

# CONDITIONS OF APPROVAL

## Tentative Subdivision Map Time Extension TM07-1433-E/Portico Estates Planning Commission/April 27, 2017

**(The following are the original Conditions of Approval for Portico Estates Tentative Subdivision Map, as approved by the Board of Supervisors on July 29, 2008)**

### Conditions of Approval

#### Project Description

1. This project is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibits E through G (Tentative Subdivision Map, Tree Exhibit, Grading Plan) dated June 26 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. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows: the project would allow a Rezone and Subdivision Map.

The Rezone would change the parcel zoning from Estate Residential Five-Acre- Airport Safety (RE-5/ AA) to One-family Residential- Airport Safety (R1-AA).

The project would create a 15-lot residential subdivision and on-site road improvements including the construction of a new cul-de-sac road. The project shall connect to EID public water and wastewater systems. The proposed lots shall conform to the table listed below:

<b>Lot Number</b>	<b>Gross Area (S.F.)</b>
1	12,381
2	10,740
3	10,754
4	10,748
5	10,739
6	10,739
7	10,739
8	10,739
9	10,739
10	10,739
11	10,739
12	10,739
13	10,185

Lot Number	Gross Area (S.F.)
14	10,060
15	10,417

The oak removal as part of construction of the on-site access road and future residential development of the site shall comply to the table included below:

Total Oak Canopy to Be Removed (sf)	Canopy Removed for Road Improvements (sf)	Canopy Removed for Residential Development (sf)
152,544	25,495	25,628

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 Tree Protection 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 means to reduce potential significant environmental effects to a level of insignificance:

2. The applicant shall pay the mitigation in-lieu fee for all oak canopy removed as part of road and infrastructure improvements. The mitigation fee shall be paid at a 2:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee prior to issuance of a grading permit (MM BIO-1).

**MONITORING:** Planning Services shall receive proof of payment of the mitigation in-lieu fee prior to issuance of a grading permit or removal of any oak trees.

3. The applicant shall pay the mitigation in-lieu fee for all oak canopy removed as part of development of the project. The mitigation fee shall be paid at a 2:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee prior to issuance of an building permit (MM BIO-2).

**MONITORING:** Planning Services shall receive proof of payment of the mitigation in-lieu fee prior to issuance of a grading permit or removal of any oak trees.

**CONDITIONS OF APPROVAL:**

**Planning Services:**

4. The applicant shall make applications and pay appropriate fees for the removal of the existing single family residence and all accessory structures. The applicant shall obtain a finalized demolition permit prior to filing the Final Map.

The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Final Map.

5. 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. Planning Services shall verify that the fees have been paid at the time of filing the Final Map.
6. The subdivider shall pay a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
7. All Development Services fees shall be paid prior to filing of the Final Map. Planning Services shall verify payment of all fees prior to the filing the Final Map.
8. The applicant shall submit to Planning Services the Department of Fish and Game filing fee and noticing 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.
9. 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.

10. Prior to any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.

The applicant shall schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.

11. The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.

**The Department of Transportation:**

***PROJECT SPECIFIC CONDITIONS***

12. The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual and the following table. 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 the filing of the final map:

<b>ROAD NAME</b>		<b>ROAD WIDTH</b>	<b>EXCEPTIONS/NOTES</b>
On -site road	StdPlan101B StdPlan104	28ft(50ft R/W) w/C&G and 6-ft S/W	Type 1 rolled curb

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.

13. The applicant shall construct a cul-de-sac at the end of the on-site roadway, as specified in Standard Plan 114. 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 the filing of the final map.
14. The applicant shall re-construct the existing residence driveway encroachments that will access the on-site roadway to the provisions of County Standard Plan 103A-1. 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 the filing of the final map.
15. The applicant shall demonstrate to the County that this project has entitlements for use of the off-site road and public utility easement along the eastern boundary of this project.
16. The applicant shall provide a drainage facility along the western boundary of the project and shall direct this drainage to existing drainage courses. 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 the filing of the final map.

17. Prior to filing of the final map, the applicant shall join and/or form an entity, satisfactory to Department required for access to County or State maintained roads.
18. Prior to filing of 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.
19. The applicant shall designate a road and public utility easements (R & PUE), to a total 50 feet in width, for the on-site portion of the proposed road and the required easement for the associated turn-around, prior to the filing of the parcel map. The R&PUE shall extend to the westerly property line.
20. The applicant shall irrevocably offer to dedicate a total of 50 feet of right of way, along the proposed road and the cul-de-sac, as required by the General Plan. The IOD shall extend to the westerly property line. This offer shall be rejected by the County.
21. The proposed roadway alignment shall be aligned with Bridgeport Drive. 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 the filing of the final map.
22. 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.
23. 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 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.

**Cameron Park Community Services District:**

24. The developer shall ensure that any CC&R's established for the project are reviewed and approved by the Cameron Park CSD. The CC&R's shall be reviewed and approved by the district prior to recordation of the CC&R's.
25. The required parkland dedication in-lieu fees shall be paid to the Cameron Park CSD prior to filing the final map.

**Department of Environmental Health- Air Quality Management District:**

26. The applicant shall adhere to all District rules during project construction, as specified by the District prior to issuance of any permits associated with this project.

**Surveyor's Office:**

27. 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.
28. 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.