

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 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 proposed use and design conforms to the Low and Medium-Density General Plan Land Use Designations. The project area is located partially within and partially outside a Community Region, the proposed use and developmental density are consistent with both land use designation and floor area ratio policies as well as the natural resources on site being protected pursuant to General Plan Policies 2.2.1.2 regarding land use designations, 2.2.4.1 regarding density bonus, 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, 7.3.3.4 regarding special setback for riparian areas and wetlands, and 7.4.4.4 regarding oak woodlands.

- 2.2** 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.
- 2.3** 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, 7.3.3.4 regarding buffers and setbacks for wetlands and streams, and 7.4.4.4 regarding oak woodland preservation and mitigation.

3.0 ZONING FINDINGS

- 3.1** The subdivision contains 74 residential lots which are consistent with the development standards identified within the R1A zone district outlined in Sections 17.28.080 of the Zoning Ordinance, except for setback requirements. Proposed residential lot sizes range from 1.0 acres to 2.5 acres, with the exception of Lot 75 which is 5.02 acres and shall comply with the development standards of the RE-5 zone district.. Justification for the reduced lot sizes are discussed within the Planned Development findings.

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 76.61 acres of open space that include riparian areas, water bodies, wildlife corridors and woodland areas. 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.* A deviation from the Residential Five-Acre (RE-5) Development Standards and Single-Family Three-Acre Residential (R3A) Development Standards includes a reduction in the minimum lot size requirement for all residential parcels. This exception to the standard requirements of the RE-5 and R3A Zone Regulations is justified to accommodate the Density Bonus Provision of the General Plan and to allow for provision of open space.

- 4.1.5** *The site is physically suited for the proposed use.* The 182.83-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 will be provided to the project site by the El Dorado Irrigation District (EID). The EID provided a letter dated March 3, 2008 indicating that the project could have adequate water capacity and supplies to serve the proposed project provided additional improvements are made to the system (a looped water system connecting to existing 6-inch mains). Environmental Management has provided conditions of approval to ensure the septic capability of each proposed lot. The Department of Transportation (DOT) has conditioned the project accordingly to ensure that all roads are developed to handle project traffic. The Fire District has provided conditions of approval to ensure that roads are developed in accordance with the proposed phasing plan in order to provide for adequate emergency access.
- 4.1.7** *The proposed uses do not significantly detract from the natural land and scenic values of the site.* The project includes approximately 76.61 acres of open space to preserve the natural landscape and scenic value of the site as well as provide wildlife habitat.

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 LDR and MDR General Plan land use designations and applicable General Plan policies including access, public water service, grading, transportation, fire protection and on-site wastewater disposal.
- 4.2.2** *The site is physically suitable for the type and density of development proposed.* As shown on the Oak Canopy Analysis (Exhibit L), adequate building areas for each lot are available considering the required wetland setbacks, tree canopy retention, zoning setbacks, and fire safe standards. As such, the site is physically suitable for the proposed type and density of development.
- 4.2.3** *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or substantially and avoidably injure fish and wildlife or their habitat.* A Mitigated Negative Declaration (Exhibit O) 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 noise, air quality and 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 provide access at three locations, two access points on Echo Lane which will provide primary access to the site, and one access on Sundance Trail which will provide secondary access. DOT has reviewed the proposed circulation plan and has concluded

that adequate access is available to accommodate the proposed density with required road improvements.

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 Diamond Springs – El Dorado Fire Protection District and Cal Fire has reviewed the proposed tentative subdivision map and will require new fire hydrants for the site as well as road improvements, provision of secondary emergency access, and an approved fire safe plan. Fire issues are addressed within the project’s conditions of approval.

4.2.6 *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. There are currently no public easements on the property for access through or use of the property.*

5.0 DESIGN WAIVER APPROVAL FINDINGS

The applicant requested a three design waivers to allow for the following:

- To allow proposed Road “A” to conform to modified standard 101B, 28-foot wide pavement with 2-foot shoulders on either side and a 20-foot wide pavement with 2-foot shoulders across the dam width.
- To allow for Echo Lane to conform to modified standard 101B, 28-foot wide pavement with 2-foot shoulders on either side where such improvements are feasible. Where such improvements are not feasible the applicant requests that the road remain the same as existing width of 24 feet to 28 feet.
- To change the conditioned right-of-way requirement to a 40-foot wide right-of-way from the standard 50-foot wide right-of-way, for all onsite roads except Road “A” and Road “B”.

DOT supports the above design waivers (letter dated October 10, 2008).

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

Proposed roadways and improvements to existing roads would meet DOT modified standards as discussed above with the exception of locations where impacts to wetlands, water bodies, or dam structures may occur. Allowance of the design waivers will allow for the project to avoid impacts to wetlands, water features, the existing dam, as well as maintain a more rural character to the project and the surrounding area.

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 on and offsite road improvements would potentially create unnecessary significant and unavoidable environmental impacts that would restrict development of the project. In addition, existing and proposed road widths (with design waivers) are adequate to handle proposed traffic volumes as determined by

DOT. Given that both Echo Lane and Sundance Trail are not through roads, future development which may increase traffic volumes are not anticipated, thus the DOT can support proposed design waivers.

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 waivers would actually allow impacts to adjacent properties to be avoided, as it would reduce the need for grading and road improvement activities to occur on these properties. A reduction in width would not be detrimental to the health, safety, convenience and welfare of the public as roadways proposed to be widened are already adequate to handle traffic volumes of the proposed project as determined by DOT.

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 waivers are consistent with the design standards applied to other subdivisions where special circumstances exist that call for the application of modified design standards. Thus, the proposed design waivers would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.

Conditions of Approval

MITIGATION MEASURES

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

1. **MM AQ-1:** A Fugitive Dust Plan (FDP) Application with appropriate fees shall be submitted to and approved by the El Dorado County Air Pollution Control District (APCD) with appropriate fees and approved by the APCD prior to start of project construction.

Timing/Implementation: Prior to issuance of grading and building permits

Enforcement/Monitoring: El Dorado County Planning Services

2. **MM BIO-1:** If construction activities (for either road development or lot development) are scheduled to commence within the typical breeding season for a bird of prey or Migratory Bird Treaty Act (MBTA) bird (March 1 through August 31), on-site pre-construction surveys for raptors and their nests shall be conducted by a qualified biologist. The biologist shall adhere to the following protocol:
 - The biologist shall survey for active nests in the construction footprint and in accessible areas within 250 feet of the construction footprint within 30 days prior to construction. If no active nest of a

bird of prey or MBTA bird is found, then no further mitigation is 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 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 if the biologist monitors the construction activities and determines that no disturbance to the active nest is occurring. The size of suitable buffers depends upon the species of the bird, the location of the nest relative to the project, project activities during the time the nest is active, and other project specific conditions.
- If a nest becomes active after construction has started, then the bird is considered to be acclimated to construction activity, and no further mitigation is required.

Timing/Implementation: Prior to issuance of grading and building permits the applicant shall include this measure as a note on all building plans and grading plans.

Enforcement/Monitoring: El Dorado County Planning Services shall verify that the above measure has been incorporated on the plans prior to issuance of a grading permit. The Division shall coordinate with the applicant and/or biologist, assess the pertinent surveys/studies, and conduct on-site verification for conformance with this measure.

3. **MM LU-1:** All areas designated on the tentative map as an “Open Space Lot” shall be zoned as Open Space as part of the rezone application. Minor deviations from approved exhibits shall be allowed as needed to accommodate roads and grading adjustments that may occur during development of final improvement plans and the final map.

Plan Requirements/Timing: Prior to final approval, the applicant shall amend the project description to request that all areas designated on the recorded final map as Open Space Lots be rezoned to an Open Space zoning district.

Compliance: El Dorado County Planning Services shall incorporate the revised project description into all planning documents forwarded to the Planning Commission and Board of Supervisors. Prior to the issuance of any development permits (building or grading permits), the County shall amend zoning maps consistent with the tentative map submitted for recordation as the final map. Planning Services shall review submitted maps to ensure consistency with the intent of this condition of approval, which is that all areas designated as an open space lot be zoned as such. The applicant shall be responsible for coordinating with El Dorado County Planning Services to ensure zoning maps have been updated consistent with the proposed final map.

4. **MM NOI-1:** The applicant shall construct property line noise barriers measuring 6-7 feet high above the existing ground elevations for Lots 65, 66 and 71 consistent with the Bollard Acoustical Consultants, Inc. Environmental Noise Assessment prepared for the Indian Creek Ranch Single-Family Residential Development dated March 5, 2008. Alternatively, the applicant may provide El Dorado County Planning Services with updated acoustical analyses for these lots which provide for alternative methods of noise attenuation, including, but not limited to, siting of building envelopes on the final map outside areas of exposure in exceedance of General Plan Noise Element criteria (60 dB L_{dn} for residential uses).

Timing/Implementation: Prior to issuance of grading and building permits for individual lots 65, 66, and 71, El Dorado County Planning Services shall verify that building plans include noise barriers consistent with the requirements of the above-referenced noise study. Alternatively, updated analyses may be presented to Planning Services for review and approval that describe alternative methods of noise attenuation which shall be implemented as part of project development on identified lots.

Enforcement/Monitoring: El Dorado County Planning Services

CONDITIONS OF APPROVAL

Planning Services

5. 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 F-L & P (Rezone/Planned Development/Tentative Map) dated December 11, 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.

Project Description: The project includes a request for a zone change from Single-Family Three-Acre Residential (R3A) and Agriculture (A) to Estate Residential 5-acre planned development (RE-5-PD) and Single-Family Three-Acre Residential Planned Development (R3A-PD), a Phased Tentative Subdivision Map to create 75 residential lots ranging in size from 1.0 to 2.5 acres (with the exception of Lot 75 which comprises 5.02 acres and would be held to the development standards of the RE-5 zone district) and eleven lettered open space lots (to be combined and zoned open space) totaling 76.61 acres, and a Development Plan to allow clustering of lots and a reduction in the minimum parcel size of five acres in the RE-5 zone district and the minimum parcel size of three acres in the R3A zone district, to allow for a density bonus, to apply the development standards of the R1A zone district, and allow for a reduction in side yard setbacks to 10

feet, but maintain a total side yard setback of 30 feet per lot. Multiple or “phased” Final Maps are proposed to be filed pursuant to Government Code Section 66456.1. The Tentative Subdivision Map would be phased, occurring in seven (7) phases in accordance with Table 2 and Exhibit I. Access to the project would be provided by two road connections on Echo Lane. Emergency access would be provided by a ~~and one~~ road connection on Sundance Trail. Access design shall meet Diamond Springs – El Dorado Fire Protection District requirements. The project proposes to use the Density Bonus provision for thirty (30) ~~fifty one (51)~~ additional residential lots. Design waivers have been requested for modifications to DOT road standards. DOT supports the three requested design waivers.

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

TABLE 1. Gross and Net Lot Areas					
Lot No.	Gross area (S.F.)	Net Area (S.F.)	Lot No.	Gross Area (S.F.)	Net Area (S.F.)
1	54,605	28,537	45	57,379	32,786
2	43,862	24,820	46	55,169	33,967
3	45,842	24,763	47	54,128	25,600
4	46,398	27,724	48	69,593	34,684
5	43,480	25,307	49	64,618	41,995
6	45,328	26,343	50	54,577	29,774
7	43,908	25,341	51	61,019	37,389
8	45,328	23,239	52	52,224	29,165
9	53,047	24,052	53	60,502	37,396
10	45,988	22,802	54	55,787	30,150
11	48,638	25,787	55	63,345	33,327
12	50,025	30,792	56	77,685	31,695
13	45,775	27,127	57	110,407	65,465
14	49,829	30,158	58	65,020	35,657
15	51,167	31,324	59	50,157	28,194
16	52,229	31,233	60	48,101	28,432
17	67,328	31,146	61	47,474	28,375
18	60,685	31,206	62	46,963	28,282
19	57,964	30,867	63	49,294	28,243
20	46,155	27,505	64	46,089	27,472
21	50,224	27,303	65	46,563	26,238
22	47,079	24,376	66	84,817	50,756
23	53,944	22,254	67	48,546	24,445
24	55,560	33,301	68	46,407	24,843
25	49,146	27,295	69	46,893	24,765
26	52,366	22,499	70	50,002	19,251
27	46,464	27,648	71	52,072	24,562
28	53,340	22,959	72	50,951	30,202
29	59,068	26,087	73	46,656	22,188
30	50,011	30,126	74	53,639	22,645
31	52,915	29,918	75*	218,671	N/A
32	72,182	41,911	Open Space “A”	32.69 ac.	31.47 ac.

33	75,945	32,761	Open Space "B"	11.81 ac.	11.77 ac.
34	49,384	29,790	Open Space "C"	8.99 ac.	8.77 ac.
35	47,380	28,154	Open Space "D"	6.0 ac.	6.0 ac.
36	48,646	28,062	Open Space "E"	4.89 ac.	4.71 ac.
37	48,967	28,035	Open Space "F"	4.81 ac.	4.39 ac.
38	47,980	28,183	Open Space "G"	0.37 ac.	0.14 ac.
39	47,652	28,455	Open Space "H"	0.5 ac.	0.31 ac.
40	56,210	28,353	Open Space "I"	5.01 ac.	5.01 ac.
41	48,967	29,730	Open Space "J"	2.24 ac.	2.24 ac.
42	60,210	38,955	Open Space "K"	1.28 ac.	1.03 ac.
43	60,478	31,906	Remainder Parcel	7.13 ac.	7.13 ac.
44	53,936	31,840	*Lot 75 is not to be developed with this map and shall be required to adhere to the development standards of the RE-5 Zone District.		

Phasing shall comply with the Phasing Plan in Table 2 below:

TABLE 2. Phasing Plan	
Phase	Lot Numbers
I	(48-55) (71-74)
II	(34-39) (60-70)
III	(56-59) (19-26)
IV	(22-29) (40-47)
V	(30-33, 52)
VI	(8-10, 18)
VII	(1-7) (11-16)
*Lot 75 is not proposed for development with the map as it is an existing legal lot not to be reconfigured. This lot is included in the PD.	

The oak removal as part of construction of the on-site access road and future residential development of the site shall comply with Table 3 below:

TABLE 3: Oak Canopy Removal Summary		
Total Oak Canopy to be Removed (Acres)	Canopy Removed for Road Improvements (Acres)	Proposed Canopy Removed for Residential Development Envelopes (Acres)
11.93	5.78	6.15

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.

6. All site improvements shall conform to Exhibits F-L.
7. The developer shall pay the mitigation in-lieu fee or provide a replacement plan for all oak canopy removed as part of road and infrastructure improvements (Total 5.78 acres). The mitigation fee shall be paid at a 1:1 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 or replacement plan, prepared by a licensed arborist, prior to issuance of a grading permit or removal of any oak trees.
8. The Final Subdivision Map shall include the following notes:
 - a. Oak tree removal required for lot development shall adhere to allocated estimates contained in Exhibit L (Oak Tree Removal Allocation). Individual property owners shall pay the mitigation fee or provide a replacement plan. Lot owners/developers shall demonstrate, consistent with guidelines contained in the Oak Woodland Conservation Ordinance, that proposed removals are consistent with the estimated allocation. Replacement plans shall be prepared by a licensed arborist at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors.
 - b. Any oak canopy removal beyond that allocated in Exhibit L (Oak Tree Removal Allocation) for any individual lot within the subdivision, or allocated to the road or infrastructure improvements, shall pay the applicable mitigation fee or provide a replacement plan. Replacement plans shall be prepared by a licensed arborist at a 2:1 ratio as required by the Oak Woodland Management Plan Conservation Ordinance and shall be based on the fee established by the Board of Supervisors.
9. All fees associated with the Tentative Subdivision Map shall be paid prior to filing the Final Subdivision Map.
10. 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 on weekends and on federally-recognized holidays. ~~Saturday~~. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards. Planning Services shall verify this requirement is placed on the Grading Plans prior to issuance of a grading permit.
11. 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.

12. 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.
13. 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).
14. 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.~~
15. At time of final map filing, CC&R's shall be submitted and reviewed by Planning Services and the Department of Transportation.
16. 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.
- ~~17. The map shall be recorded and constructed in phases consistent with the phasing plan included with the Tentative Subdivision Map, Exhibit I. All Open Space Lots shall be zoned open space and shall be dedicated at the time of filing of the first phase of the map.~~
- ~~17.~~ This Tentative Subdivision Map shall expire in 36 months from date of approval unless a time extension has been filed.
- ~~18.~~ 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.
- ~~19.~~ The location of fire hydrants and systems for fire flows are to meet the requirements of the Diamond Springs - El Dorado Fire Protection District. 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 District requirements. This condition shall be included in the CC&Rs for the project.

~~21. A fire safe management plan, acceptable to the Diamond Springs El Dorado Fire Protection District 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.~~

2220. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.

2321. 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.

2422. 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.

2523. 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.

2624. ~~The developer shall pay all applicable school fees prior to the issuance of any building permits for individual lots. The developer shall enter into an agreement with the School Districts to pay the sum of \$8,288.⁰⁰ per residential unit constructed within the boundaries of the subdivision. The agreement shall provide for an annual adjustment in the fee by the increase in the Engineering News Record Construction Cost Index. This annual adjustment is based upon a base amount of \$8,288.⁰⁰ as of January 1, 1997. The increase shall be calculated by the Districts as of January 1 of each year and implemented on July 1 of each year. The applicant should contact the County Office of Education prior to the issuance of any building permits to verify the applicable fee at the time of building permit issuance. The fee shall be payable by the owner of record at the time the~~

~~building permit is issued and the agreement or a notice of restriction shall be recorded on the property to alert subsequent owners of this obligation. (NOTE: Not applicable unless application includes a zone change)~~

Diamond Springs - El Dorado Fire Protection District

2725. Minimum fire flow required is 1,500 gpm @ 20 psi for 2 hours for residential units larger than 3,600 square feet. If the square footage is below 3,600 square feet, the minimum fire flow will be 1,000 gpm @ 20 psi for 2 hours.
2826. The applicant shall provide documentation from EID and the Fire District to show that the system will meet required fire flow for this project.
2927. Hydrant locations shall be approved by the Fire District on the Civil Drawings.
3028. All driveways shall provide a minimum 12 foot traffic lane, with unobstructed horizontal clearance of 14 feet and unobstructed vertical clearance of 15 feet along its entire length, and be capable of supporting a minimum 40,000 pound load.
3429. Driveway grades exceeding 16 percent shall be of an all weather surface (pavement or asphalt).
3230. Driveways grades exceeding 20 percent shall be approved by the Diamond Springs-El Dorado Fire District. Approval may include a deed restriction for a NFPA 13D residential sprinkler system with 3,000 gallons of dedicated onsite water storage for each parcel for fire protection.
3331. Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
3432. All roadways will be all weather surfaces, to El Dorado County Standards. If there will be parking on one side of the road, the road shall be 30 feet minimum width. Parking on both sides of the road will require 40 feet minimum road width; appropriate, associated signage and road markings shall apply and be provided.
3533. A turnaround shall be provided to all building sites with driveways over 300 feet in length. Turnarounds shall be within 50 feet of the building with a minimum turning radius of 40 feet from the center line of the road. Applicant may use a hammerhead "T," a modified "T" or a modified "Y" in lieu of a circular type turnaround, per El Dorado County DOT Standards 101C.
3634. ~~Diamond Springs El Dorado Fire Protection District prohibits gates delaying ingress/egress. Should the Planning Commission/Board of Supervisors allow such gates, these gates shall meet El Dorado County Fire Prevention Officers Standards.~~

Entry Gates: The two main entries on Echo Lane and the secondary access road from Road "A" and Sundance Trail will be gated in accordance with the following:

Echo Lane Access: The two entries on Echo Lane will have divided access, with separate gates for ingress and egress to the development. The gates will be constructed of decorative wrought iron or similar material, and will open to provide unobstructed ingress or egress. Each entry or exit lane will have a minimum unobstructed width of fifteen (15) feet. The gates will be equipped with a telephone entry system to allow visitors to obtain access.

Sundance Trail Emergency Access: The secondary access between Road "A" and Sundance Trail will be an undivided access road, with a single gate for both travel lanes. This road will be used for emergency access only. The access road will have a minimum unobstructed width of twenty (20) feet. The gate will be constructed of decorative wrought iron or similar material, and will open to provide unobstructed access for emergency vehicles and the evacuation of civilians.

Emergency Access: To permit unobstructed access for emergency vehicles and provide for evacuation of residents within the development and in surrounding neighborhoods, an emergency access system shall be developed in consultation with the Diamond Springs-El Dorado Fire Protection District. The system, which shall be reviewed and approved by the Fire District prior to issuance of a building permit for the 25th lot, will provide for all automatic gates to be equipped with one or more of the following emergency access devices:

1. A "Knox" emergency access device consisting of a key activated switch acceptable to the Fire District.
2. A 3M Opticom Control device and a linear receiver device to allow remote activation by emergency vehicles.
3. Designed to automatically open and remain in a fully opened position during a power failure.
4. A mechanical release.
5. A telephone entry access system that will permit the Fire District or other emergency dispatch center to open the gate from a remote location.

A loop system will be located on the inside portion of the access roadway or lane at the intersection of Road "A"/Echo Lane and Road "B"/Echo Lane to permit vehicular traffic within the gated area to open the gate and exit. The loop system will keep the gate open as long as vehicular traffic is passing through.

All gates and access roads will be maintained by the Homeowners Association or other entity formed for this purpose.

3735. All roadways and driveways shall adhere to El Dorado County Department of Transportation (DOT) requirements.
3836. A Fire Safe Plan shall be designed for this subdivision by a Registered Professional Forester or a Fire District approved Fire Safe Planner, per California Department of Forestry State Responsibility Area (SRA) Fire Safe Regulations. The purpose is to reduce

the intensity of a wildfire by reducing the volume and density of flammable vegetation, the strategic setting of fuel modification and greenbelt shall provide:

- a. Increased safety for emergency fire equipment, personnel and the evacuation of civilians.
- b. A point of attack or defense from a wildfire.
- c. CAL FIRE requires a Wildland Fire Safe Plan be developed by a qualified consultant to address mitigations that need to be developed to ensure that the safety of the public and firefighters who may be called upon to respond to wildland fires and other emergencies within the project area.

3937. Disposal, including chipping, burying, burning or removal to a landfill site approved by the local jurisdiction, of flammable vegetation and fuels caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to completion of road construction or final inspection of a building permit.

4038. Subdivision and other developments, which propose greenbelt as a part of the development plan, shall locate said greenbelt strategically, as a separation between wildland fuels and structures. The locations shall be approved by the inspection.

4139. Approval of subject project is conditioned on meeting the public safety and fire protection requirements of the County of El Dorado General Plan, which shall include provision of a financing mechanism for said services¹. The financing mechanism shall include inclusion within, or annexation into, a Community Facilities District (CFD) established under the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311 et seq.), established by the Diamond Springs / El Dorado Fire Protection District (District) for the provision of public services permitted under Government Code § 53313, including fire suppression services, emergency medical services, fire prevention activities and other services (collectively Public Services), for which proceedings are under consideration, and as such, shall be subject to the special tax approved with the formation of such CFD with the Tract's inclusion or annexation into the CFD.

4240. All parcels one acre and larger shall provide a minimum 30-foot setback for buildings and accessory buildings from all property lines and/or the center of the road (Article 5. Fuel Modification Standards, Section 1276.01(a) of the Fire Safe Regulations).

Cal Fire

4341. Total roadway width in the project area should meet DOT standards.

4442. Roads shall be constructed with an approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (2007 California Fire Code, Appendix D).

4543. Secondary Access: The Design Improvements Standards Manual (DISM) Section 3.A.9 requires at least two connections with an existing, improved public street, or with a future street connection approved by the Planning Commission or the Board. Both the primary and secondary accesses must be to through roads (i.e., they cannot both tie into the same dead end road) and they must meet County standards.

4644. The two points of acceptable access and egress in this case would be off of Sundance Trail and Echo Lane.

El Dorado County Department of Transportation

PROJECT SPECIFIC CONDITIONS:

4745. **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 filing of the final map: (the requirements outlined in Table 1 are minimums)

Table 1					
ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH* / SHOULDER WIDTH	RIGHT OF WAY**	DESIGN SPEED	EXCEPTIONS/ NOTES
Sundance Trail (Offsite)	Modified Std Plan 101B (3"AC over 8"AB Min.)	20/4 ft-	50ft-	25 mph	No curb, gutter, or sidewalk, road width is measured Edge of Pavement (EP) to EP. Improvements shall be from Road "A" to El Dorado Road
Road A	Modified Std Plan 101B (3"AC over 8"AB Min.)	28 ft – 20 ft at dam crossing /2)	50ft	25 mph	No curb, gutter, or sidewalk, road width is measured EP to EP. Modified width due to existing constraints.
Road B, C, D, E, F, G	Modified Std Plan 101B (3"AC over 8"AB Min.)	28ft/2	40ft	25 mph	No curb, gutter, or sidewalk, road width is measured EP to EP.
Echo Lane Offsite (onsite)	Modified Std Plan 101B (3"AC over 8"AB Min.)	28ft	60ft	25 mph	No curb, gutter, or sidewalk, road width is measured EP to EP. Improvements shall be from Road "A" to El Dorado Road

* 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

4846. **Road & Public Utility Easements:** The applicant shall provide a 50-foot wide non-exclusive road and public utility easement for the on-site access roadways Road A, Road B, Road C, Road D, Road E, Road F, and Road G prior to the filing of the final map. Slope easements shall be included as necessary.

~~49. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate in fee, a 30-ft right-of-way along the entire frontage of Echo Lane as determined by EDC DOT, prior to the filing of the final map. This offer will be accepted by the County~~

5047. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment(s) from the Road A onto Sundance Trail and Echo Lane to the provisions of County Design Std **103D**, or as required by the approved traffic study. 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 final map

5148. **Dead End Roads:** Pursuant to Article 2, Section 1273.09 of the SRA Fire Safe Regulations, the maximum length of a dead-end road, including all dead-end roads accessed from the dead-end road, shall not exceed the following cumulative lengths, regardless of the numbers of parcels served:

- parcels zoned for less than one acre-----800 feet
- parcels zoned for 1 acre to 4.99 acres-----1,320 feet
- parcels zoned for 5 acres to 19.99 acres -----2,640 feet
- parcels zoned for 20 acres or larger -----5,280 feet

All lengths shall be measured from the edge of the roadway surface at the intersection beginning the road to the end of the road at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest allowable length shall apply. The lengths of all dead-end roads shall be graphically depicted and identified on the site and improvements plans prior to the filing of the map.

5249. **Turnaround:** The applicant shall provide a turn around at the end of the roadways to the provisions of County Standard Plan 114 or approved equivalent. 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 final map.

5350. **Tangents:** Pursuant to DISM Sec 3.B.6, a minimum 100-ft tangent shall be introduced between reversed curves. The County Engineer may approve a tangent of less than 100-ft on local roads provided the adjacent curves have a minimum radius of 200-ft or an acceptable alternative approved by the County Engineer. The tangent and radius lengths

shall be graphically depicted on the site plans or included in a Line & Curve Table on the site plans prior to filing of the final map.

5451. **Minimum Radius:** Pursuant to Section 3.B.7. of the DISM, the minimum centerline curve radius length of subdivision streets shall be 100 feet for local streets and 300 feet for minor collecting streets. 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.
5552. **Cut Slopes:** Per the El Dorado County Grading Design Manual Sec B.6, the top of cut slopes shall not be made nearer a permit area boundary line than one fifth the vertical height of cut with a minimum of two (2) feet and a maximum of ten (10) feet. 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.
5653. **Fill Slopes:** Per the El Dorado County Grading Design Manual Sec B.6, the toe of the fill slope shall not be made nearer to the permit area boundary line than one half the height of the slope with a minimum of two (2) feet and a maximum of twenty (20) feet. Where a fill slope is to be located near the permit area boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the building official deems necessary to protect the adjoining property from damage as a result of such grading. 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.
5754. **Off-site Easements:** Applicant shall provide all necessary recorded easements for the drainage, slope and road improvements crossing the property line prior to approval of the improvement plans.
5855. **Off-site Access Easements:** The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall be provided by and through a "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the map.
5956. **Driveway Cuts:** 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. Attention should be given to the minimum required sight distance at all driveway encroachments. 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.
- ~~60. **Offsite Road Maintenance (Sundance Trail):** Access to the Indian Creek Ranch project is indicated across APN 327 020 10 to Sundance Trail, the main roadway in the Sundance Trail Road Zone of Benefit. The formation was initiated in 1984 through a petition of the property owner residents from within the subdivision. The cost of~~

~~maintaining Sundance Trail from El Dorado Road to the end is borne entirely by the property owners within the Zone, and the maintenance is recommended by them through an Advisory Committee appointed by the Board of Supervisors. The Zone is not eligible for, nor does it receive any support from the Road Fund, General Fund, or any other source.~~

~~Any necessary improvements to Sundance Trail must be completed under a contract that meets the requirements for a Public Works project, and funded by the developer through an agreement with the County such that there is no negative fiscal impact to the Zone of Benefit. In other words, administrative costs associated with the contract preparation, bidding, and administration would be covered by the developer, not paid for through the Zone benefit assessments. This is similar to the Road Improvement Agreement requirements for improvements to County Maintained roads. Additionally, since the roads in the Sundance Trail Zone of Benefit are public for the purpose of use, they cannot be gated. This means that newly constructed roads added to the Zone would be subject to this same prohibition.~~

~~The conditions of approval for the Indian Creek Ranch subdivision shall include a requirement to annex the project territory to the existing Sundance Trail Zone of Benefit, and to establish sufficient funding to maintain the whole of the road system in the amended Zone of Benefit, including Sundance Trail. The Sundance Trail Zone of Benefit is currently funded through a benefit assessment. Because additional territory in the Zone increases the amount of roadway for which it provides funding to maintain, the annexation process would not take affect, nor will the project conditions be satisfied unless the change to the benefit assessment is approved. Any change to the benefit assessment requires: 1) justification of the amount through a professionally prepared engineer's report that meets the requirements of Articles XIII C and XIII D of the California state constitution ("Prop 218"); and 2) approval of the change to the funding source by the electorate within the boundaries of the zone through the appropriate proceeding. Funding for the proceeding shall be provided by the developer, and not paid for through Zone benefit assessments."~~

DOT STANDARD CONDITIONS

6157. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
6258. **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 shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
6359. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. 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, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall

review the document forming the entity to ensure the provisions are adequate prior to filing of the final map.

6460. **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).
6561. **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.
- ~~66.~~ ~~**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.~~
6762. **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.
6863. **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 final map.
6964. **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.
7065. **Grading Permit / Plan:** The applicant shall submit a improvement/grading plan for onsite and offsite improvements 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 the DOT or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
7166. **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.

7267. **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.
7368. **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.
7469. **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.

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. 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.

- 7570. 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.
- 7671. Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and the final map.
- 7772. 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.
- 7873. Off-site Improvements (Security):** Prior to the filing of a final map, the applicant shall complete or 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.
- 7974. 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 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, 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.

8075. 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.

8176. TIM Fees: The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

El Dorado County Surveyor's Office

8277. 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.

8378. 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

8479. The applicant shall adhere to all District rules and conditions during project construction, as specified by the District in their letter dated September 2, 2008 prior to issuance of any permits associated with this project.

Hazardous Materials

8580. 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.