

# CONDITIONS OF APPROVAL

## Tentative Subdivision Map Time Extension TM07-1440-E/Summer Brooks Estates Planning Commission/May 25, 2017

**(The following are the original Conditions of Approval for Summer Brook Tentative Subdivision Map, as approved by the Board of Supervisors on March 11, 2008)**

### Conditions of Approval

#### Project Description

1. This Planned Development and Tentative Subdivision Map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked A-L dated February 14, 2008 and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

PD07-0007/ TM07-1440 consists of a Planned Development and Tentative Subdivision Map to create 29 residential lots ranging in size from 58,591 to 97,184 square feet. The Planned Development will allow for flexibility in the Development Standards of the RE-5 Zone District. The proposed lots will not meet the minimum parcel size, and setbacks of the zone district. The project will use the Density Bonus Planning Provision to allow for the increased density. Four open space lots would be created totaling 35.2-acres. Access shall be provided via a common access roadway providing two points of access onto Green Valley Road. The project shall connect to EID public water and private onsite septic systems.

One Design Waiver is approved to reduce the right-of-way width requirement for A Street, B Street, C and D Courts from 60 feet to 50 feet.

The lots shall conform to the table listed below:

| <b>Lot Number</b> | <b>Gross Area (S.F.)</b> | <b>Net Area (S.F.)</b> |
|-------------------|--------------------------|------------------------|
| 1                 | 72,210                   | 52,075                 |
| 2                 | 84,610                   | 61,799                 |
| 3                 | 76,126                   | 53,831                 |
| 4                 | 75,109                   | 53,221                 |
| 5                 | 74,684                   | 53,097                 |
| 6                 | 78,165                   | 57,016                 |
| 7                 | 59,947                   | 40,737                 |

| Lot Number | Gross Area (S.F.) | Net Area (S.F.) |
|------------|-------------------|-----------------|
| 8          | 65,119            | 45,245          |
| 9          | 72,860            | 51,324          |
| 10         | 73,559            | 51,875          |
| 11         | 68,425            | 47,618          |
| 12         | 71,492            | 49,314          |
| 13         | 87,828            | 58,614          |
| 14         | 66,605            | 45,983          |
| 15         | 65,076            | 44,053          |
| 16         | 64,296            | 43,315          |
| 17         | 69,338            | 46,722          |
| 18         | 65,294            | 44,058          |
| 19         | 69,631            | 44,231          |
| 20         | 84,794            | 60,053          |
| 21         | 97,184            | 56,799          |
| 22         | 78,828            | 46,876          |
| 23         | 71,325            | 44,745          |
| 24         | 72,277            | 51,315          |
| 25         | 91,113            | 67,809          |
| 26         | 76,837            | 52,584          |
| 27         | 58,591            | 39,367          |
| 28         | 62,775            | 41,096          |
| E          | 74,379            | 52,642          |
| A          | 826,816           | Open Space      |
| B          | 455,334           | Open Space      |
| C          | 190,580           | Open Space      |
| D          | 65,144            | Open Space      |
| R          | 270,072           | Right-Of-Way    |

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

**II. CONDITIONS FROM THE MITIGATED NEGATIVE DECLARATION:**

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

2. Prior to onsite construction activities during the nesting season (February 1- August 31), a pre-construction survey shall be required to determine if active nests are present onsite. The survey shall be completed no more than 30 days prior to the commencement of construction activities. If nests are found and considered active, construction activities shall not occur within 500 feet of the active nest until the young have fledged or a biologist until determines that the nests are no longer active. The survey results shall be submitted to the California Department of Fish and Game and Planning Services prior to issuance of a grading permit.

MONITORING: Planning Services shall verify that the above measure has been incorporated on the project grading plans prior to issuance of a grading permit. Planning Services shall coordinate with the applicant and/or biologist to verify conformance with this measure.

3. The applicant shall obtain a Streambed Alteration Agreement from the California Department of Fish and Game for each crossing or any activities affecting the onsite riparian vegetation. The agreement shall be submitted to Planning Services for review prior to issuance of a grading permit.

MONITORING: Planning Service shall verify the agreement has been obtained and necessary mitigation measures incorporated on the plans prior to issuance of a grading permit.

4. Prior to issuance of a grading permit, the applicant shall obtain a 404 Permit from the U.S. Army Corps of Engineers and a Water Quality Certification from the Central Valley RWQCB. The project shall incorporate all conditions attached to the permit and certification into the project.

MONITORING: Planning Services shall verify the required permit and certification has been obtained prior to issuance of a grading permit.

5. All healthy oak canopy removed from the site shall be replaced as specified in General Plan Policy 7.4.4.4 and the Interim Interpretative Guidelines for General Plan Policy 7.4.4.4. Replacement of the removed canopy shall be at a density of 200 tree saplings per acre, or 600 acorns per acre. A tree planting and preservation plan shall be required prior to issuance of a grading permit. A maintenance and monitoring plan shall be required for a minimum of 15 years after replanting to ensure a survival rate of at least 90%. The arborist report, planting and maintenance plan and all necessary documents to demonstrate compliance shall be provided to Planning Services prior to issuance of a grading permit.

MONITORING: Planning Services staff shall review the arborist report, tree planting and replacement plan prior to issuance of a grading permit.

6. The applicant shall document the dry-laid fieldstone rock wall to the satisfaction of the California Department of Parks and Recreation and Planning Services. Planning Services shall review and approve the documentation of the resource prior to issuance of grading permit.

MONITORING: Planning Services shall receive proof of documentation of the resource with the California Department of Parks and Recreation prior to issuance of a grading permit.

7. The applicant shall preserve all portions of the dry-laid fieldstone rock wall not removed as part of road construction. The rock wall shall be located within designated Conservation Easements and shall remain in perpetuity. Planning Services shall verify the placement of the Conservation Easements prior to filing the final map.

MONITORING: Planning Services shall review and approve the Conservation Easements prior to filing the final map.

8. The applicant shall construct a six-foot high sound wall along the rear yards of lot 6. The sound wall shall be constructed to the satisfaction of an Acoustical Consultant or appropriately certified professional prior to final building inspection of Lot 6. Planning Services shall verify location of sound wall on improvement plans prior to issuance of a permit.

MONITORING: Planning Services shall verify that the sound wall meets the requirements established by the Noise Assessment prepared for the project. The applicant shall show the sound wall on the improvement plans.. Planning Services shall verify the construction of the sound wall prior to issuance of a building permit for this Lot 6.

### **III. PROJECT CONDITIONS OF APPROVAL**

#### **Planning Services**

9. The applicant shall provide a meter award letter or similar document by the water purveyor to Planning Services. Planning Services shall review the letter prior to filing the final map.
10. The subdivider shall be subject to a \$150.00. The appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.

The subdivision shall be subject to parkland dedication in-lieu fees based on values supplied by the County Assessor and calculated in accordance with Section 16.12.090 of the County Code. The applicant shall provide proof of payment of parkland dedication in-lieu fees to Planning Services prior to filing the final map.

11. All open space lots shall be dedicated to a Homeowner's Association or similar entity with an appropriate maintenance program. Planning Services shall review and approve the program prior to filing the final map.
12. All open space lots shall be dedicated prior to filing of a final map for any phase. Planning Services shall review and approve the open space lots prior to filing the final map.
13. CC & R's shall be subject to review and approval by County Counsel. The applicant shall submit the CC & R's to Planning Services prior to filing the final map.
14. The final map shall include a 100-foot non-building setback from all ponds and a 50-foot non-building setback from all wetlands at the subject site as delineated on Exhibit F. Planning Services shall review and approve the setbacks prior to filing the final map.
15. The final map shall include a 200 foot setback for all residential structures adjacent to agriculture-zoned lands. Planning Services shall verify the placement of the setback prior to filing the final map.
16. Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on Saturday, Sunday, and federal holidays. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards. Planning Services shall verify this requirement is placed on the Grading Plans prior to issuance of a grading permit.
17. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
18. In accordance with CEQA § 15064.5, should previously unidentified paleontological resources be discovered during construction, the project sponsor is required to cease work in the immediate area until a qualified paleontologist can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this goal, the contractor shall ensure that all construction personnel understand the need for proper and timely reporting of such finds and the consequences of any failure to report them.
19. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified

descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).

20. 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 Government Code.

The subdivider shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

County shall notify the subdivider of any claim, action, or proceeding and County will cooperate fully in the defense.

21. All fees associated with the tentative subdivision map shall be paid prior to filing the final subdivision map.
22. Prior to issuance of a grading 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. The applicant shall also schedule an inspection by Planning Services prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.

### **Department of Transportation**

23. The applicant shall construct or re-construct the following roadways. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing the final map.

| <b>Table 1</b>             |   |  |
|----------------------------|---|--|
| <b>ROAD NAME</b>           | <b>ROAD WIDTH</b>                                     | <b>EXCEPTIONS/NOTES</b>  |
| Green Valley Road(on-site) | Overall 40 ft roadway (60 ft ROW), per Std. Plan 101B | 12 foot through lanes, 8 foot shoulders, Type 2 vertical curb & gutter and 6 foot sidewalk, per DISM Std. Plan 104 & 110. Required turn pocket channelization and acceleration/deceleration lanes will necessitate additional roadway improvements and right of way. |
| A & B Street               | 36 ft roadway (50 ft ROW) per Std Plan 101B           | Std Plan Type 1 rolled curb and gutter (no sidewalk). Std Plan Type 2 vertical curb & gutter shall extend from Green Valley Road to the gate structures.   |
| A Circle                   | 20 ft roadway (28 ft ROW) per Std Plan 101B           | Std Plan Type 2 vertical curb and gutter (no sidewalk) and Std Plan Type 3 barrier curb on the interior radius. One way road. 40 ft minimum radius returns required @ roadway intersections  |
| C & D Court                | 36 ft roadway (50 ft ROW) per Std Plan 101B           | Std Plan Type 1 rolled curb and gutter (no sidewalk)   |

Notes for Condition 1 table:  
 Road widths in the preceding table are measured from curb face to curb face.  
 Curb face for rolled curb and gutter is 6" from the back of the curb.  
 \*With approved waiver.

24. The applicant shall improve the existing signalized intersection on Green Valley to accommodate the primary access to this site (B Street) as the fourth leg of this signalized intersection. The applicant shall make all necessary modifications to this signalized intersection to meet current El Dorado County Standards. In addition, these signal modifications shall include signal timing coordination and or the placement of conduit to the proposed signal at the Green Valley/ Silver Springs Parkway intersection. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing the final map.
25. The applicant shall design and construct a right in/right out at the intersection of A Street and Green Valley Road. This design shall include providing a raised traffic island, curbing, and/or striping to prevent left turn movements at this intersection according to the provisions of the Caltrans Highway Design Manual. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing the final map.

The applicant shall signalize the Green Valley/ Deer Valley Road intersection to meet current El Dorado County Standards, as required in the approved traffic study. These required improvements shall address all geometric issues, i.e. required right and left turn channelization and acceleration/deceleration lanes improvements and shall adhere to the Caltrans Highway Design Manual. The improvements shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing the final map.

The applicant shall sign and strip a Class 2 bike lane along both sides of Green Valley Road, from the signalized intersection at B Street to the intersection of Deer Valley Road. The Class 2 bike lane shall be constructed as required and according to the provisions of the El Dorado County Bicycle Transportation Plan. The striping and signing shall be substantially completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing the final map.

Funding and a bid-ready package for improvements to Green Valley Road, including reconstruction of the existing signal at the Green Valley Road/ 'B' Street intersection, all necessary turn pocket channelization and acceleration/deceleration lanes, additional frontage improvements including road widening, placement of curb, gutter, and sidewalk, and signing and striping of the Class 2 bike lane along Green Valley Road, from 'B' Street to Deer Valley Road, all underground utilities as required, together with a road improvement agreement, shall be submitted to the County Department of Transportation at a time sufficient to allow award of public construction contract prior to issuance of the first grading permit. Landscaping and irrigation plans shall be reviewed by the El Dorado Hills Community Services District and shall be reviewed and approved by the Department of Transportation.

The County will only assure award of the public contract between March 1 and September 1, and the Department of Transportation will schedule the bidding process for a bid opening date to occur within 70 days of receipt of the funding and bid-ready package if the package is received between January 1 and July 1. The term bid-ready presumes that the improvement plans, detailed schedule for improvements, and all other documents and processes have been thoroughly reviewed and approved by Department of Transportation staff prior to the submittal of the bid-ready package. The County Engineer, County Counsel, and the County Board of Supervisors are the final authority regarding the completeness of any bid-ready package.

Certificates of occupancy shall not be issued for any residential building until the improvements are substantially complete as determined by the Department of Transportation.

A complete bid-ready package shall include plans, specifications, right-of-way acquisition (if necessary), utility agreements executed with all impacted utility, relocation work completed/scheduled, environmental clearance for both on-site and off-site work complete, all necessary regulatory/encroachment permits secured, and all documents for bidding the contract signed and sealed by a registered civil engineer. If the funding and the complete bid-ready package for the improvements are provided to the County by the applicant prior to final map processing, the final maps can record without need for additional security for these improvements. The County will award and administer public contract(s) for this work.

The road improvement agreement or subdivision improvement agreement shall include provisions that the applicant provides supplemental funds to the County as necessary to



pay for any change orders generated through the construction phase, that the developer's engineer be available to provide engineering services in support of the project during construction, and that said designer will indemnify the County per the County's standard indemnification language.

The applicant may enter into a reimbursement agreement with the County for providing for reimbursement of the funds provided by the applicant and used for the construction, or for construction related activities, of the improvements to the extent they are included as eligible in the applicable County and Specific Plan fee programs. Reimbursement shall be consistent with the PFFP and the *El Dorado County Department Of Transportation Guidelines For Traffic Fee Program Reimbursement Projects*, including the requirement that the project is bid consistent with the State of California Public Contract Code.

In the event that the eminent domain process must be implemented to acquire right-of-way, this right-of-way requirement shall be deemed satisfied by developer entering into an agreement for condemnation proceedings with the County Counsel together with a deposit of funds as required by County Counsel or alternative arrangement to the satisfaction of the Department of Transportation.

26. The applicant shall obtain an encroachment permit from DOT and shall construct the encroachments of the on-site access roadways onto Green Valley Road to the provisions of County Standard Plan 103D or as specified in the approved traffic study for this project.
27. As authorized in Table TC-1, note 2 of the General Plan, the applicant shall verify or irrevocably offer to dedicate (IOD), in fee, 30 feet of right of way plus additional right of way as noted in Table 1, for the on-site portion of Green Valley Road and the appropriate slope easements along the entire property frontage, prior to filing the final map. This offer will be accepted by the County.
28. A vehicular access restriction shall be established along the entire frontage of Green Valley Road, except for the proposed intersections of A & B Street and A Circle, except for the proposed intersections of A & B Street and C & D Court, prior to or concurrently to filing the final map.
29. A vehicular access restriction shall be established along A Circle except for the proposed intersections of A & B Streets and C & D Courts, prior to or concurrently to filing the final map.
30. The applicant shall join and/or form, prior to filing the final map, an entity satisfactory to DOT, to maintain all on-site roads and/or drainage facilities not maintained by the County, which is required for access to Green Valley Road.
31. All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA. Any improvements that are

not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.

32. As specified in the 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. In such cases, prior to filing of any final map or parcel map, the subdivider shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
  - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
  - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

In addition to the agreement the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of county counsel.

33. The applicant shall adhere to all DOT standard conditions as specified on Attachment A that were provided to the applicant at the TAC on July 2, 2007.

**Air Quality Management District**

34. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.
35. Burning of vegetative wastes that result from "Land Development Clearing" shall be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
36. The applicant shall adhere to all District rules during project construction.

**Rescue Fire Protection District:**

37. The potable water system for the purpose of fire protection for this project shall provide a minimum fire flow of 2,000 gallons per minute. The fire flow must have a duration of two hours with no less than 20 psi residual pressure. The District shall verify that adequate fire flow is available prior to filing the final map.
38. The applicant shall install Mueller Dr Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall be determined by the Fire District. The District shall review and approve the location of fire hydrants prior to filing the final map.
39. Fire hydrants shall be painted with safety red enamel and marked in the roadway with a blue reflective marker as specified by the Fire District and Fire Safe Regulations. The District shall review and approve these improvements prior to filing the final map.
40. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by the California Fire Code. The District shall review and approve these improvements prior to filing the final map.
41. The applicant shall prepare a Fuel Modification and Wildland Fire Safety Plan. The Plan shall be prepared by a Registered Forester. The District shall review and approve the Plan prior to filing the final map.
42. The minimum turning radius within cul-de-sac roads shall be designed to a 40-foot inside and 60-foot outside radius. The District shall review and approve the design of all cul-de-sac roads prior to filing the final map.
43. "A" Circle shall provide a minimum 20 foot roadway surface with a six foot truck apron. The District shall review and approve the design of "A" circle prior to filing the final map.
44. All roads less than 40 feet wide shall install "No Parking- Fire Lane" signage. The signage shall be in conformance with the California Fire Code. The District shall review and approve the signage prior to filing the final map.
45. All gates shall meet the Rescue Fire Protection District standards. The District shall review and approve the gates prior to filing of the final map.
46. All houses shall be setback 30 feet from all property lines. The District shall review and approve the location of all houses prior to issuance of a building permit.

47. The construction of this project shall comply with all codes and regulations as required by the California Building Code, Fire Code, and Fire Department Requirements. The District shall review and approve plans prior to issuance of any permit for this project.

**Surveyor's Office**

48. 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 the surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit shall be coordinated with the County Surveyor's Office.
49. The roads serving the development shall be named by filing a completed road name petition with the County Surveyor's Office prior to filing the final map.