

**Conditions**

**Project Description**

1. This rezone and tentative parcel map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-L dated April 26, 2007, 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: Approval of this project allows only the following: rezone of the 5.0-acre lot referenced as Assessor's Parcel Number 092-060-64 from Estate Residential Five-acre (RE-5) to Single-family Two-acre Residential (R2A) and a tentative parcel map to subdivide the 5.0-acre lot into one 2.42-acre and one 2.58-acre parcel. The existing residential single-family structure, a shed, and a barn will be located on the new 2.42-acres parcel 1. Parcel 2 will remain vacant for future single-family-residential development to occur outside of the required 30-foot front, side and rear yard setback areas with septic areas to be located no closer than 50 feet from the man-made drainage channel and no closer than 100 feet from the pond. New development will connect to the existing El Dorado Irrigation District (EID) 6-inch water line located in Sierra Oaks Drive and septic disposal areas will occur on the property and outside of the 50-foot drainage and 100-foot pond buffer areas. Access onto the property will be provided by an improved driveway to be constructed on the Sierra Oaks Drive frontage.

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 must be submitted for review and approval and shall be implemented as approved by the County.

2. 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.

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.

3. The applicant shall make the actual and full payment of planning processing fees for the rezone and the tentative parcel map application prior to the County Recorder processing the final map.
4. Prior to the issuance of building permits, the applicant shall make a payment from Quimby in-lieu fees to Planning Services for one unit. The Quimby fee shall be based on the most recent assessed land value per acre based on information provided by an independent appraisal or information provided by the El Dorado County Assessor's Office. The formula that Planning will use to determine the in-lieu fee is as follows:

$$\left[ \frac{5 \text{ acres} \times (1 \text{ unit} \times \# \text{ persons per unit})}{1000 \text{ persons per acre}} \right] \times \$\text{assessed valuation per acre} = \$\text{in-lieu fee}$$

5. Prior to the approval of a final parcel map, the applicant shall provide evidence that a connection to the existing EID 6-inch water line located within Sierra Oaks Drive for potable water is established. The EID and Diamond Springs/El Dorado Fire Protection District have determined that the minimum fire flow for this project is 1000 gallons per minute (gpm) for a period of 2-hours while maintaining 20 pounds per square inch (psi) or residual pressure. The existing system can only deliver 500 gpm at 20 psi for 2-hours. In order to provide this fire flow, the applicant must upgrade the 6-inch water line to 10-inches for a length of 2100 feet and to 8-inches for a length of 1200 feet. In lieu of the upgrade, the Diamond Springs/El Dorado Fire Prevention District will require a Notice of Restriction (NOR) to be placed on the final map that will require any new residential building install a fire sprinkler system and the EID will allow a connection to the 6-inch water line to charge the system.
6. All on-site oak trees shall be retained in place and shall not be removed from the property with the approval of this rezone and tentative parcel map. In addition, all oak trees along the road easement and property frontage of Sierra Oak Drive shall be retained in place and shall not be removed with the necessary road improvement required by this rezone and tentative parcel map.
7. 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 the appropriate

measures are taken or the site is determined not to be of significance. Planning Services shall review the grading plans prior to the issuance of a grading permit.

8. 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. Planning Services shall review the grading plans prior to the issuance of a grading permit.

### **Department of Transportation**

9. The applicant shall improve the entire property road frontage of Sierra Oaks Drive to 24 feet wide with four feet of shoulders to *Design and Improvements Standards Manual (DISM)* Standard Plan 101C prior to filing the final parcel map.
10. The applicant shall install all necessary signage such as stop signs, street name signs, and/or 'not a county maintained road' sign as required by the Department of Transportation prior to filing the final parcel map.
11. The applicant shall confirm that the existing roadway structural section is adequate and meets County road standards, or shall improve the road accordingly to the current County Department of Transportation and/or Fire Safe regulations, prior to filing the final parcel map.
12. The applicant shall make an Irrevocably Offer to Dedicate (IOD) the on-site road and public utility easement for Sierra Oaks Drive along the entire property frontage. This offer will be rejected by the County.
13. 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. If a Zone of Benefit, Home Owner Association or informal road maintenance association does not exist or cannot be formed to maintain non-County maintained roads, the applicant should be aware that Civil Code 845 requires that the owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in repair, and in the absence of an agreement, the cost shall be shared proportionately to the use made of the easement by each owner.
14. The applicant 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 Major Land Division Ordinance*, prior to the commencement of the commercial grading permit.

15. 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 and the Division of Building Services, prior to occupancy.
16. The applicant shall provide a soils and geological hazards 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.
17. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that off-site grading.
18. 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 for drainage into the County right of way and Building Services Division of the Development Services Department for on-site drainage.
19. Upon completion of required improvements and prior to the County accepting such improvements, the applicant shall provide a compact disc (CD) to the Department of Transportation with the drainage report, structural wall calculations, and geotechnical reports in .pdf format with record drawings to be provided on the same CD in .tif format.
20. Applicant shall pay the traffic impact fees in effect at the time a building permit is issued. Until such time as updated traffic impact fees are adopted pursuant to the General Plan, any subdivisions will be required to either (1) execute an agreement agreeing to pay the higher fees, even after building permits have been ~~issued~~ deemed complete or (2) have a notice of restriction placed on the final map prohibiting the issuance of building permits until the updated traffic impact fees are adopted.
21. 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 of each year, the applicant shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review. Recommendations from the RCD will be forwarded to the Department of Transportation, which shall approve or conditionally approve such a plan and shall require the applicant to implement the plan prior to October 15 of each year.

22. All construction activities shall be conducted according to the County noise regulations and shall be limited to the following hours and days: 7:00 am to 5:00 pm on any weekday; 8:00 am to 5:00 pm on Saturdays; and prohibited on Sundays and holidays.
- ~~23. If blasting activities are to occur in conjunction with grading or improvements, the applicant shall ensure that such blasting activities are conducted in compliance with state and local regulations.~~

### **Diamond Springs-El Dorado Fire Prevention District**

24. Prior to the issuance of building permits and issuance of the final parcel map, the applicant must consult with the Diamond Springs-El Dorado Fire Prevention District about required fees, plan reviews, and/or site visits for this project.
25. A Notice of Restriction (NOR) shall be recorded with the parcel map stating that prior to the approval of any new residential building permit on either parcel 1 or 2 that the Diamond Springs-El Dorado Fire Prevention District will be consulted and that any new residential buildings shall be required to install a NFPA 13D residential sprinkler system either with a direct connection to the EID 6-inch water line or connection to a 3,000-gallon water storage tank to the satisfaction of the Diamond Springs-El Dorado Fire Prevention District.

### **Environmental Management**

26. Show all drainages on the parcel map that may have an effect on the location of septic systems.
27. Subject to Environmental Health approval as required in the Minor Land Division Ordinance.
28. Prior to approval of grading and/or improvement plans, the applicant shall provide an Asbestos Dust Mitigation Plan (ADMP) and application with the appropriate fees to be reviewed and approved by the County Air Quality Management District (AQMD). In preparing the ADMP, the applicant must retain a certified geologist in order to conduct an investigation for naturally occurring asbestos. The findings and recommendations of such an investigation are to be implemented into the ADMP.
29. All project construction activities shall adhere to AQMD Rule 224 for Cutback and Emulsified Paving Materials.
30. Any burning of wastes that result from 'Land Development Clearing' must be permitted through the AQMD. Only vegetative waste material may be disposed of using an open outdoor fire pursuant to AQMD Rule 300.

31. The following measures shall be implemented during construction activities to maintain the air quality standards established by the AQMD. The standards include: use of low emission on-site mobile construction equipment, maintenance of on-site equipment to manufacture's specifications, retardation of on-site diesel engine injection timing by two to four degrees, use of electricity from power poles rather than temporary gasoline or diesel generators, use of reformulated low-emission diesel fuel, use of catalytic converters on gasoline powered equipment, substitution of electric and gasoline powered equipment for diesel-powered equipment where feasible, inactive construction equipment shall not remain idling for periods in excess of two minutes, materials shall be scheduled for delivery during off-peak hours, configure construction parking to minimize traffic interference, and develop a construction traffic management plan.

### **County Surveyor**

32. All survey monuments must be set prior to filing the parcel map.
33. Prior to the approval of the building permits, grading permits, and/or filing of the final parcel map, the applicant shall provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road, as defined in 16.44.120(B)2 with a legal right to improve that access as requirement by the *El Dorado County Design and Improvements Standards Manual (DISM)*.
34. Prior to filing the final parcel map, a letter to the County Surveyor will be required from all agencies that have conditions placed on the map. The letter will state that all conditions placed on the map by that agency have been met.