

CONDITIONS OF APPROVAL

General Plan Amendment A15-0001/Rezone Z12-0010/Planned Development PD12-0002/Tentative Subdivision Map TM12-1510/Piedmont Oak Estates Phase 1 Planning Commission/January 14, 2016

Project Description

1. The Phase 1 Tentative Subdivision Map, Development Plan, and Design Waivers are based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits E and I through K 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.

The project consists of the following:

A) Tentative Subdivision Map of 25.89 acre property creating a Class I subdivision for Phase 1 of Piedmont Oak Estates consisting of 62 clustered residential lots, 20 detached single residential lots, and one commercial lot.

B) Development Plan for Phase 1 of Piedmont Oak Estates Tentative Subdivision Map to include 8.01 acres of open space land and modifications to One-Family (R1) Residential Zone District standards including minimum lot size, lot widths, yard setbacks, and maximum building coverage.

C) Design waiver of the following Design and Improvement Standards Manual (DISM) standards:

- 1) Construction of reduced sidewalk from 6-ft to 4-ft in width.
- 2) Construction of a sidewalk on one side only, "A" Street from Tentative Map point A-3 to point A-4.

Planning Services

2. **Human Remains:** 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 Section 15064.5; Health and Safety Code Section 7050.5; Public Resources Code Sections 5097.94 and 5097.98). This requirement shall be noted on grading plans and shall be verified prior to issuance of grading permits.

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 Section 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. **Tentative Map Expiration:** This tentative map shall expire 36 months from the date of approval unless a timely extension is filed.
4. **Park In-Lieu Fees:** 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 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 required in-lieu fees, payable to El Dorado County, shall be remitted prior to Final Map recordation. A proof of payment shall be submitted to Planning Service.
5. **Meter Award Letter:** A meter award letter or similar document shall be provided by the water purveyor prior to recordation of the final map for Phase 1 of the subdivision.
6. **Hold Harmless:** 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 California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval 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 applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

7. Prior to filing of the Final Map of Phase 1 for Piedmont Oak Estates, the applicant shall implement the required preservation and replacement of oak canopy based on the *Oak Canopy Analysis, Preservation, and Replacement Plan for Piedmont Oak Project, El Dorado County, CA*. prepared by Sycamore Environmental Consultants, Inc dated February 7, 2013, pursuant to applicable provisions of the General Plan Policy 7.4.4.4 Option A and the Interim Interpretive Guidelines of the policy.

8. Prior to issuance of Grading Permit, the applicant shall incorporate the Oak Tree Preservation Measures (based on the *Oak Canopy Analysis, Preservation, and Replacement Plan for Piedmont Oak Project, El Dorado County, CA.*) as notes on the grading plans. The measures shall be implemented during grading and/or construction phase of the development.

The following Mitigation Measures from the Initial Study/Mitigated Negative Declaration are incorporated as conditions of approval.

9. **Mitigation Measure AQ-1:** On any given day during construction, the contractor shall ensure that all equipment used during that day (off-road vehicles and auxiliary handheld equipment) does not exceed the fuel usage limit (diesel and regular gasoline) established in the El Dorado County Air Pollution Control District CEQA Guide. The maximum amount of fuel that can be used is based on the year that the equipment was built.

The maximum amount of fuel that can be used in one day if all equipment used is 1995 model year or older is 337 gallons.

The maximum amount of fuel that can be used in one day if all equipment used is 1996 model year or newer is 402 gallons.

If a combination of 1995 and older and 1996 and newer equipment is used, then divide the number of 1996 and newer equipment by the total number of equipment used. Multiply that number by 65. Add that number to 337. The sum is the maximum number of gallons of fuel permitted for use on that day.

Monitoring Responsibility: El Dorado County AQMD

Monitoring Requirement: AQ-1 shall be incorporated and verified as a note on the approved construction plans (Grading and/or Improvement Plan) and implemented during project construction.

10. **Mitigation Measure AQ-2:** The contractor shall ensure that all diesel-powered equipment used does not exceed the diesel fuel usage limit established in the El Dorado County Air Pollution Control District CEQA Guide. The maximum amount of diesel fuel that can be used is based on the year that the equipment was built.

The maximum amount of diesel fuel that can be used during the project if all equipment used is 1995 model year or older is 3,700 gallons.

The maximum amount of diesel fuel that can be used during the project if all equipment used is 1996 model year or newer is 37,000 gallons.

If a combination of 1995 and older and 1996 and newer equipment is used, then divide the number of 1996 and newer equipment in the fleet by the total number of equipment in

the fleet. Multiply that number by 33,300. Add that number to 3,700. The sum is the maximum number of gallons of diesel fuel use permitted.

Monitoring Responsibility: El Dorado County AQMD

Monitoring Requirement: Mitigation Measure AQ-2 shall be incorporated and verified as a note on the approved construction plans (Grading and/or Improvement Plan) and implemented during project construction.

11. **Mitigation Measure BIO-1:** The applicant shall implement the following provisions:

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 construction begins between 1 February and 31 August then a qualified biologist shall conduct a preconstruction survey for active nests. The survey will include a 250 foot radius from the work area for nesting birds-of-prey and a 50 foot radius from the work area for other nesting MBTA birds. The survey will be conducted from publicly accessible areas within two weeks prior to construction. If no active nest of a bird-of-prey or MBTA bird is found, then no further action is necessary.

If an active nest of a bird-of-prey or MBTA bird is found, then the biologist shall recommend a buffer suitable to protect the nest until fledging. The County shall approve the final buffer. The size and shape 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 Project specific conditions.

No construction activity shall be allowed in the buffer 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, with the County's concurrence, if the biologist monitors the construction activities and determines that no disturbance to the active nest is occurring.

Monitoring Responsibility: Planning Services

Monitoring Requirement: Mitigation Measure BIO-1 shall be incorporated and verified as a note on the approved construction plans (Grading and/or Improvement Plan) and implemented prior to and during project construction.

12. **Mitigation Measure BIO-2: Wetland Permit.** If identified waters are filled as part of subdivision construction, the applicant shall obtain approval of an appropriate Section 404 and 401 permits from the U.S. Army Corp of Engineers in accordance with Clean Water Act and 1600 permit from the California Department of Fish and Wildlife.

Monitoring Responsibility: Planning Services

Monitoring Requirement: Prior to issuance of Grading Permit, the applicant shall provide proof of acquisition of Section 401, 404, and 1600 permit.

Transportation Division-Project Specific Conditions

13. **Road Design Standards:** The project shall construct all roads in conformance with the County Design and Improvements Standard Manual (DISM), modified as shown on the Tentative Map and as presented in Table 1 (the requirements outlined in Table 1 are minimums).

Table 1. Piedmont Oak Estates Phase 1 Road Improvement Standards				
ROAD NAME	DESIGN STD PLAN	ROAD WIDTH*	R/W WIDTH	EXCEPTIONS/NOTES
Road A, from point A-1 to point A-2 (Commercial Area)	Std Plan 101B	40 feet	60 feet	Commercial lot frontage
Road A, from point A-2 to point A-3, and from point A-4 to cul-de-sac	Std Plan 101B	36 feet	50 feet	
Road A, from point A-3 to point A-4	Std Plan 101B (Modified)	36 feet	50 feet	Sidewalk on one side only
Roads B and C	Std Plan 101B (Modified)	28 feet	50 feet	Crown offset as shown on tentative map
Secondary (Emergency) Access Road (from "Road A" cul-de-sac to Black Rice Road	Std Plan 101C	18 feet	50 feet	

* 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.

14. **Offer of Dedication, Interior Roads:** Interior Roads are private and are to be maintained by a Property owner's, or Home owner's Association. The County will reject any offer of dedication. At the option of the Project, a segment of "Road A" from point A-1 to point A-2 (Commercial Area) may be dedicated as a public road. In which case, the County will accept the road on behalf of the public, but reject the road for maintenance.
15. **Off-Site Road & Public Utility Easements:** The applicant shall irrevocably offer to dedicate a 50-foot wide road and public utility easement for the off-site Secondary (Emergency) Access Road, with slope easements included as necessary. This offer will be rejected by the County.

16. **Off-Site Access Road:** The off-site access road and easement shall not preclude abutter's rights or access to APN 051-461-49.
17. **Encroachment Permit(s):** The applicant shall obtain an encroachment agreement and/or permit from Caltrans and shall construct the "Road A" intersection onto Diamond Road (SR49) in accordance with the requirements of Caltrans and the County. The intersection shall include a southbound-to-eastbound left turn pocket and shall be coordinated with County Capital Improvement Project Numbers 72375, Diamond Springs Parkway – Phase 1A – SR49 Realignment, and 72334, Diamond Springs Parkway – Phase 1B.
18. **Vehicular Access Restriction:** Prior to filing of the map, the applicant shall record a vehicular access restriction along the entire frontage Diamond Road (SR49), excluding the locations of the approved access encroachments.

Transportation Division-Standard Conditions

19. **TIM Fees:** Prior to issuance of building permits for the lots created by the project, the building permit applicant shall pay the traffic impact mitigation fees in effect at the time the building permit application is deemed complete.
20. **Signing and Striping:** The project improvement plans shall include all necessary signing and striping as required by the Transportation Division. Signing and striping shall conform to the latest version of the California Manual on Uniform Traffic Control Devices (MUTCD).
21. **Curb Returns:** All curb returns shall include pedestrian ramps with truncated domes conforming to Caltrans Standard Plan A88A, including a 4 foot sidewalk/landing at the back of the ramp. Alternate plans satisfying the requirements current accessibility standards may be used, subject to review and approval by County.
22. **Secondary Access:** A secondary access road, providing permanent or temporary looped circulation for each phase of development, shall be constructed prior to the first building permit being issued for any residential structure except where the issuance of building permits is for model homes, which shall be unoccupied. This condition may be modified with approval of the Fire District at the improvement plan stage.
23. **Road Turnarounds:** The applicant shall provide a turnaround to the provisions of County Design Standard 114 as modified by any Design Waivers approved with the project, or as otherwise required by local fire district.
24. **Maintenance Entity:** The proposed project must form an entity for the maintenance of the private roads, drainage facilities, parking facilities, landscaping, signs and sound/privacy walls. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads

of the current project. Transportation Division shall review the document forming the entity to ensure the provisions are adequate prior to filing of the final map.

25. **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).
26. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
27. **Consistency with County Codes and Standards:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from the Transportation Division and pay all applicable fees prior to filing of the final map.

Additionally, the project improvement plans and grading plans shall conform to the County *Grading, Erosion and Sediment Control Ordinance, Stormwater Ordinance, Grading Design Manual, the Drainage Manual, Off-Street Parking and Loading Ordinance, all applicable State of California Water Quality Orders, the State of California Handicapped Accessibility Standards, and the California Manual on Uniform Traffic Control Devices (MUTCD).*

28. **Subdivision Improvement Agreement & Security:** The developer shall enter into a Subdivision Improvement Agreement (SIA) with the Department of Transportation for all required roadway, grading, drainage and other support infrastructure as required by the County Subdivision Division Ordinance, prior to filing of the final map.

For improvements not completed at the time of recordation of the final map, the developer shall provide a 100 percent performance surety and a 50 percent labor and materialmens surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the developer shall provide a ten percent maintenance surety in any of the above-mentioned forms.

The developer's Engineer of Record shall prepare a "Certificate of Partial Completion" as attachment to the SIA, which sets forth the total cost of the project, percent complete, and the estimated remaining cost of the work to complete the project. Verification of the Certificate of Partial Completion shall be determined by the County.

29. **Easements:** All existing and proposed easements shall be shown on the project grading plans, improvement plans, and on the final map.
30. **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.

31. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the County Transportation Division. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Transportation Division 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.
32. **RCD Coordination:** The timing of construction and method of re-vegetation 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.
33. **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.
34. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
35. **Drainage Study / NPDES Compliance:** The project proposes to render more than 5000 square feet of area impervious to surface runoff. This qualifies the project as a "Regulated Project" under section E.12.c of the California State Water Resources Control Board (SWRCB) Water Quality Order No. 2013-0001-DWQ (Order).

In accordance with the County Stormwater Ordinance (Ord. No. 5022), the project shall incorporate Site Design Measures, Source Control Measures, Low Impact Development (LID) Design Standards, and Hydromodification Management practices consistent with the Order into the project design, and construct such measures with the project. If the Order is amended or replaced by action of the SWRCB, the applicant may be required to comply with the Order in place at the time of issuance of construction permits.

The applicant shall provide a drainage report at with the project grading plans and project improvement plans, consistent with the Drainage Manual and the Order. The Drainage Report shall address storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Transportation Division.

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;
- Adequate hydromodification management measures are implemented with the project in accordance with the Order.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. A Scoping Meeting for the required drainage study between County staff and the engineer shall occur prior to the first submittal of improvement plans. The engineer shall bring a watershed map and any other existing drainage system information to the Scoping Meeting. The improvements shall be completed to the approval of the Transportation Division prior to occupancy.

36. **Drainage (Cross-Lot):** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, 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. Any variations shall be approved by the County Engineer. 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. Drainage easements shall be provided where deemed necessary prior to the filing of the final map.
37. **NPDES Construction Permit:** The project proposes to disturb more than 1 acre of land and therefore, is required to obtain coverage under the California State Water Resources Control Board Construction General Permit Order No. 2009-0009-DWQ (CGP), including any and all amendments or revised orders issued by the SWRCB.

The applicant shall demonstrate compliance with the CGP (or equivalent permit issued by the SWRCB) prior to issuance of construction permits by County.

38. **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 TD with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.

Air Quality Management District

39. **Fugitive Dust:** The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM₁₀) in the form of dust. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) 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 Building Dept. (Rules 223 and 223.1)
40. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
41. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
42. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
43. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) 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 of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>. An applicability flow chart can be found here: http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf. Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
44. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be under permit from the California Air Resources Board (CARB). A copy of the current portable equipment permit 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, daily hours of operations of each piece of equipment.
45. **New Point Source:** Prior to construction/installation of any new point source emissions units (e.g., gasoline dispensing facility, emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rules 501 and 523)

Diamond Spring/El Dorado Fire Protection District

46. **Secondary Access:** A second means of access from the project shall have a minimum travel surface width of 20 feet is required. The surface shall be an all-weather hard surface which will support a 40,000 lb load. There shall be no parking either side. Conformance with this condition shall be verified prior to approval of Improvement Plans.
47. **Fire Hydrants:** Fire hydrants shall be placed at 600 foot intervals throughout the project (approximately 11 hydrants). Each hydrant shall be accessed by a turnout 50 foot long by 10 foot wide. Each turnout shall have the same all weather surface as the roadway and be capable of supporting a 40,000 lb load. Final placement of each hydrant shall be subject to fire district approval. Conformance with this condition shall be verified prior to approval of Improvement Plans.
48. **Looped Roads:** Looped roads with one name which have two accesses off of another road are discourage since there are two intersections with the same name but at different locations. Conformance with this condition shall be verified prior to approval of Improvement Plans.
49. **Access to Clustered Units:** Access to the clustered housing from the street shall have a minimum 20-foot wide travel surface with no parking on either side of the access. Conformance with this condition shall be verified prior to approval of Improvement Plans.
50. **Red Curbing:** Roads with “No Parking” on either side and other “No Parking” areas shall be designated by red curbing and lettering stating “No Parking Fire Lane”. The letters shall have a minimum 3 inches in height with a 1/2 inch stroke. The lettering shall be placed every 25 feet. Conformance with this condition shall be verified prior to approval of Improvement Plans.
51. **No Parking:** “No Parking” signs are suitable in areas where there is no curbing. The fire district shall approve the signs are at their location. Conformance with this condition shall be verified prior to approval of Improvement Plans.
52. **Wildfire Safe Plan:** The applicant shall implement the provisions of the executed Wildfire Safe Plan for Piedmont Oak Estates Subdivision. Conformance with this condition shall be verified prior to approval of Improvement Plans.

County Surveyor’s Office

53. **Monuments:** All survey monuments shall be set prior to the filing of the Final Map or the developer shall have the surety of work to be done by bond or cash deposit. Verification of set monuments or amount of bond or deposit to be coordinated with the Surveyors Office.

54. **Road Naming:** The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyor's Office prior to filing the Final Map.

Housing and Community and Economic Development Program

55. **Designation of Affordable Housing:** At least 10% of the total units shall be designed as affordable housing for families of moderate to low income. Income levels are defined as those households earning 50 to 120 percent of the median family income as established for El Dorado County. Deed restrictions for these specific units shall be recorded prior to approval of the final map.
56. **Affordable Housing Plan:** Prior to Final Map, the applicant shall establish an Affordable Housing Plan that includes, but not limited to, financing arrangements, monitoring program, and a 20-year deed restrictions.