

Conditions

Planning Services

1. This rezone, planned development, and subdivision map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibit E (Tentative Parcel Map) dated June 28, 2007, 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, as approved, shall consist of the following:

- a. Rezone from Limited Multifamily Residential-Design Control-Airport Safety (R2-DC-AA) to Limited Multifamily Residential-Planned Development-Airport Safety (R2-PD-AA).
- b. Development plan to convert an existing 11 unit rental apartment complex into 11 airspace condominium units with common areas under management of a homeowners' association. The plan would include the creation of a common lot to include approximately 14,000 square feet of open space.
- c. A tentative subdivision map creating 11 airspace condominium units on a 0.6-acre parcel.

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.

2. The applicant shall provide a handicap-accessible space in the onsite parking area. The parking space shall comply with the Zoning Ordinance requirements which require a minimum area of 14 feet in width and 18 feet in depth, with a marked parking stall of 10 feet in width and a loading/unloading area 4 feet in width. The space shall be striped prior to recordation of the final map.

3. The handicap accessible space shall be identified by a permanently affixed reflectorized sign displaying the international symbol of handicap accessibility. The sign shall be installed prior to recordation of the final map.
4. Prior to recordation of the final map, all Development Services fees shall be paid.
5. 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.

Department of Transportation

Project Specific Conditions:

6. The applicant shall construct a Type 2 curb and gutter and 4 foot sidewalks along Cimmarron Road, continuing to the project boundary on Cimmarron Court, per Standard Plans 104 and 101B. As a result, the applicant shall replace the existing guard rail and extend the inlet of the storm drain crossing under Cimmarron Road. This work must be substantially complete, as determined by the Department of Transportation, prior to filing the final map.
7. The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvements Standards Manual from the County Department of Transportation and pay all applicable fees prior to commencement of any improvements on the project facilities.
8. 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 prior to filing of the final map.
9. Applicant shall join and/or form an entity to the satisfaction of the County, to maintain all roads and drainage facilities not maintained by the County. If a Zone of Benefit, Home Owner Association or informal road maintenance association cannot be formed to maintain non-County maintained roads, the applicant should be aware that Civil Code 845 requires that the owner of any easement in the nature of a private right-of-way, or of any land to which any such easement is attached, shall maintain it in repair, and in the absence of an agreement, the cost shall be shared proportionately to the use made of the easement by each owner.

Standard Conditions

10. 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.
11. 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 prior to filing the final map.
12. The construction of all required improvements shall be completed with the presentation of the final map to the Director of Development Services or designee before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and material men surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.
13. 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.
14. A final drainage study shall be prepared by the project proponent and submitted with the subdivision grading and improvement plans to the approval of the Department of Transportation. All drainage facilities identified in the drainage study shall be included in the subdivision grading and improvement plans.
15. 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.
16. 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.
17. Grading 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. The County shall issue no building permits until the Department of Transportation approves the final grading and erosion control plans and the grading is completed.

18. 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.
19. The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
20. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the Department of Transportation with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.

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 or amount of bond or deposit to be coordinated with the County Surveyors Office.

Environmental Management- Solid Waste Division

22. The applicant shall provide an adequate number of mixed solid waste and recycling containers. An adequate number of enclosures to accommodate the containers shall be provided. The enclosures shall be serviceable by the franchisee. Environmental Management shall review and approve the installation of the waste measures prior to filing of the final map.