

Findings

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made pursuant to *Section 66472.1* of the *California Government Code*:

FINDINGS FOR APPROVAL

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 County 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 proposed project is consistent with policies 2.1.5.1 regarding building densities, 2.2.5.21 regarding compatibility with adjoining land uses, 5.2.1.2 regarding adequate water supplies, 5.2.1.3 regarding connecting to a public water system, 5.7.1.1 regarding adequate water for fire protection, and 7.4.4.4 regarding oak woodland preservation and mitigation.
- 2.2** The proposed use and design conforms to the High Density General Plan Land Use Designation. The project area is located within a Community Region, the proposed use and development density are consistent with the land use designation. The project is consistent with all applicable policies including General Plan Policies 2.2.1.2 regarding land use designations, 2.2.3.1 regarding planned developments, 2.2.1.5 regarding

building intensities, 2.2.5.3 regarding general policies for evaluating zone changes, 2.2.5.21 regarding incompatibility with surrounding land uses, 5.2.1.2 regarding adequate water supply, 5.7.1.1 regarding fire protection, and 7.4.4.4 regarding oak woodlands.

- 2.3** In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject Zone Change request based on the requirements of the General Plan relating to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density Zone District. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced Zone Change request. Based on this analysis and the conclusions reached in the staff report, the site is found to be suitable to support the proposed density.

3.0 ZONING FINDINGS

- 3.1** The subdivision contains 41 residential lots which are consistent with the development standards identified within the R1 zone district outlined in Sections 17.28.040 of the Zoning Ordinance. Proposed residential lot sizes range from 6,000 acres to 20,317 square feet.

4.0 ADMINISTRATIVE FINDINGS

4.1 Planned Development

- 4.1.2** *The Planned Development 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, public services and utilities, public health, safety, and noise element, conservation and open space and parks and recreation.
- 4.1.3** *The proposed development is so designed to provide a desirable environment within its own boundaries.* The proposed development plan features approximately 8.16 acres of open space within natural setting. 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.* The project does not require any deviations from the zoning regulations for the R1 zone district. The project does deviate from the required lot size of 5 acres in the Airport Safety Zone 3, but this is justified by the fact that the property is lower in elevation than surrounding residences and topography, and as such the proposed residential development does not create an air traffic hazard.
- 4.1.5** *The site is physically suited for the proposed use.* The 20.13-acre site contains sufficient developable areas to accommodate the proposed residential uses and density.

- 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 and sewer will be provided to the project site by EID based upon their letter dated September 8, 2009. The Department of Transportation (DOT) has conditioned the project accordingly to ensure that all roads are developed to accommodate project traffic.
- 4.1.7** *The proposed uses do not significantly detract from the natural land and scenic values of the site.* The project will alter the character of the project site from its existing undeveloped, natural character; however, 40 percent of the site is to remain in open space, therefore, the project will maintain the character of the site over and above the high-density character of the surrounding neighborhood.

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 HDR General Plan land use designation and applicable General Plan policies including access, public water and sewer service, grading, transportation, and fire protection.
- 4.2.2** *The site is physically suitable for the type and density of development proposed.* The site is physically suitable for the proposed type and density of development. Development avoids steep slopes, drainages, and sensitive vegetation to the maximum extent feasible.
- 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 I) 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 biological resources. 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.* The project will develop an internal public road system consistent with design standards of surrounding roadways. Access will be taken from Harvey Road and Kimberly Road, connecting the existing neighborhood and providing additional circulation throughout the area.
- 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 Cameron Park Fire Department has reviewed the proposed Tentative Subdivision Map and will require new fire hydrants for the site as well as road improvements as shown on the Tentative Subdivision Map and an approved fire safe plan. Fire issues are addressed within the project's conditions of approval.

5.0 DESIGN WAIVER APPROVAL FINDINGS

The applicant requested a Design Waiver to allow a reduction in sidewalks to a 4-foot width instead of the required 6-foot width.

5.1 There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.

The project has been proposed as a clustered development to avoid steep slopes and sensitive plant species. This clustering has resulted in reduced lot sizes and a tighter roadway system. This tighter development warrants the reduced sidewalk width. In addition, surrounding development which would connect to this project have 4-foot sidewalk widths.

5.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.

Strict adherence to County design guidelines for sidewalk widths would result in an expanded development area which would result in reduced open space area, larger lots, and greater impacts to sensitive plant species.

5.3 The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

The proposed Design Waiver would be consistent with sidewalk widths of adjacent development to the north. There are no sidewalks in the existing neighborhood to the south.

5.4 The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.

The proposed waiver is consistent with the design standards applied to other subdivisions in the area, including development to the north of the project site.

Conditions of Approval

CONDITIONS OF APPROVAL

1. The project, as approved, consists of the following:

This rezone, planned development and tentative subdivision map are based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibits E-H (Rezone/Planned Development/Tentative Subdivision Map)

dated February 12, 2009, 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. 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.

Project Description: The project request includes a Rezone, Planned Development, and Tentative Subdivision Map. The zone change request would add the Planned Development (PD) overlay to project parcels currently zoned R1 as required for developments within Airport Safety Zone 3. The Tentative Map and Development Plan would create 41 residential lots ranging in size from 6,000 square feet to 20,317 square feet, and 5 lettered open space lots ranging in size from 0.08 acres to 4.91 acres, totaling 8.16 acres (See Table 1). The project requires annexation into the Cameron Park Community Services District (CSD) and Fire Department Boundaries. A Design Waiver has been proposed to allow sidewalk widths to be modified from 6 feet to 4 feet. Water and sewer would be provided by the El Dorado Irrigation District (EID). Access would be provided via an internal roadway system with points of access at Kimberly Road and Harvey Road.

The approximate gross and net lot area shall comply with Table 1 below:

Table 1. Lot Sizes					
Lot #	Gross Area(s.f.)	Net Area (s.f.)	Lot #	Gross Area(s.f.)	Net Area (s.f.)
1	11,938	4,083	24	6,603	3,531
2	11,458	4,447	25	14,270	2,467
3	20,317	5,671	26	19,462	5,297
4	14,857	3,890	27	12,901	4,734
5	13,164	3,975	28	9,840	2,533
6	11,501	4,300	29	6,965	3,572
7	12,976	4,665	30	7,329	3,185
8	11,991	4,904	31	7,844	2,810
9	11,185	4,438	32	7,741	3,575
10	10,741	4,627	33	8,629	4,056
11	7,173	3,525	34	6,960	2,508
12	9,958	3,425	35	7,783	3,259
13	8,889	3,390	36	6,000	2,947
14	9,914	3,753	37	6,000	2,925
15	9,935	4,019	38	6,000	2,963
16	7,958	3,369	39	6,000	3,250
17	11,977	3,410	40	8,133	4,237
18	11,318	3,311	41	7,140	3,646
19	6,661	2,839	"A"	4.91 acres	
20	8,661	4,582	"B"	1.01 acres	
21	8,917	4,019	"C"	0.08 acres	
22	9,113	3,910	"D"	0.36 acres	
23	7,767	4,578	"E"	1.80 acres	

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 and Plant Replacement Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Conditions from the Mitigated Negative Declaration

The following mitigation measures are required as a means to reduce potentially significant environmental effects to a level of insignificance:

2. A pre-construction survey for California horned lizard shall be conducted not more than one hour prior to clearing or grubbing of vegetation. The preconstruction survey will be conducted at a time of day when the lizard is most likely to be found (basking behavior during mid-morning), determined by a qualified biologist, and most likely to result in detection and capture of California horned lizard if present. California horned lizards, if found, will be moved to an open space area on-site. **(MM BIO-1)**

Timing/Implementation: Prior to issuance of grading permits, a note shall be included on all grading plans which states the above measure. This measure shall be implemented prior to clearing, grubbing, or grading on the project site.

Enforcement/Monitoring: El Dorado County Planning Services

3. The Pine Hill Plants that are within the limits of grading shall be transplanted and/or propagated to designated open space areas. The transplanting and/or propagation shall be overseen by a qualified botanist, approved by the El Dorado County Planning Services. The botanist shall identify the location to receive the plants, identify the methods of transplantation and/or propagation, and oversee the work. **(MM BIO-2)**

Timing/Implementation: Prior to issuance of the grading permits, the applicant shall prepare a transplant/propagation plan for plants within the limits of grading areas. The applicant shall submit the plan with the qualifications of the botanist to El Dorado County Planning Services for review and approval. The Pine Hill Plants within the grading limits will be transplanted and/or propagated prior to issuance of a grading permit.

Enforcement/Monitoring: El Dorado County Planning Services

4. A deed restriction shall be placed on the project open space and incorporated into the CC&Rs except for a 25-foot buffer from limit of grading. The deed restriction shall restrict activities not compatible with long-term preservation of the Pine Hill Plants such

as grading, plowing, or use of herbicides not specific to groups of plants that do not include any of the Pine Hill Plant species present on the site. The deed restriction shall allow activities compatible with the long-term preservation of the Pine Hill Plants such as large brush removal above the soil surface, and passive recreational uses such as a trail. The deed restriction shall be written in consultation with a qualified botanist, approved by El Dorado County Planning Services.(MM BIO-3)

Timing/Implementation: The deed restriction shall be recorded at the time of filing of the final map. This deed restriction shall be noted and incorporated into the project CC&Rs.

Enforcement/Monitoring: El Dorado County Planning Services

5. If construction begins outside the 1 February to 31 August breeding season, there will be no need to conduct a preconstruction survey for active nests. If a nest becomes active after construction has begun, then the bird is considered adapted to construction disturbance.
- If construction is scheduled to begin between 1 February and 31 August, then a qualified biologist shall conduct a preconstruction survey for active nests in the construction footprint and within 250 ft of the construction footprint from publicly accessible areas within two weeks prior to construction. If no active nest of a bird of prey or Migratory Bird Treaty Act (MBTA) bird is found, then no further mitigation measures are necessary.
 - If an active nest of a bird of prey or MBTA bird is found, then the biologist shall flag a minimum 250-foot Environmentally Sensitive Area (ESA) around the nest if the nest is of a bird of prey, and a minimum 100-foot ESA around the nest if the nest is of an MBTA bird other than a bird of prey.
 - No construction activity shall be allowed in the ESA until the biologist determines that the nest is no longer active, or unless monitoring determines that a smaller buffer will protect the active nest.
 - The buffer may be reduced if the biologist monitors the construction activities and determines that no disturbance to the active nest is occurring. The size of suitable buffers depends on the species of bird, the location of the nest relative to the project, project activities during the time the nest is active, and other situation specific conditions.(MM BIO-4)

Timing/Implementation: The above described measures shall be included as a note on all grading plans. El Dorado County Planning Services shall verify that this measure has been included as a note on grading plans prior to issuance of a grading permit. The applicant shall conduct the monitoring no more than two weeks prior to clearing and grubbing if construction begins during the nesting season (1 February – 31 August).

Enforcement/Monitoring: El Dorado County Planning Services

6. Construction activities shall be limited to between the hours of 7:00 AM and 5:00 PM, Monday through Friday, and 8:00 AM and 5:00 PM on weekends and federally-recognized holidays.(MM NOI-1)

Timing/Implementation: All building and grading plans shall include a note reflecting the above referenced measure. El Dorado County Planning Services shall verify that this note has been included on all grading and building plans prior to issuance of grading and building permits.

Enforcement/Monitoring: El Dorado County Planning Services shall verify that the above measure has been incorporated on the building and grading plans prior to issuance of building and grading permits.

7. Any landscaping at the proposed Road “Z” intersection at Kimberly Road shall be limited to low lying landscaping no more than 3 feet in height and trees with canopies no lower than 10 feet from the ground. Sight triangles meeting County standards shall be maintained at this intersection.(MM TRA-1)

Timing/Implementation: Prior to issuance of grading and building permits the applicant shall include a note reflecting the above requirement on all building, landscaping and grading plans. DOT and El Dorado County Planning Services shall review plans to ensure that these measures have been included on all relevant plans.

Enforcement/Monitoring: El Dorado County Planning Services & DOT shall verify that the above measure has been incorporated on the plans prior to issuance of a building and/or grading permit.

CONDITIONS OF APPROVAL

Planning Services

8. All fees associated with the Tentative Subdivision Map shall be paid prior to filing the Final Subdivision Map.
9. The developer shall pay the mitigation in-lieu fee or provide a replacement plan for all oak canopy removed as part of project implementation (Total 0.72 acres). The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Management Plan and shall be based on the fee established by the Board of Supervisors. Based on existing oak canopy coverage, the applicant shall mitigate at a 1:1 ratio for 0.072 acres, and a 2:1 ratio for 0.647 acres. The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee or replacement plan, prepared by a licensed arborist, prior to issuance of a grading permit or removal of any oak trees.

10. Prior to issuance of a grading 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. The applicant shall also schedule an inspection by Planning Services if deemed necessary prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.
11. 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.
12. 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).
13. Prior to approval of the final map by the Board of Supervisors, the subdivider shall be required to form a County Service Area Zone of Benefit, or other entity to fund the maintenance of drainage facilities and improvement services. The funding mechanism for these services must be established prior to approval of the final map and shall include a provision for future increased funding requirements. It is recommended that a special tax with an escalator clause be used as the funding mechanism.
14. At time of final map filing, CC&R's shall be submitted and reviewed by Planning Services.
15. At the time of map filing, all open space lots shall be dedicated to a Homeowner's Association or similar entity as open space with an appropriate maintenance program. The open maintenance program shall be submitted for review and approval by Development Services Department-Planning Services prior to final map.
16. This Tentative Subdivision Map shall expire in 36 months from date of approval unless a time extension has been filed.
17. The final map shall show all drainage easements consistent with the County of El Dorado Drainage Manual, the project final drainage plan, and the project improvement plans.

18. The location of fire hydrants and systems for fire flows are to meet the requirements of the Cameron Park CSD and the Cameron Park Fire Department. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the fire protection district. If fire flows cannot be met, all habitable structures shall be sprinklered in accordance with Fire Department requirements. This condition shall be included in the CC&Rs for the project.
19. A fire safe management plan, acceptable to the Cameron Park Fire Department and the California Department of Forestry, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the fire district to Planning Services prior to filing the map.
20. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.
21. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid at the time of filing the final map.
22. 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.
23. Where the subdivider is required to make improvements on land which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map or parcel map, the subdivider shall submit to the Planning Director for approval:
 - a. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements.
 - b. Improvement plans prepared by a civil engineer of the required off-site improvements.
 - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

Prior to the filing of the final map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required off-site improvements including the full costs of acquiring any real property interests necessary to complete the required improvements.

In addition to the agreement, the subdivider 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.

24. The developer shall pay all applicable school fees at the time of issuance of building permits for individual lots.
25. Prior to filing of the final map, the applicant shall record an Avigation and Noise easement on all lots located within the Safety Area 3 (Overflight Zone) and/or those lots located within the 55 dB CNEL noise contour as identified by the Cameron Park Airport Comprehensive Land Use Plan.

Cameron Park Fire Department

- ~~25.26.~~ Prior to recordation of the final map, the project shall annex into the Cameron Park CSD and Fire Department boundaries.
- ~~26.27.~~ Prior to issuance of building permits, the applicant shall demonstrate to the satisfaction of the Cameron Park Fire Department that minimum fire flow requirements have been met as described herewith:
- The minimum fire flow requirements for one and two family residential floor area, which does not exceed 3,600 sq ft shall be 1,000 gallon per minute. One and two family residential dwellings at are over 3,600 sq ft shall have a minimum fire flow of 1,500 gallons per minute. Fire flow shall meet Appendix B Table B105.1 and Cameron Park Fire Department amendments.
- ~~27.28.~~ Prior to issuance of grading permits, the Cameron Park Fire Department shall review and approve plans for fire hydrants. Fire hydrant spacing shall not exceed 300 feet in residential area per Appendix C Table C105.1 and Cameron Park Fire Department amendments. All hydrants shall be on a loop system.
- ~~28.29.~~ Prior to issuance of building permits, the Cameron Park Fire Department shall review plans to ensure that they meet fire department requirements for driveways and sprinklering. The driveways serving this project shall be designed to a maximum of 16% grade. Any driveway exceeding this requirement shall require installation of fire sprinklers per NFPA 13D within the dwelling unit.
- ~~29.30.~~ Fire hydrants and roadways shall be completed before issuance of any building permits.
- ~~30.31.~~ All roadway width shall meet California Fire Code Appendix D and Cameron Park Fire Department amendments. The Cameron Park Fire Department shall review and approve improvement plans prior to issuance of grading permits.
- ~~31.32.~~ A fire safe management plan, acceptable to the Cameron Park Fire Department and the California Department of Forestry, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the Cameron Park Fire Department to Planning Services prior to filing the map.

El Dorado County Department of Transportation

Project Specific DOT Conditions

~~32.~~33. All roads shall be constructed in conformance with the El Dorado County Design and Improvements Standard Manual (DISM) with the following widths, and must be substantially complete, as determined by the Department of Transportation, prior to the filing of the final map:

ROAD NAME		ROAD WIDTH	EXCEPTIONS/NOTES
Harvey Road (offsite)			Type 1 rolled curb & gutter, 4-ft sidewalk
Road X,Y,Z (onsite)	StdPlan101B	36ft(50ft R/W)	Type 1 rolled curb & gutter, 4-ft sidewalk

Notes for Condition 1 table:
 Road widths in the preceding table are measured from curb face to curb face.
 Curb face for rolled curb and gutter is 6" from the back of the curb.

~~33.~~34. Prior to filing of the final map, an irrevocable offer of dedication for the required rights-of-way shall be made for all the proposed roads, with slope easements where necessary. Said offer may be rejected at the time of the final map.

~~34.~~35. Applicant shall install stop signs and striping on Harvey Road at the Berry Road intersections, and must be substantially complete, as determined by the Department of Transportation, prior to the filing of the final map.

~~35.~~36. **Off-site Improvements (Cambridge Rd & US 50):** The applicant shall provide an all way stop at the Cambridge Road/ US 50 eastbound on-off ramps, providing an all way stop. The signing and striping shall be designed and constructed per the latest version of the California Manual Uniform Traffic Control Devices (MUTCD). The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to filing of the final map. In addition, the applicant shall obtain an approved encroachment permit from Caltrans for the required improvements.

~~36.~~37. Applicant shall show sight distance triangles on the improvement plans, including a sight distance profile, at all intersections, especially at Road Z and Kimberly Road.

~~37.~~38. Per Section 3.B.6. of the DISM, a tangent at least one hundred feet long shall be introduced between reversed curves. A line and curve table should be introduced to demonstrate that street alignments meet County design criteria prior to filing the final map.

~~38.~~39. The applicant shall demonstrate to the County that this project has entitlements for use of

the off-site roads and public utility easements along the northern, western, and southern boundaries of this project.

- ~~39.40.~~ Prior to recordation of the final map, the applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads not maintained by the County, both on-site and for those roads that are required for access to County or State maintained roads.
- ~~40.41.~~ Prior to filing the final map, the applicant shall form a drainage zone of benefit (ZOB) or other appropriate entity to ensure that all storm water drainage facility maintenance requirements are met.
- ~~41.42.~~ 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 incorporated if drainage increases more than the pre-development 10-year storm event, prior to the filing the final map
- ~~42.43.~~ As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider 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 subdivider's expense and within 120 days of filing the Final 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 any final map or parcel map, the subdivider 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 twenty-percent (20%) 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 subdivider 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.

Standard DOT Conditions

- ~~43.44.~~ 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 prior to filing of the final map.

- ~~44.~~45. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance, prior to filing the final map.
- ~~45.~~46. The construction of all required improvements shall be completed with the presentation of the final map to the Planning Director before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.
- ~~46.~~47. 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.
- ~~47.~~48. An irrevocable offer of dedication, in fee, for the required rights-of-way shall be made for all the proposed roads, with slope easements where necessary. Said offer may be rejected at the time of the final map, in which case, a homeowner's agreement and association, or other entity, shall be established in order to provide for the long-term maintenance of the roads.
- ~~48.~~49. The final map shall show all utility, road and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
- ~~49.~~50. A final drainage study shall be prepared by the project proponent and submitted with the subdivision grading and improvement plans to the approval of the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.
- ~~50.~~51. 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.
- ~~51.~~52. 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.

- ~~52.~~53. 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.
- ~~53.~~54. Grading 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. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.
- ~~54.~~55. 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.
- ~~55.~~56. Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
- ~~56.~~57. 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).
- ~~57.~~58. 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.
- ~~58.~~59. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer shall 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.

~~59~~.60. This project disturbs more than one acre of land area (43,560 square feet). The Developer 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 State of California. 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 SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

El Dorado County Surveyor's Office

~~60~~.61. 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.

~~61~~.62. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office prior to filing the Final Map.

El Dorado County Environmental Management

Air Quality Management

~~62~~.63. The applicant shall adhere to all District rules and conditions during project construction, as specified by the District in their letter dated August 13, 2007 prior to issuance of any permits associated with this project.

Hazardous Materials

~~63~~.64. If any commercial, industrial, agricultural, mining or any other hazardous materials handling activities have taken place on the property in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a workplan and conduct a Phase II ESA and any required site remediation activities prior to developing property.