bedroom condominiums, and three 2-bedroom condominiums and 2 bathrooms for commercial office space. Building B = four, 2-bedroom condominiums, and one, 3-bedroom condominium and five bathrooms for commercial office space.

### **Surveyor's Office**

59. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval, or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyors Office.