

Findings

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 Density General Plan Land Use Designation. The project area is located 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 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 47 residential lots which are consistent with the development standards identified within the RE-5 zone district outlined in Sections 17.28.210 of the Zoning Ordinance, except for minimum lot size. Proposed residential lot sizes range from 1.09 acres to 4.04 acres. Justification for the reduced lot sizes are discussed within the Planned Development findings.

4.0 ADMINISTRATIVE FINDINGS

4.1 Planned Development

- 4.1.1** *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.
- 4.1.2** *The proposed development is so designed to provide a desirable environment within its own boundaries.* The proposed development plan features approximately 62.81 acres of open space that include riparian areas and woodland areas. As such, the development is designed to provide a desirable environment within its own boundaries.
- 4.1.3** *Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.* A Deviation from the Residential 5-acre 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 Zone Regulations is justified to accommodate the Density Bonus Provision of the General Plan.
- 4.1.4** *The site is physically suited for the proposed use.* The 143-acre site contains sufficient developable areas to accommodate the proposed residential uses and density.

- 4.1.5** *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 EID upon annexation by LAFCO into fire and water district boundaries. El Dorado Irrigation District provided a letter dated December 7, 2007 indicating that the project could have adequate water capacity and supplies to serve the proposed project provided additional improvements are made to the system. 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.
- 4.1.6** *The proposed uses do not significantly detract from the natural land and scenic values of the site.* The project includes approximately 62.18 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 General Plan land use designation 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 Tree Preservation Plan (Exhibit H1, H2, and H3), 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 injure fish and wildlife habitat.* A Mitigated Negative Declaration (Exhibit J) 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 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.* Primary site access will be provided via “C Drive”, a private road, which will take access from Salmon Falls Road. “C Drive” will provide access to “A Drive” which will be developed with Phase I of the project, and eventually “B Drive” which will be developed with Phase II of the project and will provide secondary access where it connects to the proposed development to the east. As such, the proposed project does not include any design features, such as sharp curves or dangerous intersections, or incompatible uses that

will substantially increase hazards. No traffic hazards will result from the project design with the incorporation of Department of Transportation conditions. The proposed subdivision is consistent with General Plan Policy 6.2.3.2 as the El Dorado Hills Fire Department has reviewed the project and confirmed that the proposed access and on-site roadways are adequate for the development.

- 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 El Dorado Hills Fire Department has reviewed the proposed tentative subdivision map and will require new fire hydrants for the site as well as road improvements as shown on the Tentative Map and an approved fire safe plan. Fire issues are addressed within the project's conditions of approval.

Conditions of Approval

1. This Rezone, Planned Development and tentative subdivision map are based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits A-J (Rezone/Planned Development/Tentative Map) dated September 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 RE-5 (Estate Residential Five-Acre) to RE-5-PD (Estate Residential Five-Acre-Planned Development), with 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 to allow for a density bonus, and a Phased Tentative Map to create 47 residential lots ranging in size from 1.09 to 4.04 acres and four lettered open space lots (~~three~~ two open space lots and ~~one~~ two landscape lots) totaling 63.181 acres. Phase I would encompass Lots 1-3 & 26 – 46 (24 lots), Phase II would encompass Lots 4-6, 12-25, & 47 (18 lots), and Phase III would encompass Lots 7-11 (5 lots). Access to the proposed subdivision would be from two proposed roadway connections, one to be developed with Phase I of the project (“C” and “A” Drives) which would connect the project directly to Salmon Falls Road, and a secondary access road (“B” Drive) which would be developed with Phase II of the project and would connect to Malcolm Dixon Road through subdivisions south and east of the project. The project proposes to use public water and individual septic systems. In order for the project to be eligible for public water and fire services the property would be require annexation by LAFCO into the local water and fire districts. The project proposes to use the Density Bonus provision for nineteen (19) additional residential lots.

The allowable density shall comply with Table 1 below:

TABLE 1. Density Calculation		
Acreage – 143 acres	Allowable Density in the RE-5 Zone District	Allowable Units Using Density Bonus
	Minimum 5-acre parcel sizes	1.5 Density Bonus
# of Lots	28.6	47.6

The gross and net lot area shall comply with Table 2 below:

TABLE 2. 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	49,974	23,992	27	71,051	41,240
2	47,323	21,997	28	58,891	29,390
3	58,355	32,601	29	57,720	31,773
4	61,082	30,685	30	58,094	30,723
5	51,631	21,368	31	56,447	30,070
6	57,073	30,642	32	49,881	24,884
7	69,028	40,023	33	57,443	27,039
8	57,863	31,000	34	175,860	110,098
9	52,355	26,514	35	57,790	30,542
10	77,679	35,942	36	56,695	26,602
11	57,982	27,888	37	57,216	30,585
12	73,908	40,110	38	61,467	31,315
13	68,258	40,327	39	57,738	29,605
14	72,992	42,118	40	68,517	37,224
15	86,912	47,193	41	65,248	34,590
16	62,082	32,084	42	43,771	21,708
17	72,141	28,317	43	59,831	32,799
18	75,058	43,896	44	54,007	26,797
19	57,470	30,349	45	64,361	30,990
20	59,059	31,125	46	124,612	70,679
21	68,375	37,202	47	62,757	28,532
22	65,754	30,087	Open Space "A"	29.536 acres	
23	66,976	33,752	Open Space "B"	32.835 acres	
24	76,873	40,532	Open Space Landscape Lot "C"	0.435 acres	
25	72,053	35,817	Open Space	0.375 acres	

			<u>Landscape Lot</u> "D"		
26	70,984	41,720			

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:

<i>TABLE 3: Oak Canopy Removal Summary</i>		
Total Oak Canopy to be Removed (Acres)	Canopy Removed for Road Improvements (Acres)	Canopy Removed for Individual Lot Development (Acres)
51.8	9.8	42

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 of Approval from the Mitigated Negative Declaration

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

2. To avoid take of active raptor nests, pre-construction surveys shall be conducted by a qualified biologist no more than 30 days prior to initiation of proposed development activities. Pre-construction surveys shall follow protocol guidelines issued by the California Department of Fish and Game (CDFG). If no active raptor nests are found to occur, necessary tree removal shall proceed. If active raptor nests are found on or immediately adjacent to the site, the following actions shall be taken in order to avoid impacts to nesting raptors:
 1. Halt all construction within 150 feet of any trees containing active raptor nests; these areas shall be marked with fencing or tape in order to clearly delineate areas where construction is prohibited.
 2. Construction shall not resume within 150 feet of any identified nest until the end of the typical nesting season; August 31. Construction may resume prior to the end of the nesting season, only if all raptor fledges have left the nest.
 3. Construction shall not resume prior to consultation with the California Department of Fish and Game and determination that the proposed project

would not result in a “take” of any rare, threatened, endangered or special status species (**MM BIO-1**).

Timing/Implementation: The applicant shall provide Development Services with a letter from a qualified Biologist verifying compliance prior to issuance of a grading permit.

Enforcement/Monitoring: El Dorado County Planning Services

3. In order to protect sensitive cultural resources, the area delineated as Open Space Lot “B” on the Tentative Subdivision Map shall be designated on the final map as an unbuildable area. No reference to specific locations of the cultural resource site shall be recorded with the Final Map (**MM CUL-1**).

Plan Requirements/Timing: A note designating Open Space Lot ”B as an unbuildable area shall be included on the final map.

Compliance: El Dorado Planning Services shall review the final map to ensure that a note is included.

4. The applicant shall be required to notify property owners of potentially significant noise levels associated with future construction activities associated with home building and road construction as part of subsequent phases. This shall be included as a “Buyer Beware” clause in project CC&Rs. Planning Services shall review CC&Rs to ensure this clause has been included (**MM NOISE-1**).

Timing/Implementation: Prior to issuance of grading and building permits for lot development the applicant shall prepare CC&Rs for review by Planning Services

Enforcement/Monitoring: El Dorado County Planning Services.

Project Conditions of Approval

Planning Services

5. 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 51.8 acres). The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and fee shall be based on the amount 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. (Reference PD08-0003)
6. The Final Subdivision Map shall include the following notes:

1. A total of 0.89 acre or 0.69 percent of oak canopy shall be available to each lot within the subdivision for removal during individual lot development. Individual property owners shall pay the mitigation fee or provide a replacement plan. Replacement plans shall be prepared by a licensed arborist at a 1:1 ratio as required by the Oak woodland Conservation Ordinance and fee shall be based on the amount established by the Board of Supervisors. (Reference PD08-0003)
2. Any oak canopy removal beyond 0.89 acre or 0.69 percent for any individual lot within the subdivision, shall pay the 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 Conservation Ordinance and fee shall be based on the amount established by the Board of Supervisors. (Reference PD08-0003)
7. All fees associated with the Tentative Map shall be paid prior to filing the Final Map.
8. 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 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.
9. 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.
10. The following shall be incorporated as a note on the grading/improvement plans:

In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an 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.

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 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).

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

11. 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.
12. The Covenants, Conditions, and Restrictions (CC&R's) shall be submitted to Planning Services for review and approval prior to filing the Final Map.
13. 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.
14. The map shall be recorded and constructed in phases consistent with the phasing plan included with the Tentative Map, Exhibit E. All Open Space and Landscape Lots (Lots A, B, C, & D) shall be dedicated at the time of filing of the first phase of the map.
15. This Tentative Map shall expire in 36 months from date of approval unless a time extension has been filed.
16. 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.
17. The location of fire hydrants and systems for fire flows are to meet the requirements of the El Dorado Hills Fire Department. 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 Department requirements. This condition shall be included in the CC&Rs for the project.
18. A fire safe management plan, acceptable to the El Dorado Hills Fire Department and the California Department of Forestry, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the Fire Department to Planning Services prior to filing the Final Map.
19. The applicant shall provide to Planning Services a meter award letter or similar document from the water purveyor prior to filing the Final Map.
20. The applicant shall submit a request for park in-lieu fee appraisal to Planning Services, with a check for \$150 made out to the El Dorado County Assessor; upon completion of appraisal, the applicant shall pay the park fee, pursuant to Section 16.12.090 of the El

Dorado County Subdivisions Ordinance, to the El Dorado County Facilities Department, and shall submit the receipt to the El Dorado County Office of the County Surveyor prior to filing of the Tentative Map.

21. 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 Development Services 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.

22. 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)

El Dorado Hills Fire Department

23. The project shall provide a potable water system that is capable of supplying the required fire flow as determined by the Fire Department for the protection of lives and property within this development. Any home not meeting the required fire flow shall have an

- approved NFPA 13D fire sprinkler installed. The Fire Department shall determine said requirements prior to issuance of a building permit.
24. This development shall install Mueller Dry Barrel fire hydrants conforming to the El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 500 feet spacing. The exact location of each fire hydrant shall be determined by the Fire Department prior to issuance of a building permit.
 25. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by the El Dorado Hills Fire Department Standard #103.
 26. The driveways serving this project shall be designed to a maximum of 20 percent grade. Any driveway exceeding this requirement shall require installation of fire sprinklers per NFPA 13D within the dwelling unit.
 27. The proposed project shall develop and implement a Wildland Fire Safe Plan. The Plan shall be approved by the Fire Department and submitted for review to Planning Services prior to filing the Final Map.
 28. The project is prohibited from installing any type of traffic calming device that utilizes a raised bump section of the roadway.
 29. Any lots that are greater than one acre shall conform to the 30-foot setback as required by the Fire Safe Regulations.
 30. The phasing plan that was submitted is approved with the following conditions:
 - a. Lots 1-3, 26-46 will be approved for initial development. No other lots shall be developed until a secondary means of egress is established. Once the unobstructed secondary means of egress has been established, the balance of lots may be developed.
 - b. A minimum 40 foot radius cul-de-sac shall be installed at either end of the Phase I road. These can be removed upon opening of the unobstructed secondary means of egress.
 31. Lots 10, 34, and 46 shall be required to have a turnaround due to the driveway being longer than 150 feet. The required turnaround shall be provided on the grading and improvement plans and shall be approved by the Fire Department prior to issuance of a grading permit.
 32. The driveways of lots 34 and 46 are greater than 400 feet, therefore a turnout shall be installed midway in the driveway. The turnout shall be ten (10) feet wide by thirty (30) feet long with twenty-five (25) foot tapers at each end. The required turnout shall be

provided on the grading and improvement plans and shall be approved by the Fire Department prior to issuance of a grading permit.

El Dorado County Department of Transportation

Project Specific DOT Conditions

33. **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**	EXCEPTIONS/ NOTES
Phase I A & C Drive <i>(onsite)</i>	Modified Std Plan 101B <i>(3"AC over 8"AB Min.)</i>	28ft / 1 ft	50ft	Type "A" AC dike. No sidewalk. Phase I includes all improvements to A Drive and C Drive fronting Lots 1-3 and 26-46. Turnarounds at the two ends consistent with Std Plan 114 are required.
Phase II B Drive <i>(onsite)</i>	Modified Std Plan 101B <i>(3"AC over 8"AB Min.)</i>	28ft / 1 ft	50ft	Type "A" AC dike. No sidewalk. Phase II includes all improvements to B Drive fronting Lots 4-6, 12-26, and 47.
Phase III A Drive <i>(onsite)</i>	Modified Std Plan 101B <i>(3"AC over 8"AB Min.)</i>	28ft / 1 ft widening to 36ft (to comply with dead end road reqs) / 1 ft	50ft	Type "A" AC dike. No sidewalk. Phase III includes all improvements to A Drive fronting Lots 7-11. Turnarounds at the end consistent with Std Plan 114 are required.

* 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

34. **Multi-Project Area of Benefit:** Upon the applicant’s request, the County will form and implement, at the applicant’s expense, a public improvement financing district for funding or reimbursement of the costs of off-site public improvements to be constructed as identified in the Exhibit L entitled Malcolm Dixon Area Traffic Circulation Plan. The applicant shall prepare and submit for County’s approval and adoption a proposed Area of Benefit and supporting Engineers Estimate and Report for the purpose of financing and reimbursement of required off-site land acquisitions, widening and (re-) construction of public improvements as may be appropriate. The proposed Area of Benefit shall include but not be limited to parcels APN: 110-020-12, 126-100-18, 19, 23, & 24. The Area of Benefit Engineer’s Report shall be prepared and submitted and the proposed public financing district formed prior to the filing of the Final Map. For development projects within the proposed public financing district Area of Benefit, County shall require consent by the land owner to the public financing district and participation in the funding or reimbursement and/or construction of the off-site public improvements for Malcolm Dixon Area Traffic Circulation Plan on a pro rata share of residential lots or equivalent share basis as a condition of approval. For development projects which may derive benefit from the public improvements to be constructed as part of the Malcolm Dixon Area Traffic Circulation Plan, County shall require participation in the funding and reimbursement and/or construction of the off-site public improvements for Malcolm Dixon Area Traffic Circulation Plan on a pro rata share of residential lots or equivalent share basis as a condition of project approval.

35. **Area of Benefit Improvements:** The following Area of Benefit Improvements are required of all projects party to the Area of Benefit. This project’s proportional share and financial responsibility for these improvements shall be determined by the Engineer’s Report. These improvements shall be completed to the satisfaction of DOT prior to issuance of a building permit for any lot in Phase II (i.e., construction and buildout of Phase I does not trigger the need for completion of the improvements in Table 2. However, all items in Table 2 must be completed prior to issuance of a building permit on any lot in any other Phase).

Table 2			
ROAD NAME		ROAD WIDTH	EXCEPTIONS/NOTES
AREA OF BENEFIT Off-Site Malcolm Dixon Road Widening From STA:10+00 to STA:28+20	Std Plan 101B County Maintained System	24ft (50ft R/W) EP to EP	Two 12 foot wide lanes and 3 foot wide shoulder per Exhibit L. 2”AC overlay over existing section. No vertical profile change. 3”AC/8”AB section for pavement extension or as recommended in Soils report.

AREA OF BENEFIT Off-Site Malcolm Dixon Road Reconstruction From STA:28+20 to STA: 40+51	Std Plan 101B County Maintained System	24ft (50ft R/W) Including slope easements. EP to EP	Two 12 foot wide lanes, AC dike and 3 foot wide shoulder per Exhibit L. Omit shoulders at (e) Box Culvert location. 3"AC/8"AB or as recommended in Soils report. For design speed see Exhibit L.
AREA OF BENEFIT New Connection Reconstruction portion From STA: 20+20 to STA: 21+70.	Std Plan 101B County Maintained System	24ft (50ft R/W) Including slope easements. EP to EP	Two 12 foot wide lanes, AC dike and 2 foot wide shoulder per Exhibit L. 3"AC/8"AB section or as recommended in Soils report. For design speed see Exhibit L.
AREA OF BENEFIT Off-Site New Connection From STA:10+00 to STA:15+44	Std Plan 101B County Maintained System	36ft (60ft R/W) Including slope easements. FC to FC	36 foot travel way, curb, gutter and 6 foot wide shoulder per Exhibit L. 3"AC/8"AB section or as recommended in Soils report. For design speed see Exhibit L. 36 feet will accommodate two 11-foot travel lanes and a 10-foot striped turn pocket if necessary and 2-foot gutter pans on each side.
Offsite (Alto) 'A' & 'B' Drive to intersection of A & B Drives,	Std Plan 101C Maintenance Entity	24ft(50ft R/W) EP to EP	Two 12 foot wide lanes and 2 foot wide shoulder per Exhibit L. 3"AC/8"AB section or as recommended in Soils report. 25 MPH Design Speed.
Off-Site (Chartraw) Road Widening From STA: 21+70 (New Connection) to ALTO LLC southern boundary line.	Std Plan 101C	24ft (50ft R/W) Including slope easements. EP to EP	Two 12 foot wide lane and 2 foot wide shoulder per Exhibit L. 3"AC/8"AB section or as recommended in Soils report. Road width is measured EP to EP. 25 MPH Design Speed.

36. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from the proposed C Drive onto Salmon Falls Road to the provisions of County Design Std **103D**. 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 map.
37. **Offer of Dedication (Salmon Falls Road):** The applicant shall irrevocably offer to dedicate in fee, any additional right of way as required along the entire project frontage of

Salmon Falls Road, as determined by DOT, prior to the filing of the map. (The existing ROW may already be sufficient.)

38. **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 guarantee access for this site to use the proposed offsite roadways to the south and east and shall be provided by and through a “Map Guarantee” which shall be submitted to the County Surveyor’s Office with the first map check for the map.
39. **Secondary Access:** The applicant shall provide at least two connections with an existing, improved public street for the project, prior to commencement of construction of Phase II. The accesses shall adhere to the provisions described in Table 1. In the alternative, the second connection with an existing, improved public street may be provided by way of the Malcolm Dixon connector road in accordance with County approved design standards as shown on the Malcolm Dixon Area Traffic Circulation Plan. The improvements shall be substantially 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.
40. **Reciprocal Access Agreement:** The applicant shall provide a reciprocal access agreement, signed by the adjoining property owners, guaranteeing access for this site to use the proposed off-site roadways from this project to Malcolm Dixon Road, prior to the filing of the map. This agreement shall also allow the adjoining landowners to use the onsite roads to access Salmon Falls Road.
41. **Turnaround:** The applicant shall provide a turn around at the end of the onsite 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 map.
42. **Temporary Turnaround:** If the secondary access roadways are not installed and a temporary exit road has been approved, the applicant shall provide a temporary turnaround at the end of the roadway. Temporary turn around shall also be constructed at the end of phased roads. 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 map.
43. **Roadway Slopes:** Pursuant to DISM Sec 3.B.9 and Design Std Plan 101B, the gradient of any street shall not exceed 15 percent. Roadway slopes shall be indicated on the improvement plans to show compliance with this requirement.
44. **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.

45. **Offsite 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.

Standard DOT Conditions

46. **Improvement Plans and Cost Estimate:** 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
47. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
48. **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, prior to the filing of the map.
49. **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.
50. **Vehicular Access Restriction:** Prior to filing of the map, the applicant shall record a vehicular access restriction along the entire frontage of Salmon Falls_Road, excluding the locations of the approved access encroachments.
51. **Performance Bond:** The construction of all required improvements shall be completed with the presentation of the Final Map to the Planning Director before presentation of the Final Map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.

52. **Maintenance Entity:** The proposed project must form an entity for the maintenance of the private roads, and any parking facilities, landscaping, 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 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 map.
53. **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).
54. **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 map.
55. **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.
56. **DISM Consistency:** The developer shall obtain approval (as modified by these conditions herein) of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (dated May 1986, revised May 1990), from the County Department of Transportation, and pay all applicable fees prior to filing of the Final Map.
57. **Grading Permit:** A grading permit is required for the project. The applicant shall submit a site improvement/grading plan 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 DOT prior to occupancy clearance.
58. **Grading Plan Review/Plan:** 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.

59. **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.
60. **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.
61. **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.
62. **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. A Scoping Meeting for the required drainage study between County staff and the engineer shall occur prior to the first submittal of improvement plans. The engineer shall bring a watershed map and any other existing drainage system information to the Scoping Meeting. 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.

63. **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.
64. **Drainage Easements:** The site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the Final Map.
65. **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.
66. **Off-site Improvements (Security):** Prior to the filing of a Final Map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements (not including the Area of Benefit improvements as described in Table 2), 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.

67. **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 (not including the Area of Benefit improvements as described in Table 2), 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.

68. **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.
69. **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

70. All survey monuments shall 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 prior to filing of the Final Map.
71. 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

72. The applicant shall adhere to all District rules and conditions during project construction, as specified by the District in their letter dated April 3, 2008 prior to issuance of any permits associated with this project.

Hazardous Materials

73. 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.

LAFCO

74. The applicant shall process a request for annexation into the El Dorado irrigation District for public water, prior to filing the Final Map.
75. The applicant shall process a request for annexation into the El Dorado Hills Fire Department for fire protection services, prior to filing the Final Map.

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