

## **CONDITIONS OF APPROVAL**

### **Project Description**

1. This Conditional Use Permit approval is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the following hearing Exhibits:

Exhibit E: Site/Landscape Plan and Floor Plan-The Retreat Clubhouse

Exhibit F: Elevation Plan-The Retreat Clubhouse

Any deviations from the project description, conditions, or exhibits shall 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:

Conditional Use Permit for the construction and operation of 9,998 square foot clubhouse that includes private rooms for leisure, games, and movie, a commercial grade kitchen, covered veranda, and a 2,000 square foot multi-purpose outdoor patio area. The recreational facility, which features on-site parking, community garden, an Olympic pool, and pedestrian pathways, would serve the active adult residents of the age-restricted community of Lennar Homes at Heritage El Dorado Hills.

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 may be sold, leased, or financed in compliance with this project description, 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.

### **Planning Department**

2. **Lighting:** All outdoor lighting shall conform to Section 130.14.170 of the Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Any light fixture that does not have a specification sheet submitted with the building permit that specifically states that fixture meets the full cutoff standards, shall require a fixture substitution that meets that requirement. In addition, the following apply:
  - a. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.

- b. No more than 50 percent of the parking lot lighting may remain on during hours of non-operation. Any security lighting on the buildings shall be designed with motion-sensor activation.
- c. No pole light shall exceed 16-feet in height measured from ground level.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

- 3. **Landscaping:** As part of the building permit process, the applicant shall submit for approval a final landscape plan in substantial compliance with the preliminary plan including compliance with the County water conserving landscape standards and the CCSP. Landscaping within the 100-year flood plain of Carson Creek shall conform to the native species list found within Section 4.15 of the specific plan.
- 4. **Condition Compliance:** Prior to issuance of certificate of occupancy of a building permit or commencement of any use authorized by this 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.
- 5. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

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

- 6. **Permit Implementation:** Pursuant to County Code Section 130.54.060 (Time Limits, Extensions, and Permit Expiration), implementation of the project must occur within twenty-four (24) months of approval of this Conditional Use Permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
- 7. **Archeological Resources:** The following shall be incorporated as a note on the grading/improvement plans:

In the event archeological resources are 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. If the find is determined to be a “unique archaeological resource”, contingency funding and a time allotment

sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archaeological mitigation takes place.

If the find is determined to be a “unique archeological resource”, the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). 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 or the site is determined a “nonunique archeological resource”.

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

8. **Human Remains:** The following shall be incorporated as a note on the grading/improvement plans:

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 working days from the time the person responsible for the excavation, or 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, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

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.

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

### **El Dorado Hills Fire Department**

9. **Fire Flow:** The project shall be required to request a Fire Flow Letter from the El Dorado Hills Fire Department to determine the minimum required GPM for the project site. The fire flow shall be determined in compliance with the CA Fire Code, Appendix B, based on the type of construction and square footage of each building. This Fire Flow Letter shall then be given to EID in order to produce a Facilities Improvement Letter (FIL) which will state if the required amount of water can be supplied to the project.  
  
**Sprinklers:** All fire-flow numbers listed above require all structures to install fire sprinklers in accordance with NFPA 13 and Fire Department requirements if they are 3,600 square feet or greater in size.
10. **Underground Private Fire Mains:** After installation, all rods, nuts, bolts, washers, clamps, and other underground connections and restraints used for underground fire main piping and water supplies, except thrust blocks, shall be cleaned and thoroughly coated with a bituminous or other acceptable corrosion retarding material. All private fire service mains shall be installed per NFPA 24, and shall be inspected, tested and maintained per NFPA 25.
11. **Hydrants:** This development shall install Dry Barrel Fire Hydrants which conform to El Dorado Irrigation District specifications for providing water for fire protection. The spacing between hydrants in this development shall not exceed 300 feet. The exact location of each hydrant on private roads and on main county maintained roadway shall be determined by the Fire Department.
12. **Hydrant Visibility:** To enhance nighttime visibility, each hydrant shall be painted with safety white enamel and mark the roadway with a blue reflective marker as specified by the Fire Department and State Fire Safe Regulations.
13. **Fire Department Access:** Approved fire apparatus access roads and driveways shall be provided for every facility, building, or portion of a building. The fire apparatus access roads and driveways shall comply with the requirements of Section 503 of El Dorado Hills County Water District Ordinance 36 as well as State Fire Safe Regulations as stated below (but not limited to):
14. **Dead End Road:** Where maximum dead-end road lengths are exceeded, there shall be a minimum of two access roadways allowing for the safe access of emergency apparatus and civilian evacuation concurrently. Each dead-end road shall have a turnaround constructed at its terminus.
15. **Phasing:** Phasing may be allowed if all Fire Access requirements are met and approved by the Fire Code Official for each phase.
16. **Fire Apparatus:** The fire apparatus access roads and driveways shall extend to within 150 feet of all portions of each facility and all portions of the exterior of the first story of

the building as measured by an approved route around the exterior of the building or facility.

17. **Roadways and Accesses:** All roadways shall be a minimum of 26 feet wide curb face to curb face and shall follow the Parking and Fire Lane Standards as approved by the Fire Department. Driveways and roadways shall have unobstructed vertical clearance of 15' and a horizontal clearance providing a minimum 2' on each side of the required driveway or roadway width.
18. **Roadway Surface:** Roadways shall be designed to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide all-weather driving conditions. All-weather surfaces shall be asphalt, concrete or other approved driving surface. Project proponent shall provide engineering specifications to support design, if requested by the local AHJ (Authority Having Jurisdiction).
19. **Roadway Grades:** The grade for all private roads, streets, lanes and driveways shall not exceed 20%. Pavement/Concrete shall be required on all private roadway grades 12% or greater. For grades of 16% - 20%, a Type II Slurry Seal shall be applied to asphalt surfacing, and concrete roadways and driveways shall be textured to provide a coarse broom finish to improve vehicular traction.
20. **Traffic Calming:** This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway. All other proposed traffic calming devices shall require approval by the fire code official.
21. **Turning Radius:** The required turning radius of a fire apparatus access road/driveway shall be determined by the fire code official. Current requirements are 40' inside and 56' outside on through streets, and a minimum 50-foot radius from center point to face of curb for Cul-De-Sacs and Hammerhead turnarounds.
22. **Gates:** All gates shall meet the El Dorado Hills Fire Department Gate Standard #B-002. Gate plans shall be submitted and reviewed for compliance by the Fire Code Official.
23. **Fire Access During Construction:** 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 combustibles being brought onto the site as specified by the Fire Department, Standard #B-003. A secondary means of egress shall be provided prior to any construction or the project can be phased.
24. **Fire Service Components:** Any Fire Department Connection (FDC) to the sprinkler system and all Fire Hydrant(s) outlets shall be positioned so as not to be obstructed by a parked vehicle.
25. **Wildland Fire Safe Plan (WFSP):** This development shall be conditioned to revise, implement, and maintain a Wildland Fire Safe Plan that is approved by the Fire Department as complying with the State Fire Safe Regulations, prior to approval of the

Tentative Map. This project shall be annexed into the existing WFSP for Carson Creek, as a revised supplement.

26. **Fencing:** Lots that back up to wildland open space shall be required to use non-combustible type fencing.
27. **Parking and Fire Lanes:** All parking restrictions as stated in the current California Fire Code and the current El Dorado Hills County Water District Ordinance shall be in effect. All streets with parking restrictions will be signed and marked with red curbs as described in the El Dorado County Regional Fire Protection Standard #B-004 titled "No Parking-Fire Lane". All curbs in parking lot(s) that are not designated as parking spaces will be painted red and marked every 25 feet "No Parking - Fire Lane." There shall be a designated plan page that shows all Fire Lanes as required.
28. **Vegetative Fire Clearances:** Prior to June 1st each year, there shall be vegetation clearance around all EVA's (Emergency Vehicle Access), buildings, up to the property line as stated in Public Resources Code Section 4291, Title 19 as referenced in the CA Fire Code, and the conditioned Wildland Fire Safe Plan.
29. **Trail Systems and Land-Locked Access:** If this project decides on designing a trail-type system, the street curbs adjacent to the trail access point shall be painted red. Trails and multi-use paths need to be constructed so as to ensure a minimum of a 10' drivable width and 14' minimum vegetation clearance, where required by the Fire Code Official (the wildfire safe plan will likely require additional clearance on these paths). The purpose of this requirement is to allow access for ambulances and smaller fire apparatus in case of emergency. If the project contains, or abuts to, open space that is, or will be, land-locked by homes, or other structures, the project shall be conditioned to provide emergency vehicle access (EVA) points, as required by the Fire Code Official. Gates may be installed and locked with a low priority KNOX lock.

#### **El Dorado County Air Quality Management District**

30. **Fugitive Dust:** The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction. (Rules 223 and 223.1)
31. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
32. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.

33. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
34. **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: [http://www.arb.ca.gov/msprog/ordiesel/faq/applicability\\_flow\\_chart.pdf](http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf). Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
35. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be under permit from the California Air Resources Board (CARB). A copy of the current portable equipment permit 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.

### **Community Development Agency-Environmental Management Division**

36. **Swimming Pool:** The pool planned for Heritage Carson Creek Fitness must comply with all required public swimming pool regulations (California Code of Regulations, Title 22, Chapter 20; California Health & Safety Code, Division 2.5, Chapter 3; California Building Code, title 24, Part 2, Volume 2; Virginia Graeme Baker Pool & Spa Safety Act, etc.). A service request and plans for the proposed pool must be submitted to and approved by the El Dorado County Environmental Management Division before beginning construction of the pool. Once operating, an annual health permit will be required for the Heritage Carson Creek Fitness pool.
37. **Commercial Kitchen:** Any commercial kitchen facilities are installed in the fitness center will be required to meet the standards of the California Retail Food Code. Examples of commercial kitchen facilities are snack bars, coffee shops, prepackaged food stores, and restaurants. Any commercial kitchen facilities will be required to have an annual health permit issued by the El Dorado County Environmental Management Division.