

Tentative Subdivision Map TM05-1402/ Planned Development Permit PD05-0015/ Rezone Z05-0018/Cheplick -As approved by the Board of Supervisors on September 27, 2022

Conditions Of Approval

Planning Services

1. The Tentative Subdivision Map, Planned Development, Rezone and Design Waivers, are based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit I through K, and the 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:

- A. Rezone and Development Plan for the proposed subdivision to Single-Unit Residential-Planned Development (R1A-PD) development standards including minimum lot size/parcel area, minimum parcel width, maximum building coverage, and setbacks consistent with the R1A zoning designation:
- B. Tentative Subdivision Map of the 10.0-acre property consisting of:

Tentative Subdivision Map creating seven (7) lots including five (5) residential lots (ranging in size from 1.22 acres to 3.06 acres) and two (2) landscape lots (Lot A: 11,500 square feet and Lot B 12,435 square feet) with access to Tierra De Dios Drive (Exhibit I).

Design waivers from the El Dorado County Design and Improvement Standards Manual road improvement standards are requested to allow for common driveways and a reciprocal access easement along lots 2 through 5.

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.

2. Condition purposefully left blank
3. **El Dorado Irrigation District (EID) Annexation:** The subdivision area shall be annexed to EID prior to recordation of the first Final Map.
4. **Specific Plan:** The project shall comply with the Bass Lake Hills Specific Plan (BLHSP), the related Bass Lake Hills development agreement, and the Bass Lake Hills Public Facilities Financing Plan (PFFP). The project shall provide an update to the PFFP and related fee program, prior to Final Map, to reflect the current public facilities to be constructed and current facility cost estimates.

5. **Lighting and Landscape District:** Prior to approval of the first phase of the Small-Lot Final Map, the applicant shall join the El Dorado Hills Community Services District's BLHSP master Lighting and Landscaping District.
6. **Open Space Maintenance:** A funding mechanism shall be in place for the maintenance of all open space and common areas, and their related improvements and facilities, prior to recordation of the first Small-Lot Final Map. The Open Space Management Plan shall include a comprehensive funding plan for all open space within the development.
7. **CC&Rs:** The CC&Rs shall contain a provision that states that any Condition of Approval of this map that is implemented through the CC&Rs cannot be changed without formal approval by El Dorado County and any affected agency. Joint access agreement provisions shall be included in the CC&Rs.
8. **Meter Award Letter:** A water and sewer meter award letter or similar document shall be provided by the water and sewer purveyor prior to filing the Final Map consistent with Board of Supervisors Resolution 118-92.
9. **Final Map Recordation:** Prior to Final Map recordation, 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.
10. **Liens and Bonds:** Prior to filing a Final Map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493(d).
11. **Tentative Map Expiration:** This tentative map shall expire 36 months from the date of approval unless a timely extension is filed.
12. **Pre-Construction Nesting Bird Survey:** Prior to issuance of grading and building permits, if any ground disturbance should happen during the nesting season (February 15 through September 15) a qualified biologist shall conduct a pre-construction bird survey. Nesting birds shall be avoided pursuant to the prepared pre-construction bird survey. The condition shall be noted on the Final Map.
13. **Archeological Resources:** In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision(c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two (2) working days from the time the person responsible for the excavation, or in his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. The Native

American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

14. **Hold Harmless:** 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 applicant 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.

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

El Dorado County Department of Transportation (DOT)

Standard Conditions

15. **Curb Returns:** Where sidewalks are provided, include pedestrian ramps with truncated domes conforming to Caltrans Standard Plan A88A, including a 4-foot sidewalk/landing at the back of all ramps. Alternate plans satisfying the current accessibility standards may be used, subject to review and approval by County.
16. **Maintenance Entity:** Prior to filing a Final Map, form and entity, or join an existing entity, for the maintenance of public and private roads and drainage facilities. When joining an existing entity, amend and modify (as necessary) the existing entity to equitably incorporate maintenance of the Project improvements.

17. **Common Fence/Wall Maintenance:** Responsibility 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).
18. **Consistency with County Codes and Standards:** 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 DOT and pay all applicable fees prior to filing of the Final Map.

Ensure the project improvement plans and grading plans 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 Handicapped Accessibility Standards, and the California Manual on Uniform Traffic Control Devices (MUTCD).*

19. **Stormwater Management:** Construct post construction storm water mitigation measures to capture and treat the 85th percentile 24 hour storm event as outlined in the CA Phase II MS4 Permit and the County's West Slope Development and Redevelopment Standards and Post Construction Storm Water Plan. Show detention and/or retention facilities on the project improvement plans to fully mitigate any increased runoff peak flows and volumes in accordance with the County Drainage Manual. As an alternative to treating the entire project with a regional treatment system, the project may propose distributed source control measures to be constructed for the roadways, any other impervious surfaces and on each lot with the individual lot building permits to achieve the same effect. In which case, a deed restriction shall be recorded with the Final Map to ensure construction of individual lot source control measures.
20. **Geotechnical Report:** Prepare and submit a Geotechnical Report with the Project Grading or Improvement plans for review by the County Engineer. Incorporate the findings of the Report into Grading and Improvement Plans. The El Dorado County Grading Design Manual contains standards for content and scope of Geotechnical Reports, however, the County Engineer may require additional or specialized information.
21. **Water Quality Stamp:** Include a storm water quality message stamped into the concrete on new or reconstructed drainage inlets, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. Obtain approval of proposed message from County Engineer prior to construction.
22. **Drainage (Cross-Lot):** Avoid cross lot drainage. Contain any concentrated cross lot drainage, or natural sheet flow drainage increased by the Project, within dedicated drainage easements. Convey concentrated flows via closed conduit or open channel, to natural drainage courses or storm drain system. Show drainage easements for on-site drainage facilities on the Project Grading and Improvement plans.
23. **Regulatory Permits and Documents:** Incorporate all regulatory permits and agreements between the project and any State or Federal Agency into the Project Grading and Improvement Plans prior to the start of construction of improvements.

Grading or Improvement plans for any phase may be approved prior to obtaining regulatory permits or agreements for that phase, but grading/construction of improvements may not proceed until the appropriate permits or agreements are obtained and the grading/improvement plans reflect any necessary changes or modifications to reflect such permits or agreements.

Project Conditions of Approval shall be incorporated into the Project Improvement Plans when submitted for review.

24. **Electronic Documentation:** Upon completion of the required improvements, provide As-Built Plans to the County Engineer in TIFF format, and provide final Drainage and Geotechnical reports, and structural wall calculations to the County Engineer in PDF format.

Project-Specific Conditions

25. **Road Design Standards:** Construct Improvements to Tierra De Dios (Morrison Road) as shown on the approved tentative map, and in accordance with figure 4-3 of the BLHSP.
26. **Encroachment Permit(s):** Obtain an encroachment permit from DOT and construct the encroachments for the common driveways onto Tierra De Dios Drive to the provisions of County Standard Plan 103C.

Air Quality Management District (AQMD)

27. **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 (FDP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction if a Grading Permit is required from the Building Department. Dust control measures shall comply with the requirements of AQMD Rule 223, Fugitive Dust – General Requirements and Rule 223.1 – Construction, Bulk Material Handling, Blasting, Other Earthmoving Activities and Trackout Prevention.
28. **Paving:** Project construction and related paving shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials if applicable.
29. **Painting/Coating:** The project construction will involve the application of architectural coatings, which shall adhere to AQMD Rule 215, Architectural Coatings.
30. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire. Burning shall adhere to AQMD Rule 300, Open Burning.
31. **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 here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm> An applicability flow chart can be found here: https://ww3.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 enforcing this regulation.

32. **New Point Source:** Prior to construction, installation or use of any new emissions sources exceeding AQMD permit thresholds (e.g., gasoline dispensing facility, emergency standby engine rated at 50 horsepower or greater, etc.); an Authority to Construct application shall be submitted to the AQMD. Applications shall include facility diagram(s), process flow charts, equipment specifications, and emissions or emission factors for each source of emissions pursuant to Rule 501, General Permit Requirements and Rule 523, New Source Review.
33. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the ARB. 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.

AQMD Rules and Regulations are available at the following internet address: <https://ww2.arb.ca.gov/current-air-district-rules>.

Environmental Management

34. **Construction and Demolition (C&D) Debris Recycling:** State Law mandates that a minimum of 65% of the waste materials generated from covered Construction and Demolition projects must be diverted from being landfilled by being recycled or reused on site. Please visit the following website to view El Dorado County's Construction & Demolition Debris Recycling Ordinance Program information and requirements. If after reviewing this information you still have questions, call County Environmental Management at (530) 621-5300.
35. **Trash and Recycling Enclosures: CalGreen Section 5.410.1:** Recycling by occupants requires that new projects provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals or meet a lawfully enacted local recycling ordinance, if more restrictive. Please direct questions about this provision to Building Services. Building Services can be reached at (530) 621-5315.

El Dorado Hills Fire Department (EDHFD)

General Conditions

36. **Structural Fire Protection and Suppression Services:** Consistent with California Code of Regulations Title 14 § 1266.01, structural fire protection and suppression services will be available for this project by the EDHFD. The project is located within the service boundaries of EDHFD. The nearest staffed fire station to the project location is EDHFD Station No. 86 located at 3670 Bass Lake Road. The average response time to the project site from this fire station is approximately 6 minutes or less to 80% of the population in the area.
37. **Emergency Water Supply:** The project area is currently provided with an adequate means of emergency water supply, storage or conveyance facilities. Prior to new buildings or structures being placed on the project site the applicant will need to demonstrate that they can meet the required emergency water supply provisions found in California Code of Regulations (CCR) Title 14 § 4290 and the California Fire Code, along with local ordinances and standards of the EDHFD.
38. **Roads and Driveways:** Roads and driveways, whether public or private, serving the project shall comply with California Code of Regulations (CCR) Title 14 § 4290 and the California Fire Code. The project roads shall provide for safe access for emergency fire equipment and civilian evacuation concurrently and must provide unobstructed traffic circulation during a wildfire emergency.
- a. The applicant shall demonstrate at the time civil improvement plans are approved that the driveways serving Lots 3/4 and 5/6 conform with the current fire apparatus access requirements found in California Code of Regulations (CCR) Title 14 § 4290 and the California Fire Code, as amended locally.
39. **Defensible Space:** The project shall submit a revised Wildfire Urban Interface (WUI) Fire Safe Plan to the fire district for review and approval as required by California Fire Code Section 4903.1 [as amended by EDHCWD Ordinance 2019-1] prior to the recording of the Final Map by the County of El Dorado. The plan shall demonstrate that the project complies with the Vegetation Management and Defensible Space requirements of El Dorado County Ordinance No. 5101, California Public Resources Code Title 14 § 4291 and local wildfire safety requirements of the fire district.
- a. The applicant shall identify an approved maintenance organization for Lots A and B to ensure that the wildfire safety provisions identified in the existing plan are adequately addressed and funded prior to the issuance of the first building permit in the project.
- b. All parcels shall provide a minimum thirty (30) foot setback for all buildings from all property lines and/or the center of the road in accordance with California Code of Regulations (CCR) Title 14 § 4290. When a thirty (30) foot setback is not possible for practical reasons, which may include but are not limited to parcel dimensions or size, topographic limitations, or other easement, the local jurisdiction shall provide for same practical effects.
40. **Limits to Development:** The project is not currently identified in an area of high or very-high wildland fire hazard or in an area identified as a wildland-urban interface (WUI) community within the vicinity of federal land that are a high risk of a wildfire.

41. **New Buildings and Structures:** New buildings and structures placed on a parcel shall comply with all applicable fire safety regulations found in California Code of Regulations Titles 14, 19, 24 and EDHFD ordinances and regulations.

El Dorado Hills Community Services District (CSD)

42. **Parkland Dedication:** The project is subject to the Quimby Act and dedication requirements for parkland based on the El Dorado Hills standard of 5 acres per 1,000 residents population. Population density is based on 3.3 persons per home, which works out to 0.099 acres of parkland to be dedicated to CSD before the filing of the Final Map. 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 120.12.090 of the County Code. The subdivider shall be subject to a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees. The required in-lieu fees, payable to El Dorado County, shall be remitted prior to Final Map recordation. A proof of payment shall be submitted to Planning Services.
43. **Community Facilities District:** Prior to approval of any Final Map, annexation into the following Community Facilities Districts (CFDs) is required.

a. Bass Lake Hills Specific Plan ("BLHSP") CFD 2018-01

Annexation into the BLHSP CFD 2018-01 will satisfy the requirement for participating in the funding of the ongoing maintenance of BLHSP parks, trails and pathways, open space, landscaping, lighting and other common/public areas owned/maintained by CSD. The applicant shall also coordinate with the CSD in forming a component of CFD 2018-01 which will serve as a back-up funding mechanism ("Shell") to the Homeowner's Association ("HOA") for the maintenance and operation of landscaping, streetscape, lighting, fencing, trails, walkways, signage, soundwalls, entry, monuments, private recreation facilities, and other common or public areas. Developer to pay all annexation costs.

b. El Dorado Hills Community Services District Master CFD 2019-01

Annexation into the District's Master CFD 2019-01 will satisfy the requirement for participating in the funding of the ongoing maintenance of future parks, trails and pathways, open space, landscaping, lighting and other common or public areas owned/maintained by the District within the District's service boundary.

For complete District Policy guidelines, please see Policy Guide Services 6000 – Facility Development on our website at www.eldoradohillscsd.org/about/administration-finance.html

44. The El Dorado Hills CSD requires that all utilities be underground. Underground drainage is also recommended to avoid the safety hazards and maintenance problems of open ditches

Office of the County Surveyor

45. All survey monuments must be set prior to the filing of the Final Map 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 the filing of the Final Map.
46. The roads serving the development shall be named by submitting a completed Road Name Petition, with the County Surveyors Office, prior to filing the Final Map with the Board of Supervisors.
47. All boundary monuments disturbed during project construction shall be reset by a Professional Land Surveyor or Qualified Engineer as defined by Section 8771 of the California Business and Professions Code (Land Surveyors Act).