

Contract #: **AGMT 08-52577**

Registrar # **09-0257**

Lee Parcel Map Improvement Agreement (96000)

# CONTRACT ROUTING SHEET

**PROCESSING DEPARTMENT:**

Department: Transportation  
 Dept. Contact: Tim Prudhel  
 Phone: x5974  
 Department Head  
 Signature: *T. C. Prudhel* 03-11-09  
 Tim C. Prudhel  
 Contract Services Officer

**CONTRACTOR:**

Name: **United Property & Investment LLC**  
 Address: P.O. Box 5105  
El Dorado Hills, CA 95762  
 Phone: (916) 941-0366

**CONTRACTING DEPARTMENT:** Transportation

Service Requested: Parcel Map Improvement Agreement

Contract Term: Two years Contract/Amendment Amount: \$ 140,536.06

Compliance with Human Resources Requirements? Yes: N/A No:         

Compliance verified by: N/A – Parcel Map Improvement Agreement

**COUNTY COUNSEL:** (must approve all contracts and MOUs)

Approved:  Disapproved:  Date: 3/13/09 By: *Susan Biele*  
 Approved:  Disapproved:  Date:          By:         

**Please forward to Risk Management upon approval.**

Index Code: 301000

User Code: 96000A PM-R 06-0017

**RISK MANAGEMENT:** (All contracts and MOUs except boilerplate grant funding agreements)

Approved:  Disapproved:  Date: 3/16/09 By: *W. Coates*  
 Approved:  Disapproved:  Date:          By:         

**OTHER APPROVAL** (Specify department(s) participating or directly affected by this contract).

Department(s):         

Approved:  Disapproved:  Date:          By:           
 Approved:  Disapproved:  Date:          By:         

2009 MAR 11 PM 1:20  
HUMAN RESOURCES DEPT

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**CONDITIONS OF APPROVAL**

**Project Description**

1. This parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit E (tentative parcel map) dated February 20, 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 three-lot parcel map. The parcel sizes are as follows: Parcel 1- 3 acres, Parcel 2- 3.3 acres, Parcel 3- 4.1 acres.

All parcels would take access via private driveways onto Lakehills Court. A Fire Safe Regulation hammerhead turnaround would be constructed along the driveway access to Parcel 1 approximately 321 feet south of the intersection with Lakehills Court. Lakehills Drive would be improved to a half width of 20 feet pursuant to Standard Plan 101B.

One oak tree would be removed on Parcel 3 within the proposed building location as shown on the parcel map. The project would be required to connect to public water and wastewater services.

One Design Waiver would be allowed for the following: to reduce the road improvements to Lakehills Court from 24 feet to 20 feet pursuant to Standard Plan 101B.

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.

**Planning Services**

2. During all grading and construction activities in the project area on the proposed parcels, an archaeologist or Historian approved by the Development Services Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent and/or future parcel owner shall ensure that all such activities cease within 50 feet of the

discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.

3. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
4. The subdivider shall be subject to a \$150.<sup>00</sup> appraisal fee payable to El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
5. The subdivision is subject to parkland dedication in-lieu fees, based on values supplied by the County 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 parcel map.
6. The applicant shall replace the one removed oak tree with a 1:1 replacement ratio. Replacement trees shall be planted on site to the satisfaction of the Development Services Director. An agreement to the satisfaction of County Counsel and the Development Services Director shall be required to ensure the long term maintenance and preservation of the replacement trees. Maintenance shall be required for a 10-year period. Any trees that do not survive during this period shall be replaced. The replacement trees shall be planted prior to final inspection, and the maintenance agreement shall be provided to Planning Services prior to issuance of a building permit.
7. The applicant shall adhere to all oak protection measures enumerated in the February 15, 2007, *Tree Care Incorporated* letter on file with Planning Services.
8. The applicant shall provide a meter award letter or similar document from EID, prior to filing of the parcel map.
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 Government Code.

The subdivider shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an

approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

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

10. Prior to issuance of a grading permit or commencement of 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 also schedule an inspection by Planning Services prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.

#### **Department of Transportation**

##### **Project Specific Conditions**

11. The applicant shall improve the property frontage along Lakehills Drive to a total half width of 20 feet from the existing roadway centerline according to El Dorado County Standard Plan 101B (without curb, gutter, and sidewalk). 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 parcel map.
12. The applicant shall improve the property frontage along Lakehills Court to a total width of 20 feet according to El Dorado County Standard Plan 101B. 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 parcel map.
13. The applicant shall irrevocably offer (or verify existing offer) to dedicate, in fee, 30 feet of right of way for the on-site portion of Lakehills Drive along the entire property frontage, prior to the filing of the map. This offer will be accepted by the County.
14. The applicant shall irrevocably offer (or verify existing offer) to dedicate, in fee, 30 feet of right of way for the on-site portion of Lakehills Court along the entire property frontage, prior to the filing of the map. This offer will be rejected by the County.
15. The applicant shall provide a 20 foot wide slope easement contiguous to the right of way along the entire front of Lakehills Drive, prior to filing of the parcel map.
16. The applicant shall irrevocably offer to dedicate, prior to the filing of the map, a 30 foot wide road and public utilities easement along the entire eastern boundary line of Parcel 2 which is needed for access to Parcel 1. The offer will be rejected by the County.

17. A vehicular access restriction exists along the entire frontage of Lakehills Drive. Therefore, all parcels shall take access via Lakehills Court.
18. The applicant shall place a vehicular access restriction along the entire driveway access to Parcel 1, which shall be placed along the boundary between Parcel 2 and 3. The Department of Transportation shall verify the vehicular access restriction prior to filing of the parcel map.
19. The applicant shall make applications and pay appropriate fees to the Department of Transportation for the request of installation of speed limit signage and intersection signage in the project vicinity along Lakehills Drive. The application shall be made prior to filing of the parcel map.

**Standard Conditions**

20. 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.
21. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Subdivision Ordinance, prior to filing the Parcel Map.
22. The applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads not maintained by the County, that is required for access to County or State maintained roads. The applicant is required to include in the agreement only the parcels associated with this application.
23. If site improvements are to be made, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department 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. The improvements shall be substantially completed, to the approval of the Department of Transportation, prior to occupancy.
24. The applicant shall provide a soils report at time of improvement plan or grading permit application addressing, 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.

25. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading.
26. 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.
27. 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 approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.
28. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

#### **El Dorado Hills Fire Department**

29. The potable water system for the purpose of the fire protection shall provide a minimum fire flow of 1,500 gallons per minute (gpm) with a minimum residual pressure of 20 psi for two-hour duration. This requirement is based on a single family dwelling 4,800 square feet or less in size. Any home larger than 4,800 square feet shall be required to provide the fire flow for the square footage of that dwelling or shall be sprinklered in accordance with NFPA 13D and Fire Department requirements. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire Department. The Department shall review and approve the system prior to filing of the parcel map.
30. The applicant shall extend a public water system to service the project. The location and quantity of fire hydrants shall be determined by the Fire Department. The Department shall review and approve the installation of the hydrants prior to filing of the parcel map.
31. The applicant shall prepare a Wildland Fire Safe Plan. The Department shall review and approve the plan prior to filing of the parcel map.
32. The driveways serving the new parcels shall be designed to a maximum grade slope of 20 percent. If the driveway exceeds 20 percent, the dwelling shall be conditioned to install a residential fire sprinkler system in accordance with Department requirements. The Department shall review and approve driveway design prior to issuance of a building permit.
33. Any future development shall provide a minimum setback of 30 feet as required by the State Fire Regulations.

### **Air Quality Management District**

34. The applicant shall make applications and pay the appropriate fees for an Asbestos Dust Mitigation Plan. The District shall review and approve the plan prior to commencement of any construction.
35. The applicant shall comply with all District air quality rules during project construction.

### **El Dorado Hills Community Services District**

36. Each parcel shall have the existing Covenants, Conditions, and Restrictions (CC&R's) recorded on the new parcels.

### **County Surveyor**

37. All survey monuments shall be set prior to filing of the parcel map.
38. Prior to filing of the parcel map, a letter to the County Surveyor shall be required from all agencies that have conditions placed on the map. The letter shall state that all conditions placed on the map by that agency have been met.

### **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:

#### **FINDINGS FOR APPROVAL**

##### **1.0 CEQA Findings**

- 1.1 El Dorado County has considered the previously prepared Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the California Department of Fish and Game (CDFG). The project is subject to the CDFG environmental filing fee of \$1,800 and a \$50 El Dorado County processing fee based on CDFG Code Section 711.4 and Senate Bill 1535.

1.4 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.

## **2.0 General Plan Findings**

**2.1 That the proposed tentative parcel map is consistent with applicable general and specific plans;**

The parcel map is consistent with the General Plan which designates the parcel as Medium Density Residential (MDR) which allows for the proposed parcel sizes. The R3A zoning is consistent within the El Dorado Hills Community Region and within the MDR land use designation.

## **3.0 Tentative Map Findings**

**3.1 The proposal conforms to the County's zoning regulations and Minor Land Division Ordinance;**

The Department of Transportation and the El Dorado Hills Fire Department have reviewed the existing road conditions and have determined that the proposed improvements would provide adequate access. Adequate public water and sewer services exist that would be sufficient to serve the project.

The proposed parcels provide adequate area to meet the development standards of the R3A zone district.

**3.2 The site is physically suitable for the proposed type and density of development;**

As determined through a Cultural Resource Study, Biological Survey, and Arborist Report the project site does not contain any natural resources that would be significantly impacted through the proposed residential development of the project.

The project would require the removal of one oak tree. The project would be conditioned to replace the impacted oak as required by the General Plan.

**3.3 The design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;**

The required site improvements will not cause significant impacts to the environment or wildlife. As determined by the Biological Survey and Arborist Reports, the project would not result in significant environmental impacts.



**4.0 Design Waiver Findings**

- 4.1 There are special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.**

The project will create three additional parcels. The project will not substantially affect the traffic on Lakehills Court. The El Dorado Hills Fire Department and the Department of Transportation have reviewed the project and determined that the proposed road improvements with the reduced road improvements to Lakehills Court will provide adequate fire protection for the project.

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

The project would create three parcels. The project will not result in substantial traffic increases which will require widening of Lakehills Court beyond the Fire Safe Minimum.

- 4.3 The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.**

Lakehills Court would be widened to 20 feet which will provide adequate emergency access to the project site. The reduced road width will not result in additional traffic hazards or impede access to the existing parcels in the vicinity.

- 4.4 This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.**

The project improvements will be consistent with the minimum road standards of the Fire Safe Regulations. The project will improve the existing access roads to a total width of 20 feet with shoulders.