

**ATTACHMENT B**  
**CONDITIONS/STATUS OF CONDITIONS**

**Conditions of Approval under TM96-1317 R- As revised and approved on October 20, 2003, pursuant to a finding of consistency with the settlement agreement provisions.**

**Department of Transportation**

1. The developer shall obtain approval of construction drawings consistent with the Subdivision Design and Improvement Standards Manual and cost estimates from the County Department of Transportation and pay all applicable fees prior to commencement of any improvements on the public street and service facilities. All improvements shall be consistent with the approved tentative map.

*Improvement plans and cost estimates have been reviewed and approved by DOT.*

2. The developer 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.

*Board transmittal includes original Subdivision Improvement Agreements and bonds, reviewed by County staff (Planning, DOT, County Counsel), for chairman signature after BOS action on item.*

3. The final map shall show all utility, road, and drainage easements per the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.

*All utility purveyors have reviewed and approved easements shown on the final map. All easements are correctly offered on the final map.*

4. If blasting activities are to occur in conjunction with subdivision improvements, the subdivider shall ensure that such blasting activities are conducted in compliance with state and local regulations.

*This requirement is noted on the Improvement plans.*

5. If burning activities are to occur during the construction of the subdivision improvements, the subdivider shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.

*This requirement is noted on the Improvement plans.*

6. This project shall be subject to the road impact fee of \$3266 per single family dwelling. Pursuant to Resolution No. 175-96, said fee shall be due upon the issuance of a building permit. If prior to the application for a building permit for said project a revised fee is established, such revised amount shall be paid.

*Fees are collected at time of issuance of building permits and are not collected at time of recording the final map.*

7. All roads shall be constructed in conformance with the Design and Improvements Standards Manual with the following widths:

<i>Road Name</i>	<i>Standard Plan</i>	<i>Road Width curb face to curb face Right-of-way Width</i>	<i>Exceptions/Special Notes</i>
<i>White Rock Road</i>	<i>101 B</i>	<i>84 ft. (100 ft. ROW), with turn pockets and additional ROW as needed.</i>	<i>Half width frontage improvements, with 6' sidewalk</i>
<i>'A' Drive (Carson Crossing Drive)</i>  <i>* NOTE: Road width is determined by traffic counts pursuant to Standard Plan 101B as determined by DOT.</i>	<i>101 B Modified</i>	<i>64 ft* or 40 ft (60 ft* or 36 ft Asphalt) (80 ft* or 60 ft. ROW), with turn pockets and additional ROW as needed.</i>	<i>6 ft. sidewalks on both sides.</i>
<i>Ranch Bluff Way Unit 1</i>	<i>101 B</i>	<i>40 ft. (36 ft. Asphalt) (60 ft. ROW)</i>	<i>4 ft. sidewalks on both sides.</i>
<i>Slateridge Court Unit 1</i>	<i>101B</i>	<i>36 ft. (32 ft. Asphalt) (50 ft. ROW)</i>	<i>4 ft. sidewalks on both sides.</i>
<i>Four Season Drive Unit 1 (Whiterock to 'G' Way)</i>	<i>101 B</i>	<i>40 ft. (36 ft. Asphalt) (60 ft. ROW)</i>	<i>4 ft. sidewalks on both sides.</i>
<i>Four Seasons Drive ('G' Way to Carson Crossing)</i>	<i>101 B Modified</i>	<i>34 ft. (30 ft. Asphalt) (60 ft. ROW), with turn pockets and additional ROW as needed.</i>	<i>6 ft. sidewalk on both sides of street.</i>
<i>'A', 'B', 'C', 'G', 'M' Drive 'J', 'U', 'V' Way</i>	<i>101 B Modified</i>	<i>28 ft (24 ft. Asphalt). (50 ft. ROW)</i>	<i>4 ft. sidewalk on both sides of street.</i>
<i>'K', 'KI', 'M', 'MI', 'N', 'NI', 'T' Circle 'E', 'Q', 'R', 'S', 'U' Court 'F' Drive 'G' Way</i>	<i>101 B Modified</i>	<i>28 ft (24 ft. Asphalt). (40 ft. ROW)</i>	<i>4 ft. sidewalk on both sides of street.</i>
<i>Access Road 'V' Way connection to Ranch Bluff Way</i>	<i>101 C Modified 3" Asphalt over 8" AB Base</i>	<i>20 ft Asphalt with 1 ft. shoulders</i>	<i>No sidewalks</i>
<i>'L' Way, 'P' Way</i>	<i>101 B Modified</i>	<i>30 ft (26 ft Asphalt) (50 ft ROW)</i>	<i>4 ft sidewalk on both sides of street</i>

*All the applicable road width standards are correctly shown on the Improvement plan.*

8. 'U', 'W', 'X' Courts and Ranch Bluff Way (Unit 1) can be reduced to a 45 ft. radius roadway width with a reduced right of way width of 53.5 ft. in the bulb portion of the cul-de-sac. All other cul-de-sacs shall be constructed to County Standard Plan 114.

*There are no cul-de-sacs in this unit.*

9. The following intersections shall be analyzed for the determination of final lane configuration:

Four Season Drive/White Rock Road @ Stonebriar Drive.

Carson Crossing Drive @ White Rock Road.

Carson Crossing Drive @ Ranch Bluff Way.

Final lane configuration, including the need for additional right-of-way, shall be subject to review and approval of the Department of Transportation ("DOT") prior to improvement plan approval.

*DOT and Planning reviewed plans and traffic study update named "Euer Ranch- Active Adult Community Traffic Study" by Korve Engineering and concluded that the final design of the intersections shown on the approved Improvement Plans are satisfactory.*

10. All lots that front on two roads shall take access on the minor roadway. All associated frontage along Four Seasons Drive shall be designated as non-vehicular access easement, except for lots 244 through 253; 281 through 285; 398 through 407 and potential lots in the future tentative map. Moreover, two points of access shall be provided to the planned community center off of Four Seasons Drive.

*Applicable non-vehicular easements have been placed on the map.*

11. Access from Lot F to Carson Crossing Drive shall be determined by DOT prior to improvement plan approval.

*The required access has been approved under the Improvement Plans for Euer Ranch Units 6 and 7.*

12. Subdivision improvements shall include 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 Transportation Director. Driveways shall be installed in a manner and location acceptable to the County DOT and shall meet standard County driveway requirements. 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.

*DOT has reviewed the plans and determined that all lots will be graded and driveways provided consistent with this condition.*

13. An irrevocable offer of dedication, in fee, shall be made of in the width as described in Condition 7 for the proposed roads, with slope easements where necessary. Said offer may be rejected at the time of the final map, in which case, a homeowners agreement and association, or other entity, shall be established in order to provide for the long term maintenance of the roads.

*The Owners Statement on the Final Map provides the irrevocable offer of dedication. The Board Clerks Statement accepts the applicable offers, but rejects "Lot R" (the road lot). The private roads will be maintained by the Homeowners Association.*

14. An irrevocable offer of dedication, in fee, shall be made of 60 feet in radius for the cul-de-sacs, with slope easements where necessary. 'U', 'W', 'X' Courts and Ranch Bluff Way (Unit 1) can be reduced to a 53.5 foot radius. Said offer may be rejected at the time of the final map, in which case, a homeowners agreement and association, or other entity, shall be established in order to provide for the long term maintenance of the roads.

*The Final Map shows the I.O.D.s as follows: Ranch Bluff is at 53.5 feet and Covered Bridge Way is at 60 feet.*

15. A final drainage plan shall be submitted to and approved by the DOT. Drainage which is collected and routed between lots shall be conveyed, in a practicable manner, via underground pipe and open channels as specified in the Settlement Agreement. All drainage facilities shall be designed in compliance with the County Drainage Manual. The developer shall install all drainage facilities concurrently with the respective phase of construction.

*The Drainage Study for Euer Ranch (January 13, 2003, revised, by Cooper, Thorne & Associates) was reviewed and approved for Euer Ranch 6 and 7 by DOT. The Drainage Study, improvement plans and subdivision design incorporate provisions of the amended Specific Plan on September 28, 1999 regarding drainage.*

16. 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 to fund the maintenance of drainage facilities.

*The creation of Drainage Zone of Benefit #98308 was completed on June 8, 2004 with the Board of Supervisors ratification of election results setting the special tax.*

17. All grading plans shall be prepared and submitted to the Soil Conservation Service and the DOT. The Soil Conservation Service shall review and make appropriate recommendations to the County. Upon receipt of the review report by the Soil Conservation Service, the DOT shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. No building permit shall be issued by the County until final grading plans and erosion control plans are approved by the DOT and the grading is completed.

*The El Dorado County Resource Conservation District (RCD) is currently the applicable agency for recommendations on erosion control instead of the Soil Conservation Service.*

*The RCD has reviewed the erosion plans and determined that they meet the minimum requirements of the County Erosion Control Requirements and Specifications. DOT has subsequently reviewed and approved erosion control as part of the improvement plans.*

18. The timing of construction and method of revegetation shall be coordinated by the El Dorado County 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 Soil Conservation Service for review and recommendation to the DOT. The DOT shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.

*Condition 18 is satisfied with the approval of the Improvement Plans for Euer Ranch 6 and 7 by DOT.*

19. The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible Fire Protection District. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the fire protection district. Phasing plans shall be subject to Fire District approval to ensure that each phase has a minimum of two access points.

*The El Dorado Hills Fire Department has reviewed and approved the improvement plans that includes the fire hydrants and provides the necessary fire flow requirements. Final maps that are phases of the development are being reviewed for adequate road access.*

20. The project shall be subject to the Transportation Impact Fee for the State Systems Capacity & Interchanges of \$1,570 per single family residential dwelling unit. Pursuant to Resolution 202-96, said fee shall be due upon the issuance of a building permit. If prior to the application for a building permit for said project a revised fee is established, such a revised amount shall be paid.

*Road impact fees are collected at time of issuance of Building permits.*

### **Surveyor's Office**

21. All survey monuments must 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, work completed, or work to be completed, and cost of completion is to be determined by the County Surveyor.

*Developer has posted monument bond with the County Surveyor to satisfy Condition 21.*

22. All roads shall be named by filing a completed road naming petition for each road with the County Surveyor's Office prior to filing the final map.

*Surveyors Office confirmed that road name petition for roads have been approved*

## Planning Department

23. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act ("CEQA") Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource. If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist and Planning Department shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by the County Planning Director.

*This condition is satisfied by being included in the notes on the approved improvement plans.*

24. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map.

*EID has provided a Meter Award Letter for Euer Ranch Unit 9 for 12 water meters and 12 wastewater connections.*

25. Parkland dedication requirements shall be calculated based on the standards and factors for development within the El Dorado Hills Community Services District ("EDHCS D"). An irrevocable offer of dedication ("IOD") shall be made to the EDHCS D as a condition of approval of the tentative maps within the Specific Plan area. Prior to County approval of any final map, the developer shall show evidence of a recorded agreement with the EDHCS D for the location, size, park improvements (including water and sewer meters), maintenance, and timing of dedication and acceptance of parks throughout the Specific Plan area.

The developer will be required to provide a Phase I environmental assessment of all land to be dedicated to a public agency.

*There are no parks in Unit 9 of Euer Ranch. The developer has entered into a Pre-annexation agreement with the El Dorado Hills Community Services District. In light of the changes to the Specific Plan from the amendments of September 28, 1999, the development is an age restricted community that would have different parkland requirements from the EDH CSD than the original tentative map. The developer and EDH CSD have made arrangements to account for these changed circumstances through the Pre-annexation agreement and other forms. Planning Services staff have reviewed the pre-annexation agreement and received correspondence from the EDH CSD and determined that the developer has substantially complied with Condition 25 for Euer Ranch Unit 9 regarding parks.*

26. Easements shown to be relocated on the tentative map shall be relocated prior to or in conjunction with the filing of the final map, including the relocation of all electric facilities.

*The notes on the final map and correspondence from utility companies demonstrate compliance with Condition 26.*

27. A letter of agreement from the cable television franchisee, pursuant to Section 16.16.010 (I) of the County Code, shall be submitted to the Planning Department prior to approval of the final map.

*The County has a "will serve" letter from AT&T Broadband (12/19/02) in the final map file.*

28. As specified in conditions of approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider'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.

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 Planning 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 a amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.

*No off-site easements or land acquisitions are necessary for the Unit 9 final map.*

29. The tentative map shall not become effective until the Carson Creek Specific Plan is approved by the Board of Supervisors.

*The Carson Creek Specific Plan was approved by the BOS on March 4, 1997.*

30. As a vesting tentative map, the approval confers the vested rights as described by Section 66474.2 of the Government Code, including the rights and limitations as established by Ordinance No. 4216 (Chapter 16.68 of the County Code). This map shall expire 24 months from the date of approval.

*The vesting status was removed by the applicant in order to extend the map expiration date from 24 months to 36 months. Additional time was granted pursuant to the Subdivision Map Act and local ordinance regarding active litigation on the project approval. Upon completion of the litigation, the tentative map expiration was recalculated to be December 1, 2002. A time extension was submitted automatically extending the map 60 days. A final map for Unit 1 was submitted and determined to have been filed in a timely manner on January 24, 2003. The Unit 1 final map was approved by the BOS on July 20, 2004.*

31. Street lights shall be installed at main intersections. All street lights installed shall be top-shielded to prevent excess glare and light.

*Street lights are shown on the improvement plans and satisfy Condition 31.*

32. As a condition of approval of all tentative maps, a wood or other solid fence, at least six foot in height, will be constructed by the developer of all residential lots adjacent to the boundaries of the Specific Plan area.

Agricultural fencing per County Resolution No. 98A-90 shall be required along the Sacramento/El Dorado County line in any location not adjacent to a residential parcel.

The covenants, conditions, and restrictions ("CC&Rs") will specify the fence design approval process. Fence design will be as approved by the El Dorado Hills Community Services District and the appropriate design review committee.

Maintenance of fencing adjacent to open space or landscaped corridors will be funded either through a homeowners association, a Landscaping and Lighting District, or other appropriate mechanism.

*Unit 9 is adjacent to Carson Crossing Drive, which is across the western boundary of the Carson Creek Specific Plan Area. The Homeowners Association will maintain common open space and other common facilities including walls and landscaping.*

33. An Open Space Management Plan shall be prepared by the developer, subject to review and approval by the EDHCS, and will include a funding mechanism for on-going maintenance of all open space. A Wild Fire Management Plan, subject to approval by appropriate agencies, will also be included as a component of this document.



*The Open Space Management Plan and Wild Fire Management Plan would be funded by the Homeowners Association. Staff has reviewed these plans and considers them to satisfy the intent of the condition. The EDH CSD has determined they do not want to review or approve these plans.*

34. The development of APN 108-040-05 shall not occur until said parcel rolls out (or is approved for immediate cancellation) of the agricultural preserve.

*Subject parcel rolled out of the Williamson Act in 2000.*

35. Phases 6, 7, and 8 of the tentative map shall not be developed until APN 108-040-07, immediately south of the project, rolls out of Agricultural Preserve status (or is approved for immediate cancellation). The buffer may be reduced or eliminated by the Agricultural Commission, upon presentation to the Agricultural Commission that the buffer is unnecessary or is substantially complied with in another fashion.

*Subject parcel rolled out of the Williamson Act in 2000.*

36. At the time the applicant submits for approval by the County a proposed final subdivision map for the Euer Ranch property, the County shall determine whether the Board of Supervisors or the Sacramento-Placerville Transportation Corridor Joint Powers Agency has taken any affirmative action indicating an intention to reserve right-of-way through or adjacent to the Euer Ranch property for possible eventual use by a commuter rail system of any kind. Such an indication by the Board or Joint Powers Agency must take the form of an informal or formal policy decision to modify plans to reserve a right of way other than the former Southern Pacific right-of-way located west, south, and east of Euer Ranch, which was purchased in September 1996 by Joint Powers Agency. If the Board or Joint Powers Agency has taken any such action indicating an intention to eventually extend a commuter rail line through the Euer Ranch property, the County shall not approve the final map until the applicant has prepared an acoustical study assessing the noise impacts that such a rail line might create for nearby residential and other properties, and proposing any noise attenuation measures necessary to achieve compliance with General Plan noise standards. Any noise attenuation measures developed through such a study shall be conditions required prior to issuance of the final map.

If the County approves the final subdivision map for the Euer Ranch property without requiring any noise attenuation measures in anticipation of an eventual rail extension through the property but the County subsequently imposes a rail noise mitigation fee on properties in the area, then such mitigation fees shall be assessed and collected at the time of the issuance of building permits. Any building permits issued prior to the imposition of such a fee program shall not be made retroactively subject to the fee requirement as a result of this condition.

*Condition 36 is satisfied in that no action to extend a commuter rail line has taken place to invoke the need for additional acoustical analysis. The applicant has conducted an acoustical analysis regarding the traffic from White Rock Road and incorporated the recommendations into the Improvement Plans and constructions standards of structures.*

## EIR Mitigation Measures

37. (MM 4.3-2(a) & (d), 4.3-5(a)) A thirty (30) foot landscape corridor shall be installed adjacent to White Rock Road, and in the residential yards adjacent to the eastern and western boundary of the tentative map, as required in Section 3.5 of the Carson Creek Specific Plan, and shall consist of a majority of native plant and/or fast growing species.

*Landscape bond submitted to Planning Services to ensure completion of landscaping after roads are improved Thirty-foot landscape corridor shown on final map for Unit 1. Condition is 37 satisfied for Unit 1. Landscape corridor has been reserved bordering this Unit.*

38. (MM 4.3-2(b), 4.3-5(b)) The CC&Rs or project design notebook shall require use of natural colored roof materials in project development to maximize consistency with the surrounding natural environment to minimize stark visual contrasts.

*Requirement for roof materials and colors included in CC&Rs (Section 4.10).*

39. (MM 4.3-2(c), 4.3-5(c)) The CC&Rs or project design notebook shall require the use natural components in fencing materials (e.g., wood, stone, brick) that would be consistent with residential uses to the north, and would enhance visual compatibility with the natural surroundings of the site for subdivision fencing and acoustical mitigation walls.

*Requirement for fencing materials and colors included in CC&Rs (Section 4.10).*

40. (MM 4.5-7(b)) The developer shall construct signal and turn lane improvements at the White Rock Road/main project access road intersection, if warranted by traffic volumes, as determined by the County DOT.

*Not applicable to Unit 9. The signal will be required for Phase 2 of the Specific Plan: the development of the "Mosher" property.*

41. (MM 4.5-8) The project developer shall be responsible for the construction of a bus turnout and transit shelter along the project site frontage on White Rock Road; however, should the developer enter into a development agreement with the County which includes provisions for a bus and transit shelter when fixed route transit service or commuter service is extended to serve the project, the improvement of the facilities may be delayed, and this condition may be waived.

*Bus turnout included on White Rock Road, shown on the approved improvement plan for White Rock Road referenced in the Agreement to Make Subdivision Improvements.*

42. (MM 4.5-9) The project developer shall construct a Class II bike lane along the project site frontage on White Rock Road.

*Bike lane provided on the approved improvement plans for White Rock Road, referenced in the Unit 9 Agreement to Make Subdivision Improvements.*

43. (MM 4.6-1, 4.6-2) The project applicant shall comply with El Dorado County Air Pollution Control District ("APCD") Rule 223, 224, and 215 as required by the Air Pollution Control Officer. The project applicant shall prepare a fugitive dust control plan to be submitted to, and approved by, the APCD prior to the commencement of construction.

*The Fugitive Dust Control Plan was approved on January 13, 2003 and is part of the improvement plans. All APCD rules will continue to apply to the construction phase of the development.*

44. (MM 4.6-3) The applicant shall encourage in the CC&Rs or project design notebook the following energy-saving design features into future levels of project implementation as feasible and appropriate. These design features may include, but are not limited to, the following:

- Solar or low-emission water heaters;
- Central water heating systems;
- Shade trees;
- Energy-efficient and automated air conditioners;
- Double-pane glass in all windows;
- Energy-efficient low-sodium parking lot lights;
- Energy-efficient lighting and lighting controls.
- The applicant, future successors in interest, or future homebuilders shall install only EPA-certified woodstoves and fireplaces.

*Condition 44 is satisfied by the inclusion of the energy saving provisions in section 4.10 of the CC&Rs.*

45. (MM 4.7-1) Subdivision improvement plans shall include a notation that requires that construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days:

- Between the hours of 7:00 a.m. and 5:00 p.m. on any weekday
- Between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays
- Prohibited on Sundays and holidays

At the time of the letting of the construction contract, it shall be demonstrated that engine noise from excavation equipment would be mitigated by keeping engine doors closed during equipment operation. For equipment that cannot be enclosed behind doors, lead curtains shall be used to attenuate noise.

*Condition 45 is satisfied by the inclusion of the construction hours and other notes on the improvement plans.*

46. (MM 4.7-2) Sound walls shall be installed as recommended in the Brown-Buntin Associates, Inc., June 26, 1996, acoustical analysis for the Euer Ranch along White Rock

Road. The walls shall be constructed to heights to reduce the noise levels to 60 dB Ldn or less, except for Lots 8 through 16, where the sound wall shall be constructed to heights to reduce the noise levels to 65 dB Ldn or less.

*Updated acoustical analysis by Bollard Brennan provided updated information for location and height of sound walls and other provisions to meet General Plan noise standards that are implemented through the approved improvement plans.*

47. (MM 4.8-2(a)) Prior to issuance of a grading permit, the wetland delineation completed for the Euer Ranch shall be verified by U.S. Army Corps of Engineers ("USACE"). After verification, any wetlands that would be lost or disturbed shall be replaced or rehabilitated on a "no-net-loss" basis in accordance with USACE mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to USACE.

*Corps of Engineers issued Wetland Permit No.199600460 on July 3, 1997 and no further wetland permits are required based on recent correspondence with the Corps.*

48. (MM 4.8-2(b)) Prior to issuance of a grading permit, a Streambed Alteration Agreement shall be obtained from the California Department of Fish & Game ("CDFG"), pursuant to Section 1600 of the California Fish and Game Code, for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of the stream. If required, the project applicant shall coordinate with CDFG in developing appropriate mitigation, and shall abide by the conditions of any executed permits.

*This condition has been satisfied with the approval of the Improvement Plan for Units 6 and 7.*

49. (MM 4.8-3) Prior to issuance of a grading permit, habitat on the Euer Ranch that is suitable to support Bogg's Lake hedge-hyssop shall be surveyed. If any significant populations of this species are found in areas proposed for development, a mitigation plan designed to result in a no-net-loss of the species shall be prepared by the project proponent and approved by U.S. Fish & Wildlife Service ("USFWS"). The plan may include measures such as transplantation or revegetation in protected areas on-site.

*Survey conducted in 1997 demonstrated that no listed species were located in the project area. No additional mitigation for the species listed in condition 49 is required.*

50. (MM 4.9-1) Prior to the approval of a grading permit for development in the Carson Creek drainage, the applicant shall submit to, and receive approval from, the El Dorado County Department of Transportation ("DOT") a soils and geologic hazards report meeting the requirements for such reports provided in the El Dorado County Grading Ordinance. If proposed improvements to the Carson Creek drainage would be located in areas identified as susceptible to soils or geologic hazards, proposed improvements to the Carson Creek drainage shall be designed to prevent failure or damage due to such hazards.

*Condition 50 is satisfied as demonstrated by the Younhdahl & Associates geotechnical reports and DOT's review and approval of the improvement plans.*

51. (MM 4.9-4) Prior to the issuance of building permits, all structures shall be designed in accordance with the Uniform Building Code (UBC), Chapter 23. Although wood frame buildings of not more than two stories in height in unincorporated areas are exempt under the California Earthquake Protection Law, structures shall adhere to the design factors presented for UBC, Zone 3, as a minimum. Final design standards shall be in accordance with the findings of detailed geologic and geotechnical analyses for proposed building sites.

Prior to the approval of a final map, the location and age of displacements associated with the Mormon Island Fault zone shall be determined by geologic mapping and trench logging. Critical structures such as schools shall not be located within the zones of active faulting.

*Condition 51 is satisfied as demonstrated by the Younhdahl & Associates geotechnical reports and DOT's review and approval of the improvement plans.*

52. (MM 4.9-5) Prior to the filing of the final map, a ground acceleration analysis shall be conducted for the Mormon Island Fault Zone. All structures shall be designed in accordance with the ground acceleration analysis for the Mormon Island Fault Zone and the on-site ground accelerations anticipated from the Bear Mountains Fault Zone.

*Condition 52 is satisfied as demonstrated by the Younhdahl & Associates geotechnical reports and DOT's review and approval of the improvement plans.*

53. (MM 4.9-7) Prior to the issuance of grading permits, grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations. These findings all include methods to control soil erosion and ground instability that are described in the Carson Creek Specific Plan EIR Mitigation Measure.

*Condition 53 is satisfied as demonstrated by the Younghdahl & Associates geotechnical reports and DOT's review and approval of the improvement plans.*

54. (MM 4.10-1) Prior to the issuance of a final map, the project applicant shall submit and obtain approval of final drainage plans by the El Dorado County DOT. These final drainage plans shall demonstrate that future post-development stormwater discharge levels from the project will remain at existing stormwater discharge levels and detention

basins will be permanently maintained. The drainage plan shall be prepared by a certified Civil Engineer and shall be in conformance with the El Dorado County Drainage Manual adopted by the Board of Supervisors in March 1995. The project applicant shall form a drainage zone of benefit ("ZOB") or other appropriate entity to ensure that all stormwater drainage facility maintenance requirements are met. The drainage plan shall include, at a minimum, written text addressing existing conditions, the effects of project improvements, all appropriate calculations, a watershed map, potential increases in downstream flows, proposed on-site improvements, and drainage easements, if necessary, to accommodate flows from the site and implementation and maintenance responsibilities. The plan shall address storm drainage during construction and proposed BMPs to reduce erosion and water quality degradation. All on-site drainage facilities shall be constructed to El Dorado County DOT satisfaction. BMPs shall be implemented throughout the construction process. The following BMPs, or others deemed effective by the DOT, will be implemented as necessary and appropriate:

#### Soil Stabilization Practices

- Straw Mulching
- Hydromulching
- Jute Netting
- Revegetation
- Preservation of Existing Vegetation

#### Sediment Barriers

- Straw Bale Sediment Barriers
- Filter Fences
- Straw Bale Drop Inlet Sediment Barriers

#### Site Construction Practices

- Winterization
- Traffic Control
- Dust Control

#### Runoff Control in Slopes/Streets

- Diversion Dikes
- Diversion Swales
- Sediment Traps

*Improvement plans incorporate all current erosion control BMPs and the Drainage Zone of Benefit has been formed satisfying condition 54.*

55. (MM 4.10-2) Prior to the approval of a final map, the applicant shall submit a final drainage plan that clearly identifies the 100-year flood zone following project development to the El Dorado County DOT for approval. Project development shall not occur in areas within the 100-year flood zone shown in the final drainage plan. The final

drainage plan shall be prepared by a registered civil engineer and contain a hydrologic study that outlines the 100-year flood zones associated with the project and proposed flood control measures such as detention basins. Alternatively, 100-year flood protection improvements, approved by the El Dorado County DOT, can be implemented to allow development in these areas. All storm drainage facilities and embankments shall be designed in compliance with the County Drainage Manual.

*DOT review and approval of the Euer Ranch drainage report and improvement plans satisfies condition 55 and that no development is proposed in the 100 year flood zone.*

56. (MM 4.10-5) Prior to issuance of a grading permit, the developer shall obtain from the CVRB a General Construction Activity Stormwater Permit under the National Pollutant Discharge Elimination System ("NPDES") and comply with all requirements of the permit to minimize pollution of stormwater discharges during construction activities.

Prior to issuance of a grading permit, the project applicant shall submit to the El Dorado County DOT and the Resource Conservation District for review and approval an erosion control program which indicates that proper control of siltation, sedimentation and other pollutants will be implemented per NPDES permit requirements.

*DOT review and approval of the Euer Ranch drainage report and improvement plans satisfies condition 56.*

57. (MM 4.10-6(a)) On-site detention basins shall be constructed and maintained through the construction period to receive stormwater runoff from graded areas to allow capture and settling of sediment prior to discharge to receiving waters. Periodic maintenance of detention basins, such as debris removal, shall occur on a monthly basis or more frequently as needed to ensure continued effectiveness.

*DOT review and approval of the Euer Ranch drainage report and improvement plans satisfies condition 57.*

58. (MM 4.10-6(b)) Prior to issuance of a grading permit, the project applicant shall develop a surface water pollution control plan (i.e., parking lot sweeping program and periodic storm drain cleaning) to reduce long-term surface water quality impacts. These grease trap separators will be cleaned annually. The project applicant shall develop a financial mechanism, to be approved by the El Dorado County DOT that ensures the long-term implementation of the program.

*DOT review and approval of the Euer Ranch drainage report and improvement plans and the formation of the County Drainage Zone of Benefit satisfies condition 58.*

59. (MM 4.11-1) Prior to grading and construction activities, significant cultural resources found on the project site shall be recorded or described in a professional report and submitted to the North Central Information Center at California State University at Sacramento.

The grading and improvement plans shall include a note that states that during grading and construction activities, the name and telephone number of an El Dorado County-approved, licensed archaeologist shall be available at the project site. In the event a heritage resource is encountered during grading or construction activities, the project applicant shall ensure that all activities will cease in the vicinity of the recovered heritage resource until an archaeologist can examine the find in place and determine its significance. If a find is authenticated, the archaeologist shall determine proper methods of handling the resource(s) for transport and placement in an appropriate repository. Grading and construction activities may resume, after the resource is either retrieved or found to be not of consequence.

*Additional archeological research and survey work was completed in 2004 by Ric Windmiller, consulting archaeologist. Based on that analysis, staff concludes that Condition 59 has been satisfied. Improvement plans contain language regarding discovery of culturally sensitive material that is unearthed during construction.*

60. (MM 4.12-1) The project applicant shall comply with the agreement between the school districts and the applicant entitled "Agreement Between the Latrobe School District, the El Dorado Union High School District, Angelo Tsakopoulos, AKT Mosher Partners, the Moshers, and the Euers" dated September 24, 1996, on file with the Board of Supervisors.

*The Specific Plan was originally contemplated to accommodate 2,434 dwelling units. The Latrobe School district required a new elementary school and a new middle school to accommodate the anticipated student and the original Specific Plan provided sites for the schools. The separate agreement between the developer and the school district detailed the developer obligation to construct school facilities. However, through a settlement agreement and Specific Plan amendment on September 28, 1999, the Specific Plan was changed to accommodate 1,700 units and restricted to a senior community (age restricted). The Specific Plan's land use plan was also amended to remove the school sites. See Condition 69 and response in italics.*

61. (MM 4.14-1(a) & (b)) Prior to the issuance of each building permit, the project applicant will be required to obtain a service letter from the El Dorado County Sheriff's Department identifying that law enforcement staff and equipment are available to serve the proposed land use upon occupancy and the Department has reasonably estimated that annual funding is available to provide adequate staff and equipment in the future.

*May 13, 2004 letter from the Sheriff's Office states that the Sheriff will provide service to the new development, but that there is "no guarantee that annual funding is available to provide adequate staff and equipment in the future." This Mitigation Measure was developed for the original Specific Plan Environmental Impact Report that anticipated 2,701 dwelling units. The specific impact being mitigated was a perceived unknown impact on law enforcement response times. However, the Specific Plan has been amended to reduce the number of dwelling units to 1,700 in an age restricted community. The Sheriff's Office letter indicates that they believe they can serve the development adequately but they do not have control of the annual funding. Funding for the Sheriff's Office is subject to County Board of Supervisors budget allocation process. Mitigation*



*Measure 4.14-1(b) that would have formed a special assessment district for law enforcement was formally rejected by the Board of Supervisors as infeasible. Therefore Condition 61 has been substantially completed.*

62. (MM 4.22-1) If on-site contamination resulting from the storage and use of hazardous substances within the area of the existing work shed and barn is discovered during grading or construction, the appropriate local, state, and/or federal agencies shall be contacted. Remediation of any unauthorized release of hazardous substances shall be undertaken in accordance with all existing local, state, and federal regulations/requirements and guidelines established for the treatment of hazardous materials.

*Notes on the Improvement Plans and subsequent geotechnical reports satisfy condition 62.*

63. (MM 4.22-4) Prior to the issuance of a grading permit, shallow groundwater and on-site drainage area shall be sampled to determine the potential presence of on-site contamination (mercury, etc.). If contamination is found, the appropriate regulatory agency shall be contacted. If deemed necessary by the appropriate regulatory agency, remediation shall be undertaken in accordance with all existing local, state, and federal regulations/requirements and guidelines established for the treatment of hazardous substances.

*Notes on the Improvement Plans and related geotechnical reports satisfy condition 63.*

64. (MM 4.22-6) Prior to the issuance of a grading permit, the extent (soil and/or groundwater) of potential on-site contamination, if any, resulting from the operation of off-site USTs shall be assessed. Once the extent of contamination has been determined, the appropriate regulatory agency shall be consulted in identifying the responsible party and initiating the development of a remediation program in accordance with all applicable local, state, and federal regulations/requirements and guidelines established for the treatment of hazardous substances.

*Notes on the Improvement Plans and related geotechnical reports satisfy condition 64.*

65. (MM 5-3) A financing mechanism or mechanisms, such as a Landscaping and Lighting District, for development and maintenance of parks and for maintenance of open space, landscaping, lighting, fencing, trails, walkways, corridors, signage, sound walls, entry monuments, and other common or public areas shall be determined prior to approval of the final map. Improvement plans will be submitted to the El Dorado Hills Community Services District for approval, and the financing mechanisms shall be in place prior to issuance of building permits (Section 5.2 of the Carson Creek Specific Plan.)

*The pre-annexation agreement executed on January 29, 2003 between the developer and the El Dorado Hills CSD substantially satisfies this condition. Common area improvements will be maintained by the Homeowners Association.*

66. All lots shall be a minimum of 6,000 square feet, which requires lots in Phases 7 and 8 of TM96-1317 to be enlarged.

*Lots in Unit 9 are 6,000 square feet or larger.*

67. The proponent shall enter into an agreement with the County to indemnify the County of El Dorado against all legal costs associated with any legal challenges resulting from project approval. Said agreement shall be in a form acceptable to County Counsel.

*This condition is no longer applicable since all legal challenges have been settled.*

68. The CC&Rs of the subdivision shall include the following language:

"Located approximately 3,000 feet east of this subdivision is the El Dorado Irrigation District El Dorado Wastewater Treatment Plan, which is responsible for the processing of wastewater for the El Dorado Hills area, including the subdivision.

Purchaser, for himself and his heirs, successors and assigns, recognizes that the District, in the course of normal operations conducted in accordance with all requirements of law, produces odors offensive to humans. From time to time, the processing of wastewater will generate unpleasant odors which may be discernible to the occupants of the Carson Creek Specific Plan."

*CC&Rs contain the necessary language in Section 17.04.*

69. A written agreement with the school district shall be in place before the Board approves or rezones the project.

*Pursuant to this condition, the applicant did enter into an agreement with the school district prior to the final Board of Supervisors approval of the project. However, the Specific Plan was amended by the Board of Supervisors on September 28, 1999 to develop the Specific Plan as a age restricted community. The CC&Rs for the Euer Ranch include language restricting the occupancy of the units to at least one resident qualifies as a Senior Citizen within the meaning of Civil Code Section 51.3(b)4. (See Section 18 of the CC&Rs.)*

*In addition, the CC&Rs have a provision that states that no amendment to the age restricted housing will be effective unless the amendment is approved by the Latrobe School District and the El Dorado Union High School District. (Section 18.09.)*

*Based on these provisions, the developer has satisfied the intent of Condition 69.*