

CONDITIONS OF APPROVAL

Tentative Subdivision Map Time Extension TM-E22-0001/Silver Springs Subdivision Planning Commission/June 23, 2022

(The following are the original Conditions of Approval for Silver Springs Subdivision Tentative Subdivision Map, as approved by the Board of Supervisors on December 15, 1998 and adopted on January 15, 1999)

Conditions of Approval

Project Description

NOTE: The subdivision requirements as noted herein are provisions of County law either by ordinance or resolution and typically apply to all subdivisions. They do not represent all laws which may be applicable to the subdivision, but do not reflect obligations for which the subdivider should be aware of as the project proceeds toward the final map approval.

1. The subdivider 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 map.
2. The construction of all required improvements shall be completed with the presentation of the final map to the Planning Director 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 materialmen 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 10 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.
3. The final map shall show all utility, road, and drainage easements per the recommendation of 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.
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.
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 the burning activities.

6. 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 Department of Transportation and shall meet standard County driveway requirements.
7. All grading plans shall be prepared and submitted to the Soil Conservation Service and the Department of Transportation. 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 Department of Transportation shall consider imposition of the 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 Department of Transportation and the grading is completed.
8. The timing of construction and the method for revegetation shall be coordinated by the El Dorado County Resource Conservation District. 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 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.
9. All survey monuments must be set prior to the presentation of the final map before the Board of Supervisors for approval, or the developer shall have surety of work to be done by bond or cash deposit.
10. Improvement plans shall incorporate protective measures toward existing oak trees per Volume IV, Design and Improvement Standards Manual, Oak Tree and Wetlands Preservation Requirements and Specifications (County Resolution No. 199-91).
11. 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.

12. A road name petition shall be approved by the County Surveyor prior to the approval of the final map.

CONDITIONS OF APPROVAL

Department of Transportation - Road Improvements

1. All roads shall be constructed in conformance with the Design and Improvement Standards Manual with the following specifications:

ROAD NAME	STANDARD PLAN	ROAD WIDTH	EXCEPTIONS/SPECIAL NOTES
Realigned Bass Lake Road	GP	56 feet (100 foot ROW), plus utility/slope easements	Type 2 vertical curb and gutter, 6 foot sidewalks
Green Valley Road	GP	40 feet (ROW dedication as proposed on the tentative map) Signalization and intersection improvements at realigned Bass Lake Road	Type 2 vertical curb and gutter, with 6 foot sidewalks on the south side -structural section modifications to existing shoulder
Existing Bass Lake 'K' Circle 'A', 'B', 'H', 'M', 'N', 'O', 'P', 'W', and 'X' Street Foxmoore Lane (Pioneer Place Subdivision to Northerly X Street intersection)	GP 101B	40 feet (60 feet ROW) 36 feet (50 feet ROW) plus utility/slope easements	Type 2 vertical curb Type 1 rolled curb and gutter with 4 foot sidewalks
N and D Courts (see Condition # 7)	101B	36 feet (50 foot ROW), plus utility/slope easements	Type 1 rolled curb and gutter with no sidewalks
'C', 'E', 'F', 'T', 'J', 'L', 'P', 'Y', and '2' Courts 'L', 'P', 'Y', and '2' Courts	101B and 114	28 feet (50 foot ROW), plus utility/slope easements	Type 1 rolled curb and gutter with no sidewalks
Secondary access to the existing Bass Lake Road	101B	24 feet (40 foot ROW), plus utility/slope easements	No curb and gutter or sidewalks
Notes: Road widths in this table are measured from curb face to curb face.			

Where constrained by topography, sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be reviewed and approved by the Department of Transportation prior to filing of the final map. Sidewalks shall be constructed to any walk/trail systems in the project open space areas. Pedestrian easements are to be provided where necessary.

2. Pursuant to Resolution 32-98, this project is subject to the West Slope Transportation Impact Mitigation Fee. Said fee shall be due upon the issuance of a building permit.

3. Pursuant to Resolution 31-98, this project is subject to the RAZ-1 Transportation Impact Mitigation Fee for State System's Capacity and Interchanges. Said fee shall be due upon the issuance of a building permit.
4. Based on the continuous alignment of 'A' and 'B' Street, these streets shall be designated the same road name.
5. The realigned Bass Lake Road intersection with Green Valley Road shall be constructed consistent with El Dorado County Standard Plan 103 E, or alternative design as approved by the County Engineer.

The permanent entrance to existing Bass Lake Road shall be constructed to El Dorado County Standard Plan 103D.

If any temporary secondary access for Phase 1 is constructed to existing Bass Lake Road, it shall be located opposite the proposed access to the Bass Lake Estates (TM96-1320) subdivision, and constructed to Standard Plan 103 C. This access shall be abandoned and the roadway obliterated, concurrent with the construction of any subsequent phase which constructs a permanent secondary access.

6. The required improvements for Green Valley Road and existing Bass Lake Road, as described in Condition #1, shall be made as each phase is developed fronting these roads.
7. If "F" Court is connected to the Vista Verde subdivision, it shall be constructed to Standard Plan 101B and be 36' wide.

A road connection shall be made from F Court or B Street in Phase I, or K Circle in Phase II to the east property boundary, or other location approved by the Department of Transportation, to allow circulation to the adjacent property (approved tentative map 97-1342 Vista Verde). The exact alignment to be coordinated between this project and any project on the adjacent property.

8. A traffic signal, and appurtenant intersection improvements, shall be constructed on Green Valley Road at the Realigned Bass Lake Road intersection. In addition, the onsite portion of the Realigned Bass Lake Road shall be constructed from Green Valley Road as follows: To Street M with Phase II; to the southwest corner of Lot 28 with Phase III; to the south boundary of the project with the fourth phase of development. Design and construction of said facilities is subject to the review and approval of the County Engineer.

Improvements to the realigned Bass Lake Road are identified in the County's Road Circulation Map and are eligible for reimbursement from the County RIF and TIM fee programs. The developer or his successors will be entitled to receive reimbursement for the road improvement costs at the time that Realigned Bass Lake Road is scheduled for construction in the County's five-year Capital Improvement Program (CIP) and when the

construction of the off-site portion of Realigned Bass Lake road between the projects south boundary and the connection to existing Bass lake Road is completed.

As an alternative, the developer may construct the total on-site portion of the Realigned Bass Lake Road concurrent with Phase II of development and post a deposit with the Department of Transportation for the design, construction, and right-of-way costs for the off-site portion of Realigned Bass Lake Road. In such case, the following provisions will apply. The Department will construct, or cause to be constructed said off-site roadway within one year after completion of the on-site portion, but no sooner than the year 2000. As an alternative, the Developer may choose to construct the off-site portion, subject to review and approval by the County Engineer.

As the above work is included in the West Slope Traffic Impact Mitigation (TIM) Fee account, the Developer shall receive reimbursements for said work in accordance with a reimbursement agreement, subject to approval by County Counsel and the Director of Transportation that generally includes the following provisions:

- a. Fifty percent of the Green Valley/Realigned Bass Lake Road signal and intersection costs, 50 percent of the on-site Realigned Bass Lake Road costs, and 100 percent of the off-site Realigned Bass Lake Road costs are eligible for reimbursements.
 - b. Reimbursable amounts shall include all earthwork, storm drainage and roadway construction from back-of -curb to back-of-curb minus median landscaping. All sidewalks, landscaping, and utility improvements will not be subject to reimbursement.
 - c. The schedule for reimbursements as specified will be 20 percent per year for five years, beginning five years after the completion of the full Realigned Bass Lake Road from Green Valley to the existing Bass Lake Road. Interest shall be accrued on reimbursable amounts at the "pooled rate of funds." Said reimbursements shall be subject to availability of funds in the TIM Fee account. No Road Fund or County General Fund monies shall be obligated for reimbursement to the project.
 - d. All construction contracts pursuant to the performance of reimbursable improvements shall be competitively bid, or no reimbursements shall be made.
 - e. Fifty percent of the reimbursable amount may be taken by the Developer in the form of credits toward the TIM Fees for lots created subsequent to the construction of said improvements.
9. An irrevocable offer of dedication, in fee, shall be made for the right of way width of 100 feet, for the on-site portions of realigned Bass Lake Road, with slope easements where necessary. An irrevocable offer of dedication, in fee, shall be made for the right-of-way as shown on the tentative map, for the on-site portion of Green Valley Road and of 30 feet for the on-site existing Bass Lake Road, with slope easements where necessary.

10. An irrevocable offer of dedication shall be made, in fee, in the width as described in Condition 1 for the remaining proposed roads, with slope easements where necessary. Said offer may be rejected at the time of the final map, in which case, a homeowner's agreement and association, or other entity, shall be established in order to provide for the long term maintenance of the roads.
11. A vehicular access restriction, excluding approved roadways and emergency access points, shall be designated along the frontages of Green Valley Road, existing and realigned portion of Bass Lake Road with the following exception:

Lots 10 and 11 of Phase I may obtain access to existing Bass Lake Road, provided that a Notice of Restriction shall be placed on the final map for Phase I affecting Lots 10 and 11, which will require additional on-site turnaround area for driveway access. The intent of this condition is to allow the lot owners to exit the property by driving forward onto existing Bass Lake Road.

Grading

12. Prior to grading operations, the subdivider shall contact the Resource Conservation District for approval of an erosion control plan.
13. Prior to grading and other ground disturbances, the applicant shall retain a qualified archaeologist to observe the removal of earth and be aware of any indications of cultural resources. If a cultural resource is uncovered, construction will be redirected until the monitor has evaluated the find for significance and identified the appropriate mitigation measure. If human remains are encountered, work in the immediate area of the remains will be halted until the El Dorado County coroner, who must be notified within 24 hours, has evaluated the remains. If the coroner determines that the burial is Native American in origin, the Native American Heritage Commission must be contacted to determine the most likely descendent (MLD) for this area. The MLD may become involved in the disposition of the remains following scientific analysis.
14. Prior to final map approval, a detailed interim and final erosion control and hazardous materials control plans shall be developed for the project site. These programs shall be consistent with El Dorado County's Grading, Erosion, and Sediment Control Ordinance and El Dorado Resource Conservation District's Erosion and Sediment Control Plan. These programs should include Best Management Practices (BMPs) to protect water quality during and after construction.

Drainage

15. Prior to final map approval, storm drain plans shall be prepared to finalize detailed storm drain improvements. These plans shall confirm that the increase in site runoff attributable to the proposed project will not adversely affect downstream conditions in or adjacent to Green Springs Creek. Ultimately, if required, facilities shall be provided onsite as needed

to reduce the project's runoff quantities to discharge levels that will not result in downstream flooding, scour or erosion. These plans shall be approved by the County Transportation Director

16. If on-site retention/detention is required, the project shall only be responsible for the increased volumes for storm runoff caused by the project alone.
17. A final drainage plan shall be prepared in accordance with the County of El Dorado Drainage Manual, subject to review and approval of the Department of Transportation. Drainage facilities shall be designed and shown on the project improvement plans consistent with the final drainage plan. The developer shall install all necessary drainage facilities to effectively convey storm water through the project to a safe and reasonable discharge point, with the respective phase of construction, or as specified in the final drainage plan.
18. Cross lot drainage shall be avoided wherever possible. When concentrated cross lot drainage does occur, it shall be contained within dedicated drainage easements. This concentrated 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 CC&Rs shall require downstream property to accept and not block storm water from the upstream property.

19. The subdivider shall be required to form a County Service Area Zone of Benefit, or other entity to fund drainage facilities maintenance and improvement services. The funding mechanism for these services must be established prior to the approval of the final map and shall include a provision for future increased funding requirements. It is recommended that a special tax with an escalator clause be used as the funding mechanism. The final map shall show all drainage easements consistent with the County of El Dorado Drainage Manual, the project final drainage plan, and the project improvement plans.

Fire Protection District

20. Fire hydrants shall contain a minimum flow of 1500 GPM with a 20 PSI residual pressure for two hours duration, with 500 foot maximum spacing. The fire flow shall be in excess of the maximum daily domestic consumption. The minimum waterline size is 8 inches or larger as required by the El Dorado Irrigation District. A reflective marker shall be placed in the street at each fire hydrant location.
21. No construction of any structure/dwelling shall occur prior to the roads and fire hydrants being installed and functioning within the subdivision.

22. A Fire Safe Plan prepared by a registered professional forester acceptable to the California Department of Forestry and the Rescue Fire Department shall be provided prior to the issuance of grading permits.
23. O Street or "N" Court shall be connected to H Street as a continuous roadway constructed to DOT Standard Plan 101 B, 36 feet wide to eliminate the need for crossing open space lot AA.

Transit

24. To serve Phase I of the development, the applicant shall be required to provide and construct a bus pull out and bus shelter space at the intersection of A Street and Old Bass Lake Road (Lot 1).
25. To serve Phase II and III, the applicant shall provide and construct a bus pull out and bus shelter space between M Street and N Street, along the realigned Bass Lake Road. Depending upon how the creek is spanned by the roadway and shoulders, the enlarged area shown on the tentative map might provide the desired location.
26. To serve Phase IV, the church and the school site areas, the applicant shall provide for a bus pull out and bus shelter at the intersection of Green Valley Road and the realigned Bass Lake Road. The pull out and shelter areas shall be located on both sides of the road at this intersection.
27. The locations of the transit related improvements shall be shown on the final map improvement plans and included in any development agreement.

Planning

28. A meter award letter or similar document shall be provided by the water purveyor prior to filing the final map, for each proposed lot.
29. The subdivider is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. Said fees are payable to the Community Services District or to the appropriate park and recreation district.
30. The subdivider shall be subject to a \$150 appraisal fee payable to the El Dorado County Planning Department for the determination of parkland dedication in-lieu fees.
31. Improvement plans shall incorporate protective measures toward existing oak trees per Volume IV, Design and Improvement Standards Manual, Oak tree and Wetlands Preservation Requirements and Specifications (County Resolution #199-91) to include the following:

- a. Guidelines to minimize direct and indirect impacts to oak woodlands on the project site during construction and operation phases of the proposed project. This includes the use of buffers and barriers to prevent or reduce disturbance to oak trees and their understory. Canopy cover retention within the oak woodlands shall meet the requirements of General Plan Policy 7.4.4.4, wherever possible. These guidelines shall appear as standards in the tentative maps, improvement plans, and subdivision CC&Rs, and shall be implemented prior to the initiation of ground clearing, grading or other construction activities that may impact oak trees. Unless stated otherwise, all measures shall be the sole responsibility of the project applicant.
 - b. Direction to retain a qualified project biologist or equivalent professional to oversee all aspects of the construction monitoring that pertain to oak tree protection.
 - c. Guidelines for oak woodland revegetation that shall consist of an implementation and monitoring component. Since the exact extent of tree loss can only be determined after final grading plans and building envelopes are defined, a detailed analysis of 1) the precise number and species to be removed, and 2) the specific mitigation areas to be planted, shall be developed and identified as part of the tentative and final map processes, in compliance with General Plan Policy 7.4.5.1. Lost tree canopy cover must be replaced as the percentage required under policy 7.4.4.4 of the County General Plan.
 - d. Guidelines identifying monitoring and management techniques for a minimum period of ten years following implementation. These guidelines shall establish performance standards and describe appropriate remedial measures to be implemented if the performance standards are not achieved.
32. If 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 of 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.
33. All street lights, if installed, shall be top-shielded to prevent excess glare and light at the intersections of the streets within the subdivision that adjoin Green Valley and Bass Lake Road. Light fixtures shall utilize low-sodium bulbs and shall be limited in height.
34. The CC&Rs shall be submitted to the Community Service District in authority for review and approval prior to final map approval.
35. A Notice of Restriction, subject to the approval of the Planning Director, shall be recorded with the filing of the Large Lot Final Map which notes that no entitlements are authorized with said filing of said Large Lot Final Map is created for financing purposes only.
36. Noise and avigation easements shall be recorded with the final map on those lots lying within Cameron Park Safety Zone# 3.
37. The subdivider shall revise the street plan to connect to the Vista Verde project (TM97-1342) at a mutually agreeable location, subject to the approval of the Planning Director and the County Engineer.
38. A will serve letter from the El Dorado Irrigation District will be required for sewer service to the subdivision.
39. The subdivider must obtain a letter of approval from the El Dorado Irrigation District as to the capacity of the existing sewage treatment facility, prior to approval of the final map.
40. The subdivider shall obtain a streambed alteration agreement from the California Department of Fish and Game for project impacts to regulated drainages, prior to the issuance of grading permits.
41. A boundary line adjustment application shall be submitted for review and approval concerning the area between Phase IV of the development plan and the Pioneer Place Subdivision to the east of the project site involving 15 lots. Said adjustment shall be recorded prior to the approval of the final map.
42. The developer shall comply with the terms and conditions of the school mitigation agreement dated October 22, 1996. The agreement shall be re-executed with the revised legal description for the property. The agreement shall provide for an annual adjustment in the fee by the increase in the Engineering News Record Construction Cost Index. The increase shall be calculated by the Districts as of January 1 of each year and implemented on July 1 of each year. The fee shall be payable by the owner of record at the time the building permit is issued and the agreement or notice of restriction shall be recorded on

the property to alert subsequent owners of this obligation, or the developer may enter into an agreement with the School Districts to trade school site property for fees. The payment of the fee or establishment of the agreement shall take place prior to recording of the final map.

43. The project uses shall utilize non-reflective building materials, as well as specially treated large glass structures to reduce glare and shall be included in the CC&Rs subject to Planning Director and County Counsel approval.
44. If prior to the development of the property, the County adopts the Scenic Highway Ordinance, the design criteria included in the Ordinance shall be applied to the project to the extent possible. The condition shall not be construed to require an amendment to the proposed tentative map, but will be applied with respect to the adopted criteria relating to such matters as the nature or extent of the landscaping, control of signage or other matters which do not conflict with the approved map and improvement plans.
45. Prior to final project approval, the proposed project shall be subject to review by the El Dorado Sheriff's Department to ensure that the Sheriff's Department would be able to provide adequate police protection services to the project site without infringing on the level of service provided to existing development.
46. Prior to approval of the final maps, the applicant shall demonstrate that water efficient irrigation systems shall be used in any common landscaped areas in the community park. The subdivider shall coordinate with the El Dorado Irrigation District to get recommendations on low flow irrigation techniques, including, but not limited to irrigation device specifications for time of day for watering, and drought resistant vegetation.
47. The subdivider shall provide for the following criteria to reduce air pollutants generated by vehicle and equipment exhaust during the construction phase when possible, subject to Environmental Management approval:
 - a. The Construction Contractor shall select the construction equipment used on-site based on low emission factors and high energy efficiency. The Construction Contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.
 - b. The Construction Contractor shall utilize electric or diesel powered equipment in lieu of gasoline powered engines where feasible.
 - c. The Construction Contractor shall ensure that construction grading plans include a statement that work crews shall shut off equipment when not in use. During smog season, the overall length of the construction period should be extended, thereby

- decreasing the size of the area prepared each day, to minimize vehicles and equipment operating at the same time.
- d. The Construction Contractor shall time the construction activities so as to not interfere with peak hour traffic and minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flag person shall be retained to maintain safety adjacent to existing roadways.
 - e. The Construction Contractor shall support and encourage ridesharing and transit incentives for the construction crew.
48. Burning of wastes that result from "Land Development Clearing" must be permitted through the EDCAPCD and/or the local fire agency depending on the time of year the burning is to take place. Only vegetative waste materials may be disposed of using an open outdoor fire.
 49. Prior to final map approval, an engineering geologist shall prepare a seismicity report to address site and project specific seismic hazards and recommended design criteria for the project site. All project structures shall be constructed to resist damage during earthquakes within the M6.5 MCE. Structures shall be built in accordance with Title 24 of the State Code of Regulations seismic specifications. The seismic report shall also address possible damage from secondary hazards such as landsliding, liquefaction and lateral spreading. All recommendations of the seismic report shall be implemented into structural design of the project. Revised plans shall be reviewed by County staff prior to final project approval.
 50. Prior to conducting grading activities for infrastructure and roadways, the subdivider shall obtain an NPDES permit from the Regional Water Quality Control Board. As a component of the permit, the subdivider shall prepare a Storm Water Pollution Prevention Plan (SWPPP) which identifies the specific procedures for minimizing erosion, etc. on the site during construction. The SWPPP shall identify specific areas on the project site requiring erosion control for runoff discharge to minimize the effects of construction on drainages. The SWPPP shall remain on-site during all project construction. The Contractor shall acknowledge receipt of the SWPPP, and attest that the Contract contains provisions for compliance with same.
 51. The removal of trees containing active Cooper's hawk nests or as Cooper's hawk displaying nesting activities, if any, should be avoided if possible. Removal of such trees, if required, should be completed between August and March to avoid disturbance during nesting activities.
 52. Prior to the issuance of a grading permit, the subdivider shall consult with the United States Fish and Wildlife Service (USFWS) regarding the "take" of the valley elderberry longhorn beetle (VELB). The applicant may be permitted "take" of the VELB through application and approval of the individual Section 10 (a) permit under the Federal

Endangered Species Act (FESA). If the subdivider is also applying for a Section 404 permit from the Corps of Engineers, "take" of the VELB may be permitted under Section 7 of the FESA. Under Section 7, the Corps would consult with the USFWS as part of the Section 404 process, if it is determined that "take" of the VELB is associated with the activities requiring the Section 404 permit.

53. That portion of the property depicted on the tentative map as Lots 13 through 28 of Phase IV shall be redesigned so that said lots equal or exceed 20,000 square feet in size.
54. A 30 foot landscape buffer or fence shall be provided around the entire perimeter of the Rust Family Cemetery plot and a minimum 75 foot setback shall be established from any proposed structure. Final protection measures will be reviewed by the Cultural Resources Preservation Commission, and the owner of Parcel 7 shall be required, through deed restrictions, to maintain the cemetery.
55. Additional research for historic and prehistoric sites related to the Rust Family Cemetery shall be performed prior to recording the final map. A letter shall be submitted to the Planning Department showing no other internments have been identified by ground penetrating radar outside of the cemetery as shown on the approved tentative map.
56. The applicant shall construct right and left turn lanes on Green Valley Road at its intersection with Green Springs Road and Deer Valley Road.