

Conditions of Approval

Project Description

1. This tentative subdivision map and zone change approval is based upon and limited to compliance with the project description, dated June 2006, 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” is for a tentative subdivision map to create 45 lots ranging in size from 7,910 to 97,641 square feet and a zone change from Estate Residential Ten-acre (RE-10) to One-family Residential (R1) and One-half Acre Residential (R20,000). The “Project” includes two design waiver requests to construct a four-foot wide sidewalk in lieu of the six-foot wide sidewalk along the east side of Beasley Drive and both sides of Voltaire Drive, and reduce ROW along Voltaire Drive and internal streets C and D Drive to 44 feet, , as well as a reduction from 60 feet to 50 feet on Beasley Drive, all variations of the requirements of 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.

Conditions from the Mitigated Negative Delecration

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

2. The applicant shall avoid take of any active raptor nests, and pre-construction surveys shall be conducted by a qualified biologist no more than 30 days prior to initiation of the proposed development activities. The survey results shall be submitted to the California Department of Fish and Game (CDFG) and Planning Services prior to issuance of a grading permit. If active raptor nests are found on or immediately adjacent to the site, consultation must be initiated with CDFG to determine appropriate avoidance. The applicant shall follow the appropriate avoidance measures issued by CDFG. If no nesting

is found to occur, than necessary tree removal may proceed, upon approval by Planning Services.

Monitoring Responsibility: Planning Services

Monitoring Requirement: Planning Services shall ensure that adequate surveys are prepared prior to issuance of building permit.

3. The project applicant shall place construction fencing around the oak trees to protect them from disturbance during construction. Protective fencing shall be erected at least one (1) foot beyond the drip line surrounding each oak tree unless otherwise specified by a certified project arborist. This fenced area shall not be encroached for any reason, without authorization by the certified project arborist. No materials, equipment, or vehicles shall be stored or parked within the projected tree zone. No grading, cuts, fills or trenching of any kind shall be allowed within the drip line of the trees without direct supervision of the project arborist.

Monitoring Responsibility: Building Services

Monitoring Requirement: During construction, the building inspector shall ensure that protective fencing is properly erected, and that the fenced area is not encroached, unless supervised by the project arborist on site.

4. Any oak trees removed from the site shall be replaced as specified in the Interim Interpretive Guidelines for El Dorado County. Replacement of removed tree canopy shall be at a 200 tree saplings per acre, or 600 acorns per acre, whether on-site or off-site. A tree planting and preservation plan is required prior to issuance of a grading permit. If the applicant chooses to replace removed trees off-site, an easement for off-site replacement must be obtained prior to the recordation of the Tentative Map. A letter from the certified project arborist verifying the replacement of trees and a contract for intensive to moderate maintenance and monitoring shall be required for a minimum of 15 years after planting. The survival rate shall be 90 percent. Any trees that do not survive during this period of time shall be replaced by the property owner. The arborist contract, planting and maintenance plan, and all compliance documents necessary to meet the Oak Woodlands Interim Interpretive Guidelines shall be provided to Planning Services prior to issuance of a grading permit.

Monitoring Responsibility: Planning Services

Monitoring Requirement: Planning Services shall review the Certified Arborist letter and conduct a site visit prior to issuance of a grading permit to ensure that all measures are in place to protect the oak trees during construction.

5. During preliminary site grading, a cultural resources specialist shall be present on site in the event that subsurface artifacts are uncovered. If a deposit is found to be significant, data shall be collected and consultation shall be initiated with the appropriate agency.

Work in the area of the discovery shall be halted until artifacts can be evaluated in accordance with state and feral regulations regarding cultural resources. A contract demonstrating that a cultural resources specialist has been retained for site grading activity shall be submitted to Planning Services for review prior to issuance of a grading permit.

Monitoring Responsibility: Building Services

Monitoring Requirement: During grading, building inspector shall ensure that a cultural resource specialist is on site.

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

Monitoring Responsibility: Building Services

Monitoring Requirement: Building inspector shall ensure that construction documents indicate hours limitations as specified in mitigation measure.

Department of Transportation

7. The applicant shall construct the following roadways as specified in Table 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 recordation of the final map:

TABLE 1		
ROAD NAME	ROAD WIDTH	EXCEPTIONS/NOTES
Marble Valley Road(on-site)	40 ft roadway with 50 ft ROW along frontage per Std Plan 101B	Std Plan Type 2 vertical curb and gutter (no sidewalk), with Class 1 Bike Path. 40 ft roadway with four (4) foot wide paved shoulder along frontage and 6 foot wide native shoulder on both sides of roadway
Marble Valley Road(off-site) Eastern Boundary to Flying 'C' Road	40 ft roadway with 60 ft ROW	No curb/ gutter/sidewalk. Two (2) lane roadway. Required Off-site improvements of Marble Valley Road are reimbursable through the "Area of Benefit for the Construction of Marble Valley Road – Resolution 118-2000"
Voltare and Beasley Drive, 'C' & 'D' Drive, 'B' Court	28 ft roadway (50 ft ROW) per Std Plan 101B	Std Plan Type 1 curb and gutter with 4 foot wide sidewalks, Type 2 vertical curb for 'D' Drive. Beasley Drive Std Plan Type 2 vertical curb and gutter with 6 foot wide sidewalk on east side of roadway only and 2 foot wide shoulder with guard rail on west side of roadway from STA 18+18 to 19+72 as shown on Tentative Map. 'B' Court and 'C' Drive cul-de-sac according to Standard Plan 114.

*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.

8. The approved traffic study requires that the applicant shall improve the Cambridge Road/ US 50 eastbound on-off ramps, providing an all way stop. 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 recordation of the final map. In addition, the applicant shall obtain an approved encroachment permit from Caltrans for the required improvements.
9. The required off-site improvements to Marble Valley Road, as specified in Table 1 of DOT conditions, shall adhere to the "Area of Benefit for the Construction of Marble Valley Road – Resolution 118-2000" and shall be consistent with the MacKay & Soms "Conceptual Plans for the Improvements of Marble Valley", which were approved by DOT on September 3, 1999. The applicant shall update these Improvement Plans to adhere to current County Design Standards and 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 recordation of the final map.
10. The required on and off-site improvements to Marble Valley Road shall be signed and striped as a two (2) lane road as shown on the approved Tentative Map and the required on-site and off-site road improvement plans for Marble Valley Road.
11. The applicant shall irrevocably offer to dedicate (IOD), in fee, 50 feet of right of way along the entire on-site frontage of Marble Valley Road, with the appropriate slope easements. This offer will be accepted by the County.
12. The applicant shall irrevocably offer to dedicate (IOD), in fee, 60 feet of right of way from the eastern boundary of this project to Flying 'C' Road, where it intersects with Crazy Horse Road, with the appropriate slope easements, as depicted on the revised MacKay & Soms Conceptual Plans for the Improvements of Marble Valley, which were approved by DOT on September 3, 1999. This offer will be accepted by the County.
13. The applicant shall irrevocably offer to dedicate (IOD), in fee, adequate right of way to realign Flying 'C' Road to intersect with Marble Valley Road, with the appropriate slope easements, as depicted on the revised MacKay & Soms Conceptual Plans for the Improvements of Marble Valley, which were approved by DOT on September 3, 1999. This offer will be accepted by the County.
14. The applicant shall irrevocably offer to dedicate (IOD) a 50 foot road and public utility easement for Voltare and Beasley Drive, prior to filing the final map. This offer will be rejected by the County.
15. A vehicular access restriction shall be established along the entire on-site frontage of Marble Valley Road except for the proposed access locations, prior to filing the final map. All lots that front on two roads shall take access on the minor roadway, and a non-

- vehicular access easement shall be established along the entire frontage on the major roadway.
16. A secondary access road, providing permanent or temporary looped circulation for each phase of development, shall be constructed prior to the first building permit being issued for any residential structure except where the issuance of building permits is for model homes, which shall be unoccupied.
 17. The applicant shall join and/or form, prior to filing the final map, an entity satisfactory to DOT, to maintain all on-site roads and/or drainage facilities not maintained by the County.
 18. 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 commencement 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 Agent, 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 professional appraiser of the cost of land necessary to complete the off-site improvements.
 19. The applicant shall adhere to all DOT standard conditions as specified on Attachment A, which were provided to the applicant's engineer on June 7, 2007.

El Dorado County Fire Protection District

20. The District shall require eight new hydrants, of Muller model Centurion 200, for this project, as approved by the Fire District in an appropriate location. The applicant shall install the hydrants along with roadway and utility improvements.
21. The developer shall construct Beasley Road and Voltaire Drive at least 40' in width.
22. The developer shall limit on-street parking for Roads C and D on only one side of the street prior to occupancy. No parking signs or red curbs are required.

23. A Fire Safe Plan, approved by CDF and El Dorado County FPD, is required prior to occupancy.
24. The developer shall ensure that cul-de-sacs and all access roads are open to public use with no gates immediately prior to and after occupancy.

LAFCO

25. Prior to final map filing, the applicant shall complete the annexation process into EID through LAFCO and submit evidence of the satisfaction of this condition to Planning Services upon completion.

Planning Services

26. The applicant shall provide to planning services, a meter award letter or similar document from EID, prior to filing the Final Map.
27. 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 applicant shall pay all fees at the time of filing the Final Map.
28. 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.
29. 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. The increase is calculated by the Districts as of January 1 of each year and implemented on July 1 of each year. The applicant shall 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 owner of record shall pay the fee at the time the building permit is issued. The owner of record shall record on the property the agreement or a notice of restriction to alert subsequent owners of this obligation.
30. 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.
31. 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.

32. All Development Services Planning fees shall be paid prior to issuance of any Building Permit.

Surveyor's Office

33. 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 the surety of work to be done by bond or cash deposit. The project applicant shall ensure that verification of set survey monuments, or amount of bond or deposit are acceptable to the County Surveyor's Office.
34. The applicant shall file a completed road name petition for roads serving the development with the County Surveyor's Office prior to filing the Final Map.

El Dorado County Resource Conservation District

35. Prior to grading operations, the developer shall contact the District for review of an erosion control plan. The erosion control plan must be approved by the District prior to grading operations.
36. Revegetation of all disturbed soils will be accomplished with approved amounts and types of vegetative species, mulch, and fertilizer materials per the "El Dorado County Erosion Control Requirements and Specifications – MLRA18." The applicant shall include these specifications as a part of the engineering drawings for the project.
37. The applicant shall analyze the downstream drainage areas for the capacity of existing structures to adequately handle runoff created by the proposed development and problems related to erosion control. The applicant shall complete this as part of the erosion control plan.

California Regional Water Quality Control Board

38. The applicant shall obtain a permit for the project under the National Pollutant Discharge Elimination System (NPDES). The applicant shall obtain the General Permit to cover this project prior to construction.
39. The project applicant shall certify that the project will not violate water quality standards prior to issuance of a grading permit. Section 401 of the Clean Water Act and shall obtain approval of a 401 Water Quality Certification of any waters of the United States that may be affected by the project.

Cameron Park Community Services District

40. The developer shall pay adequate parks fees, based on County appraisal. The developer shall ensure that any CC&R's established for the project are reviewed and approval by the CSD.

El Dorado County Department of Environmental Health

41. Project applicant shall adhere to Rules 223, 223.1, and 223.2 during construction. The applicant shall submit a Fugitive Dust Plan Application or Asbestos Dust Mitigation Plan Application to and receive approval by the District prior to the issuance of a grading permit and start of project construction.
42. Project construction shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
43. Burning of wastes on-site requires the applicant contact the District prior to the commencement of any burning for necessary burn permit requirements. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
44. The project construction shall adhere to District Rule 215 Architectural Coatings.
45. The applicant shall submit a list to the District stating which mitigation measures the applicant must comply with to reduce impacts to air quality from equipment exhaust emissions during all construction involved in this project for approval prior to issuance of a Building Permit.

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