

**Findings**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

**FINDINGS FOR APPROVAL**

**1.0 CEQA Findings**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

**2.0 General Plan Findings**

- 2.1 The proposed use and design conforms to the General Plan in that the parcel is located outside a community region, the proposed use and developmental density are consistent with both land use designation and the natural resources on-site will be protected pursuant to related policies in the General Plan.
- 2.2 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan's general direction as to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that will support a higher density or intensity zoning district. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced zone change request. Based on this analysis and the conclusions reached in the staff report, the site is found to be suitable to support the proposed density.
- 2.3 The proposed project is consistent with policies 2.1.3.1 regarding lands not contained within the boundaries of a Community Region or a Rural Center are classified as Rural Regions; 2.2.5.21 regarding compatibility with adjoining land uses, 5.2.1.2 regarding

adequate water supplies, 5.7.1.1 regarding adequate water for fire protection, and 7.3.3.4 regarding buffers and setbacks for wetlands and streams.

### **3.0 Zoning Change Findings**

#### **3.1 The proposed Zone Change is consistent with the General Plan.**

The amendment of the parcel zoning from Residential Agricultural-20 Acre Zone District (RA-20) to Estate Residential Acre Zone Districts (RE-10) will be consistent within the Rural Residential (RR) Land Use Designation. The proposed zone change has been evaluated with respect to the specific criteria established by General Plan Policy 2.2.5.3 and will result in residential development consistent with the General Plan, Zoning Ordinance and County Design manual.

### **4.0 Tentative Map Findings**

#### **4.1 The proposed Tentative Map is consistent with the General Plan policies and land use map after rezone.**

As proposed, the Tentative Map conforms to the Rural Residential (RR) General Plan land use designation and applicable General Plan policies including access, water service, wetland setbacks, grading, fire protection and wastewater disposal.

#### **4.2 The design or improvements of the proposed Tentative Map is consistent with the applicable general plan.**

The proposed onsite access road is consistent with the Circulation Element of the General Plan and the Design and Improvement Standards Manual. The subdivision arrangement is consistent with the Rural Residential (RR) land use designation and consistent with the objectives and policies relating to residential development.

#### **4.3 The project site is physically suitable for the type of development proposed.**

The proposed Tentative Map will not impact slopes exceeding thirty percent (30%). The proposed development will not impact riparian area and cultural resources. Setbacks and easements are shown on the tentative map for protection of wetland areas and cultural resources.

#### **4.4 The site is physically suitable for the proposed density of development.**

The project site contains adequate buildable areas for each of the proposed residential lots. The new on-site access road will be designated to meet the requirements of the General Plan, County Design and Improvement Standards Manual and Fire Safe Regulations.

#### **4.5 The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitats.**

The proposed subdivision is not likely to cause substantial damage with the implementation of the mitigation measures identified as Conditions in Attachment 1 and setbacks and easements as shown on the tentative map to protect biological and cultural resources.

**4.6 The design of the subdivision or type of improvements are not likely to cause serious public health or safety hazards.**

The proposed road improvements to the project site will not cause significant public health or safety hazards. A two hundred foot (200') agricultural setback from the boundary of the adjacent agriculturally zoned lands is provided on the tentative map.

**4.7 The design of the subdivision or the improvements are suitable to allow for compliance with the requirements of Section 4291 of the Public Resource Code (Section 4291 establishes criteria for fire and fuel breaks around buildings).**

The Latrobe Fire Protection District has reviewed the subdivision and determined that the installation of water storage; fire hydrants; sprinklers; and required driveway and road width design will be acceptable for fire protection.

**4.8 The design of the subdivision or the type of improvements will not conflict with easement, acquired by the public at large, for access through or use of property within the proposed division.**

The project will not result in conflicts with existing easements. No access through the project site for public use currently exists. The project will not conflict with existing access to the adjacent properties and will not conflict with any existing easements.

**5.0 DESIGN WAIVER FINDINGS**

**The Design Waiver would be approved to allow the following:**

**a. To allow a maximum road grade of up to 15 percent for the proposed Cordero Ranch road.**

**5.1.1 There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.**

The proposed maximum road grade up to 15 percent will minimize the impacts to the site to the greatest extent possible by reducing grading requirements.

**5.1.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.**

The development has been designed to minimize the impacts to the site to the greatest extent possible. Strict application of road grades will increase the landform disturbance and create unnecessary hardship.

**5.1.3 The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.**

The road grade to exceed 12 percent to a maximum of 15 percent is supported by DOT with the condition that Cordero Ranch Road will be paved with a section of 2.5-inch AC over 6-inch AB. This DOT requirement has been included in the Conditions of Approval, Attachment 1 of the Staff report. The approval of the Design Waiver will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

**5.1.4 The waiver will not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.**

The approval of this Design Waivers will not nullify the additional requirements contained in the Chapter 16 of County Code.

**Conditions of Approval**

1. This Tentative Subdivision Map and Zone Change approval is based upon and limited to compliance with the project description, dated July 10, 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.

Prior to issuance of a building 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 building permit for verification of compliance with applicable conditions of approval.

**The project description is as follows:**

The project will allow for a Tentative Subdivision Map to create eight single family residential 10-acre parcels and a Rezone change from Residential Agricultural-20 Acre Zone District (RA-20) to Estate Residential Ten Acre District (RE-10). A Design Waiver has been requested to allow a maximum road grade of up to fifteen percent (15%) for Cordero Ranch Road.

**Tentative Map:** A Tentative Map to create eight residential lots less all non-buildable areas resulting from excluding road right-of-way, thirty percent (30%) slope areas and agricultural, riparian and potential jurisdictional setbacks as shown on the Tentative Parcel Map. The rural residential lots would be 10-acres in size. The proposed lots would conform to the table listed below.

Lot Number	Gross Area (acres)	Net Area (acres)
1	10	2.18
2	10	2.35
3	10	5.42
4	10	2.23
5	10	4.15
6	10	5.24
7	10	4.58
8	10	4.65

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 DELECRATION**

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

2. To avoid take of active raptor nests, pre-construction surveys shall be conducted by a qualified biologist no more than 30 days prior to initiation of proposed development activities. Pre-construction surveys shall follow protocol guidelines issued by the California Department of Fish and Game (CDFG). If no active raptor nests are found to occur, necessary tree removal shall proceed. If active raptor nests are found on or immediately adjacent to the site, the following actions shall be taken in order to avoid impacts to nesting raptors:
  - a. Halt all construction within 150-feet of any trees containing active raptor nests; these areas shall be marked with fencing or tape in order to clearly delineate areas where construction is prohibited.
  - b. Construction shall not resume within 150-feet of any identified nest until the end of the typical nesting season; August 31. Construction may resume prior to the end of the nesting season, only if all raptor fledges have left the nest.
  - c. Construction shall not resume prior to consultation with the California Department of Fish and Game and determination that the proposed project will not result in a "take". (MM BIO-1).

MONITORING: The applicant shall provide Development Services with a letter from a qualified biologist verifying compliance, prior to issuance of a grading permit.

3. An environmental sensitive area easement, prepared by the applicant, measured five feet from the edge of P-9-3670 as noted in the cultural resource study dated April 2007, shall

be recorded with the Final Map. A qualified archaeologist shall accurately locate P-9-3670 so as to precisely represent the easement. The easement shall be shown on the subdivision map, or recorded as a separate instrument. (MM CULT-1)

MONITORING: Planning Services shall verify that the easement is shown on the subdivision map prior to filing the Final Map.

4. The developer shall protect Site P-9-3670 from all construction activities by installing temporary fencing to installation of construction activities on the property and permanent fencing shall be installed prior to completion and final approval of the proposed residence on the project site. Access to this portion of the project site shall be limited in the deed and the owner of the property shall be responsible for maintaining the fence surrounding the midden site. The fence material shall be a high visibility fabric and shall be machine produced, orange colored mesh manufactured from polypropylene or polyethylene. The fencing materials shall not contain biodegradable filler material that can degrade the physical or chemical characteristics of the finished fabric. The high visibility fabric shall be fully stabilized ultraviolet resistant, and shall be a minimum of four feet (4') in width with a maximum mesh opening of two inch by two inch. (MM CULT-2)

MONITORING: Planning Services shall verify that the temporary fencing has been installed prior to issuance of a grading permit and permanent fencing has been installed prior to completion and final approval of the proposed residence on the project site. The project Archaeologist shall provide Planning Services with a letter pre and post construction verifying that all fencing has been installed as required.

## **CONDITONS OF APPROVAL:**

### **Planning Services:**

5. During all grading and construction activities in the project area on the proposed parcels, an archaeologist or historian approved by the Development Services Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent and/or future parcel owner shall ensure that all such activities cease within 50-feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.
6. 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.

7. Prior to filing of the Final Map Planning Services shall verify that all Development Services fees have been paid.
8. The subdivider shall be subject to a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees. Planning Services shall verify that required fees have been paid prior to filing the Final Map.
9. The subdivision is subject to parkland dedication in-lieu fees, based on values supplied by the County Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. Planning Services shall verify that fees have been paid prior to filing the Final Map.
10. 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 shall cooperate fully in the defense.

**Department of Transportation:**

***PROJECT SPECIFIC CONDITIONS***

11. The applicant shall construct all roads in conformance with the El Dorado County Design and Improvements Standard Manual (DISM), as shown in Table 1. The improvements shall be substantially completed to the approval of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Final Map:

<b>Table 1</b>				
<b>ROAD NAME</b>	<b>DISM REFERENCE</b>	<b>ROAD WIDTH</b>	<b>ROAD RIGHT OF WAY</b>	<b>COMMENTS/NOTES</b>
Cordero Ranch Road (on-site)	Design Std Plan 101C (adopted 2/12/08)	18ft / 1ft shoulders	50ft	6" Class II AB minimum
South Shingle Road (on-site)	Design Std Plan 101B	20ft / 5 ft shoulder	60ft existing	Paved 4" AC over 7" Class II AB. Shoulder to be provided on project

				frontage only.
South Shingle Road (off-site from project site to Settlers Trail)	Design Std Plan 101B	Minimum fire safe 20 ft / 2ft shoulders	60ft existing	Paved 3" AC over 8" Class II AB
'A' Court (on-site)	Design Std Plan 101C (adopted 2/12/08)	18ft / 1ft shoulders	50ft existing	6" Class II AB minimum
Settlers Trail (on-site)	Design Std Plan 101C (adopted 2/12/08)	18ft / 1ft shoulders	50ft existing	6" Class II AB minimum
Settlers Trail (off-site from project site to South Shingle Road)	Design Std Plan 101C (adopted 2/12/08)	Minimum fire safe 18 ft / 1ft shoulders	50ft existing	2" Double Chip Seal over 4" Class II AB

12. **South Shingle Springs Road Improvements:** The applicant shall improve South Shingle Road to a paved 20-foot road width with two shoulders per DISM Standard Plan 101B from the westerly boundary of the development to Settlers Trail. The applicant shall verify or improve South Shingle Road to a paved 20-foot road width with two shoulders per modified DISM Standard Plan 101B from Settlers Trail to Latrobe Road. Additional paving shall be to a structural section of 3" AC over 8" AB minimum. The improvements shall be substantially completed to the approval of the DOT or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Final Map.
13. **Encroachment Permits:** The applicant shall obtain an encroachment permit from the DOT and shall construct the roadway encroachments from Settlers Trail, Cordero Ranch Road, and "A" Court onto South Shingle Road to the provisions of County Design Standard 103C. The improvements shall be completed to the satisfaction of the DOT or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the Final Map.
14. **Settlers Trail IOD:** The applicant shall irrevocably offer to dedicate 25-feet of right of way along the entire frontage portion of Settlers Trail with the filing of the Final Map. This offer will be rejected by the County.
15. **South Shingle Road IOD:** The applicant shall verify or provide an irrevocable offer of dedication for 30-feet of right of way along the entire frontage portion of South Shingle Road, in fee, with the filing of the Final Map. This offer will be accepted by the County.
16. **Cordero Ranch Road IOD:** The applicant shall irrevocable offer to dedicate 50-feet of right of way along Cordero Ranch Road with the filing of the Final Map. This offer will be rejected by the County.
17. **Turnaround:** The applicant shall provide a turn around at the end of 'A' Court to the provisions of County Standard Plan 114 or as approved by the fire department. 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 of the Final Map.



18. **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 DISM 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 six feet which allows structural driveway access only.

***STANDARD DOT CONDTIONS***

19. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
20. **Road and Public Utility Easements:** The applicant shall provide a 50-foot wide non-exclusive road and pubic utility easement for Cordero Ranch Road prior to the filing of the Final Map. Slope easements shall be included as necessary.
21. **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 parcel map. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
22. **Vehicular Access Restriction:** Prior to filing of the map, the applicant shall record a vehicular access restriction along the entire frontage of South Shingle Road, excluding the locations of the approved access encroachments.
23. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: on-site private roads, parking facilities, landscaping, signs 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, parking facilities, landscaping, signs, 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.
24. **Common Fence/Wall Maintenance:** 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).
25. **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.
26. **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.

27. **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 Final Map.
28. **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 off-site grading.
29. **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.
30. **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.
31. **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.
32. **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 (structural sections found in Table 1 above are minimums), and recommended design criteria for any retaining walls.

33. **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.

34. **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. Drainage easements shall be provided where deemed necessary prior to the filing of the Final Map.
35. **Drainage Easements:** Pursuant to Section 4.D of the DISM, 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.
36. **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 Federal Clean Water Act and the California Water Code. 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 County, prior to building permit issuance, and by state law must be done prior to commencing construction.

37. **Off-site Improvements (Security):** Prior to the filing of a Final Map or parcel map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
38. **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 parcel 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.

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.

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

41. The applicant shall adhere to all District rules during project construction, as specified by the District prior to issuance of any permits associated with this project.
42. The applicant shall provide proof that each parcel shall have a safe and reliable water source prior to filing the Final Map. Individual wells shall meet the requirements necessary for construction permits.

**Latrobe Fire Protection District:**

43. The applicant shall be required to comply with the Fire District requirements prior to filing of the Final Map, which shall include but may be limited to the following:
  - a. Each parcel shall provide 3,000 gallons of water storage for fire protection with a Fire Department connection and pumping system approved by the Fire District prior any construction or until such time as the above fire flow requirements are met.
  - b. Fire flow requirements and hydrant spacing shall be determined by the Fire District at such time four or more single family residence construction permits are applied for or until such time as the Fire District has determined that the necessary fire flow requirements for the project site are met.
  - c. Driveway design for each parcel shall comply with Driveway Standard 1273.10 of the County Fire Safe Regulations.
  - d. To promote the use of residential sprinklers (supplied by the individual property owners) the Fire District requires that the developer provide a gated manifold or tap into the fire protection water system for each parcel. This connection shall be used solely for domestic residential sprinkler systems for the primary residence and any outbuildings so designated by the parcel owner.
  - e. Resurface Settlers Trail Road to 20-foot wide with an all weather surface roadway from South Single Springs Road to Lot 7 and Lot 8 as shown on the Tentative Subdivision Map TM07-1449.

**County Surveyor:**

44. Applicant shall provide evidence that the 50-foot road and Utility Easement running through what will be Lots 6, 7, and 8 as shown on the Parcel Map PM 27-76 have been abandoned. If it has not been abandoned than the Tentative Map process shall include a request for it to be abandoned with the filling of the Final Map.
45. 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.

46. The roads serving the development shall be named by filling a completed Road Name Petition with the County Surveyors Office prior to filling the Final Map.