

## CONDITIONS OF APPROVAL

### Tentative Subdivision Map Time Extension TM08-1458-E/Migianella Planning Commission/December 8, 2016

#### Planning Services:

1. This Tentative Map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit B (tentative subdivision map) dated March 26, 2009, 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:

Five one-year time extensions to the Tentative Subdivision Map approved by the Board of Supervisors on May 12, 2009, extending the map expiration date from May 12, 2016 to May 12, 2021 in accordance with Section 120.74.030 of the El Dorado County Subdivision Ordinance.

A Rezone of the property zoning from Estate Residential Five-Acre (RE-10) to Three-Acre Residential (R3A).

A Tentative Map creating eight (8) residential lots. The lots would be served by EID public water and individual septic systems.

The gross and net acreages of the proposed lots shall correspond to the table below:

**Migianella TM Lot Area Summary**

<b>Lot Number</b>	<b>Gross Area (acres)</b>	<b>Net Area (acres)</b>
1	3.00	2.86
2	3.50	2.95
3	3.04	2.85
4	3.00	2.80
5	3.45	2.96
6	3.05	2.64
7	3.00	2.14
8	3.00	1.94

The project shall connect to EID public water and construct private on-site septic systems.

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.

### **CONDITIONS FROM THE MITIGATED NEGATIVE DECLARATION:**

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

2. Prior to any 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 with 500 feet of the active nest until the young have fledged or until a biologist determines that the nest is no longer active. The survey shall be submitted to the California Department of Fish and Game and Planning Services prior to issuance of a grading permit (MM BIO-1).

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

### **CONDITIONS OF APPROVAL**

#### **Planning Services**

3. The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Final Map.
4. Construction activities shall be limited to 7:00a.m. to 7:00p.m. on weekdays and 8:00a.m. to 5:00p.m. on weekends and federally recognized holidays. This limitation shall be written on the grading plans. Planning Services shall confirm the inclusion of this requirement prior to issuance of a grading permit.
5. The developer shall pay the mitigation Oak Conservation In-lieu Fee or provide a replacement plan for all oak canopy removed as part of road and infrastructure improvements (1.67-acres). The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based upon the in-lieu fee established by the Board of Supervisors. The applicant shall provide proof of payment of the mitigation in-lieu fee or replace plan prepared by a qualified professional to Planning Services prior to issuance of a grading permit.

6. The Final Subdivision Map shall include the following notes:

- (1.) All future oak canopy removal as a result of residential development of the subdivision shall correspond to the table below. Individual property owners shall pay the mitigation Oak Conservation In-lieu Fee or provide a replacement plan for all oak canopy removed as part of residential development. The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based upon the in-lieu fee established by the Board of Supervisors. The applicant shall provide proof of payment of the mitigation in-lieu fee or replace plan prepared by a qualified professional to Planning Services prior to issuance of a building permit.

Lot Number	Maximum Allowable Removal (ac)
Lot 1	0.43
Lot 2	0.12
Lot 3	0.31
Lot 4	0.33
Lot 5	0.44
Lot 6	0.46
Lot 7	0.43
Lot 8	0.38
<b>Total</b>	<b>3.78</b>

- (2.) Any oak canopy removal on any individual lot exceeding the maximum allowable removal indicated in the table above shall pay the mitigation fee at a 2:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the in-lieu fee established by the Board of Supervisors. The applicant shall provide proof of payment of the mitigation in-lieu fee to Planning Services prior to issuance of a building permit.

7. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission. Planning Services shall confirm the inclusion of this requirement prior to issuance of a grading permit.

8. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible

for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

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

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

9. All Development Services fees shall be paid prior to filing of the Final Map.
10. The applicant shall submit to Planning Services the recording fee and the Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or final map filed until said fees are paid.
11. The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.

**The Department of Transportation:**

***Project Specific Conditions:***

12. **Road Design Standards:** The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the recordation of the final map: (the requirements outlined in Table 1 are minimums)

<b>Table 1</b>					
<b>ROAD NAME</b>	<b>DESIGN STANDARD PLAN</b>	<b>ROAD WIDTH* / SHOULDER WIDTH</b>	<b>RIGHT OF WAY**</b>	<b>DESIGN SPEED</b>	<b>EXCEPTIONS /NOTES</b>
Road A (onsite)	Modified Std Plan 101B Std Plan 114 at cul-de-sacs	20ft / 2ft 3" AC over 8" AB	50ft	20 mph	No curb, gutter, or sidewalk, road width is measured Edge of Pavement(EP) to EP
Road B (onsite)	Modified Std Plan 101B	20ft / 2ft 3" AC over 8"	50ft	20 mph	No curb, gutter, or sidewalk, road width

	Std Plan 114 at cul-de-sacs	AB			is measured EP to EP.
Kaila Way (offsite)	Modified Std Plan 101B Std Plan 103C at Salmon Falls Road	20ft / 2ft	50ft	25 mph	No curb, gutter, or sidewalk, road width is measured EP to EP.
Wolf Creek Road ( <i>Offsite</i> )	Modified Std Plan 101B	20ft / 2ft 3" AC over 8" AB	50ft	25 mph	No curb, gutter, or sidewalk, road width is measured EP to EP.

\* 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.

\*\* Non-exclusive road and public utility easements included

13. **Secondary Access:** The nearest County roadway having two means of access for this site is Salmon Falls Road. The DISM [Section 3 A. 9. & 12)] states and therefore the applicant shall be required to verify and/or provide a secondary access to this site. Both the primary and secondary off-site accesses shall meet the requirements of El Dorado County Standard Plan 101B with a 20 foot road width with 2 foot shoulders on each side of the roadway, as required in Section 3 A. 2. c. ii, of the DISM. These off-site improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map
  
14. **Maintenance Entity:** The proposed project must form an entity for the maintenance of the private roads and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.
  
15. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from Kaila Way onto Salmon Falls Road to the provisions of County Design Std 103C if necessary. The signing and striping for this encroachment shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
  
16. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a

natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities.

17. **Drainage Easements:** The site plans shall show drainage easements for all on-site drainage courses and facilities prior to filing of the map.
18. **Turnaround:** The applicant shall provide a turnaround at the end of the northern roadway and at the end of the southern emergency access roadway connecting to Wolf Creek Road (if a gate is installed) to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
19. **Driveway Cuts:** Subdivision improvements shall include rough grading of 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 Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. Attention should be given to the minimum required sight distance at all driveway encroachments. 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.
20. **Intersection / Turnaround Grades:** The DISM Section 3.B.3 requires the summation of the absolute values of the centerline gradients of proposed streets within an intersection shall not exceed 10%. Also, the centerline gradient of a street terminating at an intersection shall not exceed 5% at any point within the intersection and for a distance of 50-ft from the point of intersection. Finally, the gradient within turnarounds shall not exceed 8% or an acceptable alternative approved by the County Engineer. Road profiles indicating compliance with these standards shall be submitted and approved by DOT prior to approval of improvement plans.

#### **DOT Standard Conditions**

21. **Easements:** All applicable existing and proposed easements shall be shown on the project plans or final map.
22. **Road & Public Utility Easements:** The applicant shall provide a 50 foot wide non-exclusive road and public utility easement for the on-site access roadway prior to the filing of the parcel map.
23. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to the filing of the map.

24. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and wall constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs)
25. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
26. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
27. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the final map.
28. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map.
29. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
30. **Grading Permit / Plan:** If more than 50 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado *“Design and Improvement Standards Manual”*, the *“Grading, Erosion and Sediment Control Ordinance”*, the *“Drainage Manual”*, the *“Off-Street Parking and Loading Ordinance”*, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
31. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans

shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.

32. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
33. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
34. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.
- The ultimate drainage outfall of the project.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. The improvements shall be completed to the approval of the Department of Transportation, prior to the filing of



the final map or the applicant shall obtain an approved improvement agreement with security.

35. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a “Notice of Intent” (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the SWRCB, with a duplicate copy submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
36. **Drainage Easements:** The site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the final map.
37. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant 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 applicant’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, the applicant 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 applicant 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.

38. **Off-site Access Easements:** The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall be provided by and through a “Map Guarantee” which shall be submitted to the County Surveyor’s Office with the first map check for the map

39. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
40. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

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

41. The project shall provide a potable water system that is capable of supplying the required fire flow as determined by the Department for the protection of lives and property within this development. The Department shall review and approve the fire flow prior to filing the final map.
42. The applicant shall install Mueller Dry Barrel fire hydrants conforming to the El Dorado Irrigation District specification for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 500 feet spacing. The location of each hydrant shall be reviewed and approved by the Department prior to filing the final map.
43. The existing dwarf fed hydrant shall be dismantled. The Department shall verify the destruction of the hydrant prior to filing the final map.
44. All access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members. The Department shall verify compliance with this requirement prior to issuance of a building permit.
45. The driveways shall not exceed a 15% grade. Any driveways exceeding this requirement shall install fire sprinklers per NFPA 13D within any dwelling unit. The Department shall review and approve all driveways prior to issuance of a building permit.
46. The applicant shall prepare a Wildland Fire Safe Plan. The Department shall review and approve the plan prior to filing the final map.
47. The development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump section of roadway. The Department shall review and approve the improvement plans prior to issuance of a grading permit.
48. All lots shall conform to the 30-foot setback as required by the Fire Safe Regulations. The Department shall verify the setback prior to issuance of a building permit.
49. Wolf Creek Road shall be improved with an all-weather asphalt surface to no less than 20 feet wide with a 15 foot vertical clearance, from the project site to Lakehills Drive.

- The road shall support 75,000 pounds. The Department shall verify the road improvements prior to issuance of a grading permit.
50. The road system within this development shall conform to the El Dorado County Design standards and Fire Department Regulations. The Department shall review and approve the road system prior to issuance of a grading permit.
  51. The minimum water flow to provide fire protection to any home in this subdivision is 1,000 gallons per minute for a home less than 3,600 square feet. Any home greater than 3,600 square feet shall meet fire flow according to Appendix B in the 2007 California Fire Code. A 50% fire flow credit shall be given when fire sprinklers are installed. The Department shall verify the fire flow prior to filing the final map.
  52. There shall be no gate installed between Wolf Creek Road and the project. This is due to the need for a secondary means of egress for both areas. The Department shall verify the unobstructed access prior to issuance of a grading permit

**El Dorado Hills Community Services District**

53. The developer shall ensure that any CC&Rs established for the project are reviewed and approval by the El Dorado Hills CSD.
54. The subdivider shall pay a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
55. The developer shall ensure that any CC&Rs established for the project are reviewed and approval by the CSD.

**Department of Environmental Health – Air Quality Management District**

56. The applicant shall prepare a Fugitive Dust- Asbestos Hazard Mitigation Plan. The District shall review and approve the plan prior to issuance of a grading plan.
57. The project shall adhere to all District rule during project construction.

**Surveyor's Office**

58. 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, or amount of bond or deposit to be coordinated with the County Surveyors Office.
59. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office prior to filing the final map.