

# CONDITIONS OF APPROVAL

## Rezone Z16-0001/Tentative Parcel Map P16-0001/Hansen Planning Commission/May 11, 2017

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit E .....Proposed Zoning  
 Exhibit F.....Tentative Parcel Map

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 would constitute a violation of permit approval.

The project description is as follows:

The project allows the creation of four residential parcels ranging in size from 10 to 13.5 Acres from a 45.69-acre site identified by Assessor’s Parcel Number 087-021-05. All parcels shall be served by individual wells and septic systems. The approval includes the following:

Lot Number	Gross Area	Improvements
1	13.5 acres	Existing Residence and agricultural barn
2	10.27 acres	New Single-family home, driveway improvements, well, septic system
3	10.04 acres	New Single-family home, driveway improvements, well, septic system
4	10.04 acres	New Single-family home, driveway improvements, well, septic system

The development, use, and maintenance of the property, the size, shape 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 must be submitted for review and approval and shall be implemented as approved by the County.

### Development Services Division

2. **Permit Time Limits:** This Tentative Parcel Map shall expire 36 months from the date of approval unless a timely extension has been filed.

3. **Fish and Wildlife Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and the current Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. Please submit check for the total amount to Planning Services and make the check payable to El Dorado County. No permits shall be issued or final map filed until said fees are paid.
4. **Indemnity:** 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.

The developer and land owner 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 Parcel Map.

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

5. **Parks Fees:** The tentative parcel map shall be subject to parkland dedication in-lieu fees based on values supplied by the County Assessor and calculated in accordance with Section 16.12.090 of the County Code. The applicant shall provide proof of payment of parkland dedication in-lieu fees to Planning Services prior to filing the final map.

### **Mitigation Measures**

6. **Mitigation Measure BIO-1:** If any grading or construction activities will occur during the nesting season (March 1 to August 31), a preconstruction survey for the presence of special-status bird species or any nesting bird species shall be conducted by a qualified biologist within 500 feet of proposed construction areas, no more than 30 days prior to construction activities. The survey shall be submitted to Planning Services for review. If active nests are identified in these areas, CDFW and/or USFWS shall be consulted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a 40-foot, fenced buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

**Monitoring Requirement:** The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and the necessary avoidance measures prior to initiation of construction activities. This mitigation measure shall be noted on the Final Map, in a notice of restriction that shall be recorded on the property and future grading and residential construction plans. If a pre-construction survey is required, the Development Services Division shall verify the completion of survey prior to issuance of grading permit.

Monitoring Responsibility: El Dorado County Development Services Division.

7. **Mitigation Measure BIO-2:** Oak woodland preservation and replacement shall be consistent with Sections C and D of the Biological Resources Report prepared by Site Consulting Inc. dated June 2015. The plan identifies appropriate oak woodland canopy preservation measures, and identifies replacement requirements for oak woodland canopy removal resulting from the proposed project. Removal of oak woodland canopy must be mitigated by replanting oaks at a 1-to1 ratio of canopy removed to area revegetated. Using the standard of 200 sapling or 600 acorns per acre, the mitigation for proposed oak woodland canopy removal for Parcel 3 would be 4 saplings or 10 acorns planted on 0.01 acres; and for Lot 4 to be 32 saplings or 95 acorns planted on 0.16 acres. Proposed mitigation areas shall be in substantial conformance with Figure 10 Oak Mitigation Areas.

Monitoring Requirement: All grading and construction activities will require compliance with the oak woodland preservation measures and replacement measures as described in Sections C and D (Oak Tree Survey, Preservation and Replacement Plan) of the *Biological Resources Report* prepared by Site Consulting Inc. dated June 2016 (Exhibit I). The applicant shall plant oak trees or acorns in compliance with said Report and Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4. Planning Services shall verify the inclusion of the requirement prior to the issuance of grading and building permits.

Monitoring Responsibility: El Dorado County Development Services Division

8. **Mitigation Measure CUL-1:** The site identified as Bryant Cemetery shall be irrevocably offered in fee to the County of El Dorado. A 30 foot buffer zone will be identified on the Parcel Map on the southern and eastern sides of the cemetery. Building, excavation, and grading would be restricted within this buffer.

Monitoring Responsibility: El Dorado County Development Agency

#### Office of County Surveyor

9. **Monuments:** All survey monuments shall be set prior to filing the Parcel Map.
10. **Parcel Map Guarantee:** Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 120.44.120(B)(2).
11. **Situs Addressing:** Situs addressing for the project shall be coordinated with the County Surveyors Office prior to filling the Final Map.

12. **Road Name:** The road serving the development shall be named by filing a complete Road Name Petition with the County Surveyors Office prior to filing the Final Map.
13. **Satisfied Conditions:** Prior to filing the Parcel Map, a letter shall be required from all agencies that have placed conditions on the map. The letter shall state that “all conditions placed on P16-0001 by (that agency) have been satisfied.” The letter shall be sent to the County Surveyor and copied to the consultant and the applicant.

#### **EL Dorado Hills Fire Department**

14. **Fire Department Access:** Approved fire apparatus access roads and driveways shall be provided for every facility, building, or portion of a building. The fire apparatus access roads and driveways shall comply with the requirements of Section 503 of El Dorado Hills County Water District Ordinance 36 as well as State Fire Safe Regulations and shall extend to within 150 feet of all portions of each facility and all portions of the exterior of the first story of the building as measured by an approved route around the exterior of the building or facility. Driveways and roadways shall have unobstructed vertical clearance of 15’ and a horizontal clearance providing a minimum 2’ on each side of the required driveway or roadway width. Depending on final heights of each building, the final layout of fire apparatus access roads shall be determined and approved by the fire code official with consideration of whether a ladder truck or ground ladders would be used for firefighting operations.
  - a. The road and its requirements shall continue all the way to the point where driveway for Parcel #2 will commence. A driveway, that meets the definition and requirements of a driveway, shall not serve more than one parcel.
  - b. As shown on the original application map, Parcel 1’s driveway shall have turnouts located every 400 feet and shall have a turnaround within 50 feet of where the driveway terminates with the residence, complying with 2016 CA Title 14 SRA Fire Regulations.
  - c. As shown on the original application map, Parcel 2’s driveway shall have turnouts located every 400 feet and shall have a turnaround within 50 feet of where the driveway terminates with the residence, complying with 2016 CA Title 14 SRA Fire Regulations.
  - d. As shown on the original application map, Parcel 3’s driveway shall have a turnout located near the midpoint of the driveway, complying with 2016 CA Title 14 SRA Fire Regulations.
  - e. As shown on the original application map, Parcel 4’s driveway shall have a turnout located near the midpoint of the driveway, complying with 2016 CA Title 14 SRA Fire Regulations.

- f. The main roadway shall be a minimum 20' wide. This is based on the State Fire Safe Regulations that are in effect at the time of application. The applicant shall comply with all Title 14 regulations and EDH Ordinance 36 requirements for the roadway and driveways.
15. **Wildland Fire Safe Plan:** This development shall be conditioned to develop, implement, and maintain a Wildland Fire Safe Plan that is approved by the Fire Department as complying with the State Fire Safe Regulations. The final Wildland Fire Safe Plan shall be completed and submitted to the Fire Department prior to recording the parcel map.

## **Transportation Division**

### **Project-Specific EDCTD Conditions**

16. **On-Site Road Improvements:** The on-site access roadway shall be constructed as shown on the approved Tentative parcel map (20 feet in width, Class 2 Aggregate Base surfacing).
17. **Encroachment Permit:** The applicant shall obtain an encroachment permit from EDCTD and shall construct the roadway encroachment from the access roadway onto South Shingle Road per County Standard Plan 103C.
18. **Road Right of Way (R/W) & Public Utility Easements:** The applicant shall irrevocably offer to dedicate a 50-foot wide road and public utility easement for the on-site access roadway, including turn-around, as shown on approved Tentative Parcel Map. Slope easements shall be included as necessary. This offer will be rejected by the County.

The applicant shall irrevocably offer to dedicate a 30-foot wide road and public utility easement from centerline Heffren Drive. This offer will be accepted on behalf of the public for use, but rejected for maintenance.

The applicant shall irrevocably offer, in Fee, "Parcel A" as shown on the approved Tentative Parcel Map, 30 feet in width from the centerline of South Shingle Road; This offer will be accepted by the County.

19. **Access Restrictions:** The Final Parcel Map shall contain vehicular access restrictions along the east property lines of parcels 3 and 4 along South Shingle Road, with the exception of the project access road connection. The project access road shall also be access restricted for the first 100 feet measured from South shingle Road.

### **TD Standard Conditions**

20. **Maintenance Mechanism:** The proposed project must provide for permanent maintenance of the proposed on-site access road and drainage facilities. The Maintenance Mechanism is subject to review and approval by Transportation Division prior to filing of

the final map. Typical forms of Maintenance Mechanism include Maintenance Agreements and Codes, Covenants and Restrictions (CC&R's).

21. **Consistency with County Codes and Standards:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from the Transportation Division and pay all applicable fees prior to filing of the final map.

Additionally, the project improvement plans and grading plans shall conform to the County *Grading, Erosion and Sediment Control Ordinance, Grading Design Manual, the Drainage Manual, Storm Water Ordinance (Ord. No. 5022), Off-Street Parking and Loading Ordinance, all applicable State of California Water Quality Orders, the State of California manual on Uniform Traffic Control Devices (MUTCD).*

22. **Regulatory Permits and Documents:** All regulatory permits or agreements between the Project and any State or Federal Agency shall be provided to the Transportation Division with the Project Improvement Plans. These project conditions of approval and all regulatory permits shall be incorporated into the Project Improvement Plans.
23. **Electronic Permits and Documents:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the Transportation Division with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.

#### **Air Quality Management District**

24. **Fugitive Dust:** The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction. (Rules 223 and 223.1)
25. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
26. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
27. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).

28. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>

An applicability flow chart can be found here: [http://www.arb.ca.gov/msprog/ordiesel/faq/applicability\\_flow\\_chart.pdf](http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf)  
Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.

29. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (CARB). A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

### **Environmental Management**

30. For the final map all parcels shall have a safe and reliable water source that meets the minimum criteria of EDC policy 800-02.