

FROM THE MINUTES OF FEBRUARY 14, 2008

**12. REZONE/PLANNED DEVELOPMENT/TENTATIVE SUBDIVISION MAP
(Public Hearing)**

Z06-0011/PD06-0011/TM06-1412/Marble Valley Ridge Estates submitted by MARBLE VALLEY RIDGE LLC (Engineer: CTA Engineering) to rezone 4.39 acres from One-family Residential (R1) and 10.2 acres of Open Space (OS) to 2.77 acres of One-half Acre Residential-Planned Development (R20,000-PD) and 11.82 acres to Open Space-Planned Development (OS-PD); development plan for building envelopes on each single-family parcel of: 10,960 square feet on Parcel 1; 10,388 square feet on Parcel 2; and 7,450 square feet on Parcel 3. Design waivers have been requested to eliminate a 100-foot road frontage requirement and provide public and private road access to proposed Open Space Lot A via driveway easements and to allow Parcel 3 to have a lot configuration in excess of the 3:1 lot width to depth ratio. The properties, identified by Assessor's Parcel Numbers 119-310-39 and 119-320-06, consisting of 14.59 acres, are located on the south side of U. S. Highway 50, approximately 1,500 feet west of the Cambridge Road interchange, in the **Cameron Park Community Region**, Supervisorial District II. (Mitigated negative declaration prepared)

Pierre Rivas recommended conditional approval to the Board of Supervisors. Using a copy of the tentative map, Mr. Rivas explained the rezone proposal.

Commissioner Mathews asked if they are public or private easements. Mr. Rivas replied public. The only private easement serves Parcel 1 at the end of the cul-de-sac. Commissioner Mac Cready felt it was unfair to have three lots pay for maintenance of the road.

Karen Massy, Cooper, Thorne & Associates, proposed several modifications to the conditions (1 and 6). On Condition 8, they want to make sure they fall under any new oak guidelines. Paula Frantz, County Counsel, recommended deletion of the first sentence in Condition 8.

There was no one else wishing to give input.

MOTION: COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MATHEWS AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED; APPROVE Z06-0011/PD06-0011 REZONING 4.39 ACRES FROM ONE-FAMILY RESIDENTIAL (R1) AND 10.2 ACRES OF OPEN SPACE (OS) TO 2.77 ACRES OF ONE-HALF ACRE RESIDENTIAL-PLANNED DEVELOPMENT (R20,000-PD) AND 11.82 ACRES TO OPEN SPACE-PLANNED DEVELOPMENT (OS-PD), ADOPTING THE DEVELOPMENT PLAN AS THE OFFICIAL DEVELOPMENT PLAN, BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED; AND APPROVE TM06-1412 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

Findings

1.0 CEQA FINDINGS

1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County, has been completed in compliance with CEQA, and is adequate for this project.

1.2 The Initial Study identifies that this project proposes a less than significant impact on the environment with specific mitigation outlined within the Biological Resources, Cultural Resources, Land Use/Planning, and Noise categories. By including mitigation for these two categories, the effects on the Mandatory Findings of Significance section are also reduced below a level of significance for this project.

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.

1.4 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.

2.0 REZONE FINDING

2.1. *That the rezone is consistent with the adopted 2004 General Plan Land Use Designation and the policies of the General Plan.*

The rezone changes 4.39 acres of One-Family Residential (R1) and 10.2 acres of Open Space (OS) of the 14.59 acre lot to 2.77 acres of One-Half Acre Residential-Planned Development (R20,000-PD) and 11.82 acres of Open Space-Planned Development (OS-PD). The Development Plan that has been developed for this project provides a design of larger parcels in the least sensitive parts of the property and maintains a large proportion (over 30 percent) as common area open space, which meets the PD requirements for residential projects. The open space would be restricted from future residential development in perpetuity as non-developable open space and would be maintained by a Home Owners Association. General Plan *Policy 2.2.5.19* allows the County to consider development below the density contemplated by the High Density Residential (HDR) General Plan land use designation because development of the project on this site would not affect the County's ability to meet its affordable housing obligations under State Law. Given the site's constraints, the request for three single-family residential detached homes and one large open space lot is the most appropriate proposal for the property. More intense residential uses would not be appropriate based on overall site

constraints, access, and the location of the project site within an existing single-family residential subdivision. This project also meets applicable policies outlined by the General Plan including those for public access and services, public utilities, improvements that will be necessary for this project, noise attenuations, removal and replacement, and retention of oak woodland tree canopy, protection of special-status plant and animal species, protection of slopes, and protection of cultural resources in compliance with the policies established by the General Plan.

3.0 PLANNED DEVELOPMENT FINDINGS

3.1 That the Development Plan is consistent with the General Plan.

As proposed, the Development Plan and necessary improvements are consistent with the policies and land use designation of the adopted 2004 General Plan. The project provides a creative solution to provide the density that was approved but not built for the Cambridge Oaks Unit 3 tentative parcel map. It also preserves open space. The project and the Development Plan would provide consistency with the zoning and land use designation, in that the 4.39 acres that is currently zoned for residential would be reduced to 2.77 acres to allow for residential development. The Development Plan provides adequate site areas on each of the three new parcels and specific improvements for driveway connections over driveway easements, an improvement to an existing berm, proper building envelopes and building setbacks, and general site design which address the policies required by the General Plan. The Design waivers would allow for consideration of parcel 3 which exceeds the 3:1 lot width to depth ratio and reduction of the road frontage. No other deviations have been requested. The driveways would all be established as easements over the Open Space Lot A and maintenance of which would be set forth in project CC&Rs. The CC&Rs would also maintain other project specific elements including, but not limited to, oak replacement (if any) for the project.

3.2 The proposed development is designed to provide a desirable environment within its own boundaries.

This project provides more than 30 percent common open space as required for a residential PD project. The 11.82 acres that that will be designated as Open Space Lot A would be maintained in perpetuity. Because the driveways are to be dedicated easements, the 0.85 acres that would be dedicated would provide continued accessibility for both the new residential parcels as well as the public. The driveways would be a combined public and private benefit that would be maintained for accessibility into the open space area and for the residences.

The location of the proposed new homes on larger lots and the impacts necessary for improvements associated with this project maintains and protects site resources. The project also promotes a balance between the new residences, the new open space Lot A and the existing Cambridge Oaks Unit 3 residential subdivision, as well as US Highway 50 located on the north. Protection for oak canopy includes impacts to only 0.36 acres of the existing 9.4 acre of the canopy on-site. The project would retain 9.04 acres of the canopy and would replace canopy in appropriate areas (if necessary), while siting homes in a sensitive manner to protect the remaining oak trees. Protected slopes 30 percent and steeper would not be affected because only isolated and very small areas of 30 percent slope may be affected. Such slopes are not part of a

larger slope system and are not located on a ridgeline. Impacts to isolated and insignificant slopes will not create an inconsistency. As part of a future Site Plan Review (SPR) process required for each of the new residential parcels, minor adjustments could be made should these slopes necessitate preservation. Wetlands, special status plant and animal species would be protected with this project.

3.3 *That any exception to the standard requirements of the zone regulations are justified by the design or existing topography.*

Based on the information that has been provided, the project meets all of the required zoning requirements for lot size, setbacks, and other specifics associated to the creation of three residential single-family and one open space parcel. Because a requirement of this project is to process a Site Plan Review (SPR) prior to issuance of building permits for individual residential lot development, a subsequent review shall be made for zoning ordinance regulations, and more specifically based on the PD criteria established for this project. The project requests only one deviation from lot design standards for parcel 3 in that it is in excess of the allowed 3:1 lot width to depth ratio. The PD allows a project to make such a request. With the establishment of a large public benefit open space lot, the request can be justified.

3.4 *The site is physically suited for the proposed use.*

This property is located within the Cameron Park Community Region and is part of the Cambridge Oaks Unit 3 subdivision. That subdivision was originally approved with a 10.2 acre Open Space Lot A and 61 residential lots; however, during processing of the maps the lots were reconfigured and only 57 residential units were constructed. The remaining area designated for residential development was set aside. This project proposes to correct the isolated area of R1 residential zoning that was created by that project. The site is largely undeveloped, but there are areas of the property that are suitable for the type of large lot single-family residential development that is proposed. As designed, the project would fit on the new parcels and would blend with the site. Sensitive site resources would be protected. The site is physically suitable for the type of uses proposed.

3.5 *That adequate services are available for the proposed uses, including but not limited to, water supply, sewage disposal, roads, and utilities.*

Adequate public services are available or will be provided as conditioned by installation of driveway and encroachments, water and wastewater line extension (or in-lieu fees), and fire suppression facilities and improvements such as two fire hydrants and through driveway connections between the three residential parcels over Open Space Lot A. Adequate fire and police protection, parks and recreational opportunities, as well as schools exist in the area. These public services will be available for this planned development.

3.6 *That the proposed uses do not significantly detract from the natural and scenic values of the site.*

This project protects sensitive site resources and appropriately places development on the project site. The site is physically suitable for the type of development proposed, in that it places the Open Space Lot between the residences and the adjacent US Highway 50. Existing berms would be improved to further screen and separate the residences and the freeway. The areas that would be developed are the least sensitive and areas that are most sensitive would be retained and maintained as open space, in perpetuity. The project would not significantly detract from, and would visually blend with the natural and scenic values of the site, as well as with the general area.

4.0 TENTATIVE MAP FINDINGS

4.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan.*

All necessary improvements have been considered by the reviewing disciplines in order to determine that this tentative map, including design and improvements, is consistent with the policies of the General Plan. The General Plan HDR land use designation allows a maximum density of one to five units per acre. However, *Policy 2.2.5.19* allows the County to consider development below the density because it would not affect the County's ability to meet its affordable housing requirements. The tentative map proposes to subdivide 2.77 acres of the property into three single family residential parcels, while maintaining 11.82 acres as Open Space Lot A. Each of the new parcels would have permanent access over driveway easements serving each residential parcel. These driveway easements would also be available for public access to open space lot.

As part of the project, infrastructure including driveway improvements, water and wastewater utility improvements, connections to the El Dorado Irrigation District (EID) system, fire hydrants and adequate water pressure will be provided. With the mitigation and conditions that have been established for this project, the impacts have been assessed and it has been found that there will be minimal impacts or effects associated with this project. The project will implement County grading and drainage standards to ensure proper grading and improvements area included in the final design.

4.2 *The proposed tentative map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance.*

The rezone changes 4.39 acres of One-Family Residential (R1) and 10.2 acres of Open Space (OS) of the 14.59 acre lot to 2.77 acres of One-Half Acre Residential-Planned Development (R20,000-PD) and 11.82 acres of Open Space-Planned Development (OS-PD). The Development Plan that has been developed for this project provides a design of larger parcels in the least sensitive parts of the property and maintains a large proportion, over 30 percent, as open space as required for a residential PD project. Design waivers being requested for the project to establish parcels without road frontage and allow Parcel 3 to exceeding the 3:1 lot width to depth ratio standard. This would allow for a traditional residential parcel design and provide public and private benefit via easements to open space and private parcels. Maintenance responsibilities for the easement would be set forth CC&Rs to be developed for this project.

Additional review for development regulations established by the zoning ordinance, as well as conformity with the PD specifics would be made as part of a future Site Plan Review (SPR) process required for each residential parcel to be conducted prior to issuance of building permits. All grading, drainage, and improvements shall be designed to meet the County standards during the review of final grading plans. As such, the project conforms to the standards and requirements of the County's Zoning Ordinance and Minor Land Division Ordinance.

4.3 *The site is physically suitable for the proposed type and densities of development.*

This property is well suited within an established neighborhood and blends with the existing Cambridge Unit 3 subdivision. The project provides larger lot residential development and maintains, in perpetuity, a large proportion of the area as open space. The site has areas that are developable and is physically suitable for the density and type of development that is proposed.

4.4 *The proposed subdivision is not likely to cause substantial environmental damage*

As designed, the Development Plan would locate the single-family lots in the least sensitive portions of the project site; as such, the project will not have a significant impact on the environment. Parcel and driveways improvements will be directed to the least sensitive portions of the property. These areas are generally flat and comprised of little to no resources. A minimal amount of oak canopy is planned to be removed; replanting may occur (if necessary) based on the plan that has been developed for this project. The impacts to oaks are well below that which is allowed by the General Plan. The project straddles Rare Plant Mitigation Areas 1 and 2; in-lieu fees will be assessed during the building permit review phase. This meets the adopted County policies for related impacts within these areas. Wetlands will be protected, as will special status plant and animal species not covered by the in-lieu fee option.

5.0 DESIGN WAIVER FINDINGS

The Design and Improvements Standards Manual (DISM) requires minimum of 100 feet of road frontage and that lots not exceed a 3 to 1 ratio of the lots width to depth. These requests can be justified based on the following:

4.1 *There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver.*

The site is currently comprised of residential and open space zoning on one lot, all of which currently lacks street frontage. The site is accessed three points, two off Crazy Horse Road and one off Crazy Horse Court. However, by allowing driveway easements over the open space lot to access each of the newly proposed parcels, it would allow the creation of more uniform lots. An added benefit for lack of road frontage would be that which is experienced by the private residential property owners. The driveway easements connecting each residential lot to Crazy Horse Road would be set forth in the project CC&Rs. The easements would provide a combined public and private benefit for access into the open space areas. The driveways on the Open Space Lot A would be maintained by CC&Rs, a Homeowners Association or other mechanism,

in perpetuity. Parcel 3 exceeds the 3:1 width to depth ratio minimally and not of significance. Parcels 1 and 2 meet the standard.

4.2 *Strict application of the design or improvement requirement of this chapter would cause extraordinary and unnecessary hardship in developing the property.*

The existing parcel does not have 100 feet of read frontage; as such, it is impossible to provide the required 100 foot of road frontage for the new parcels. There will be extraordinary or unnecessary hardships in requiring 100 feet of road frontage because the maintenance responsibilities for such large sections of driveway would be that of individual property owners. Maintenance responsibilities will be identified in the CC&Rs and implemented by a Homeowners Association or other mechanism.

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

There would be an added benefit of this project in the creation and improvement of driveways that would provide better circulation for emergency vehicles. The waivers would not change any of the circumstances of the property and would promote public safety, emergency vehicle, and pedestrian circulation. There would be no detriment to the public health, safety, convenience, or well being.

4.4 *The waiver(s) would 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.*

Justification of the requested design waivers can be made and this decision would 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.

Conditions

Project Description

1. This rezone, development plan, and tentative map is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-N dated ~~January 10~~ February 14, 2008, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for substantial 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:

Rezone a 14.59 acre parcel containing 4.39 acres of One-Family Residential (R1) and 10.2 acres of Open Space (OS) to 2.77 acres of One-Half Acre Residential-Planned

Development (R20,000-PD) and 11.82 acres of Open Space-Planned Development (OS-PD). A tentative map and Development Plan to subdivide the 2.77 acres zoned for residential into three single-family residential parcels ranging in size from 0.86 to 0.98 acres; building envelopes and setbacks are identified on the tentative map. Parcel 1 shall, at a minimum, provide 10 foot side yard setbacks. Parcels 2 and 3 shall provide, at a minimum, 20 foot front and rear yard setbacks. Building envelopes of 10,960 square feet, 10,388 square feet, and 7,450 square feet have been provided on Parcels 1-3, respectively. Proposed Open Space Lot A would be reconfigured, increased in size to include 11.82 acres, and designated non-developable for residential uses to be maintained by a Homeowners Association or other mechanism, in perpetuity. Several alternatives exist for providing water service to the site. Due to the small size of the project and nominal effect of adding three additional single family units to the EID system, the applicant and EID have agreed contribution of fees toward payment of Alternative #2 is the preferred option. As such, the applicant shall pay \$26,940 to EID (in lieu of the improvements) in addition to the Facilities Capacity Charges for the water meter award letter. The in-lieu payment is based on a 10 percent estimated cost to install Alternative #2 and would contribute to the required connection to be constructed by the approved Protzel Tentative Map TM05-1403 and/or proposed Porter Tentative Map TM07-1438, whichever occurs first.

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 substantially conform to the project description above, tentative map, approved hearing exhibits, and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in substantial compliance with this project description, the tentative map, approved hearing exhibits, and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

CONDITIONS FROM THE MITIGATED NEGATIVE DECLARATION

All mitigation measures listed in this section shall be placed as a note on all grading and/or improvement plan sets.

2. **MM Bio-1:** Prior to the issuance of building permits, the applicant shall pay the Rare Plant Mitigation Area 1 in-lieu fee for Parcels 2 and 3 and Rare Plant Mitigation Area 2 in-lieu fee for Parcel 1. The in-lieu fee shall be based upon the fee that is in place at the time of building permit issuance and shall be made to offset impacts within these mitigation areas based on adopted County policies.

Timing/Implementation: Prior to issuance of building permits
Enforcement/Monitoring: El Dorado County Planning

3. **MM Bio-2:** All grading, improvement, and building plans shall state: "It is the applicant and contractor's responsibility to comply with all applicable state and federal laws and regulations including the Federal and State Endangered Species Acts and the Clean Water

Act for all on and/or off-site impacts. The County Grading Permit does not authorize Contractor to conduct activities not permitted by applicable State and Federal agencies in areas subject to State and Federal jurisdiction.”

Timing/Implementation: Prior to issuance of grading and building permits
Enforcement/Monitoring: El Dorado County Planning

4. **MM Bio-3:** Prior to initiation of the proposed grading or construction activities, a qualified biologist must conduct a site survey during the blooming season (May through June) and provide a report to Planning Services to determine the existence of Stebbins false bindweed. The survey shall be conducted for areas identified for development footprint, which includes the areas necessary for pad development and driveway improvements.

If no such species is found, no further measures shall be necessary.

- a. If such species are found within identified development areas and not planned for removal, the applicant shall obtain a letter from a qualified biologist providing recommendations for protection of such species, including, but not limited to, installation of habitat and/or biological protection fencing (or similar) to protect and buffer such species from impacts.
- b. If such species are found within identified development areas and would be removed, consultations and approvals for such take must be made by the California Department of Fish and Game and/or the US Fish and Wildlife Services. A copy of any incidental take permits for related impacts (or similar acknowledgement) must be provided to Planning Services to place in the project file.

Timing/Implementation Prior to initiation of grading or construction or activities
Enforcement/Monitoring El Dorado County Planning

5. **MM Bio-4:** 30 days prior to initiation of any proposed grading or construction activities to occur within the nesting period of Cooper’s Hawk and raptors (March 1st through August 31st), and While-tailed kite (February to October) a qualified biologist shall conduct a site survey and provide a report to Planning Services to determine the existence of such species.
- a. If no active nests are found, no further measures shall be necessary.
 - b. If an active nest is found within 200 feet of an area identified for development, a qualified biologist shall record the location(s) on a site map.
 - c. If the species is listed under the Federal or State Endangered Species Act, the

appropriate federal or state agency shall be contacted for guidance.

- d. If the species is not federally or state listed but protected under the federal Migratory Bird Treaty Act of 1918, a qualified biologist shall establish a minimum 100 foot buffer (Environmentally Sensitive Area) around the nest tree.
- e. The biologist shall delimit the buffer zone with yellow caution tape, surveyor's flagging, pin flags, and/stakes, etc. The buffer zone shall be maintained until the young have fledged. Construction activities shall not occur within 100 foot of a nest tree while young are in the nest.
- f. The biologist shall monitor the nest weekly during construction to evaluate potential disturbance caused by construction activities. The biological monitor shall have the authority to stop construction if the nesting birds appear to be adversely affected by construction activities.

Timing/Implementation: Prior to initiation of grading or construction or activities

Enforcement/Monitoring: El Dorado County Planning

- 6. **MM Bio-5:** Prior to initiation of any proposed grading or construction activities, a qualified biologist shall review the grading plans and submit a report to Planning Services identifying potential impact to on-site aquatic habitat, if any.
 - a. If not impact are identified, no further measures shall be necessary.
 - b. If impacts are identified, twenty-four hours prior to initiation of grading or construction activities, a qualified biologist shall conduct a preconstruction survey of on-site aquatic habitat to be impacted for foothill yellow-legged frog and northwestern pond turtle and submit a report to Planning Services. If no such species are found, no further measures shall be necessary.
 - c. In the event foothill yellow-legged frog and/or northwestern pond turtle are found in areas of on-site aquatic habitat to be impacted, a qualified biologist shall provide a recommendation for relocation, shall relocate said species, and shall be present during all clearing and grubbing activities to occur within the impacted aquatic habitat. All foothill yellow-legged frog and northwestern pond turtle found during clearing and grubbing shall be relocated based on the recommendations of the biologist.

Timing/Implementation: Prior to clearing and grubbing

Enforcement/Monitoring: El Dorado County Planning

- 7. **MM Bio-6:** The applicant shall identify a 100 foot buffer from the edge of the pond located along the eastern property line and from the edge of the stream bank that flows in a southwesterly direction along the northwest corner of the project site, as well as a 50 foot buffer from the edge of the intermittent wetland located midway along the northern

property line. The identification shall be made on the final map, Site Plan Review, grading, improvement, and building plans.

- a. Grading and construction activities shall not occur within the identified 100 foot buffers unless the applicant submits a letter prepared by a qualified biologist that states the specified encroachment would not result in any impacts to riparian habitat and/or wetlands.
- b. Although not preferred or anticipated, should EID Alternative #1 improvements be required under US Highway 50 to connect to the EID water line located within Country Club Drive construction can only occur utilizing the jack and bore method previously approved and analyzed. Unless the applicant submits a letter prepared by a qualified biologist that states the specified encroachment would not result in any impacts to riparian habitat and/or wetlands, construction of improvements must begin and end outside of the identified 50 foot buffer and must remain 5 to 10 feet below the existing surface grade.
- c. Driveway improvements within the identified 50 foot buffer shall not encroach north (but can encroach south) of the existing driveway footprint unless the applicant submits a letter prepared by a qualified biologist that states the specific encroachment would not result in any impacts to riparian habitat and/or wetlands.

Timing/Implementation: Prior to filling the final map, Site Plan Review (SPR), grading, improvement, and/or building plans approvals

Enforcement/Monitoring: El Dorado County Planning

8. **MM Bio-7:** ~~Any oak trees removed from the site shall be mitigated as specified in the Interim Interpretive Guidelines for El Dorado County as adopted by the County on November 9, 2006. Mitigation for loss of tree canopy shall be implemented to reduce impacts from oak tree loss. Fulfillment of anyone of the following options will reduce impacts to a less than significant level:~~

- a. For tree replacement under Policy 7.4.4.4 of the General Plan, oak trees shall be replanted at a rate of 200 tree saplings per acre, or 600 acorns per acre, whether on-site or off-site. A tree planting and preservation plan is required prior to issuance of a grading permit. If the applicant chooses to replace removed trees off-site, an easement for off-site replacement must be obtained prior to the recordation of the tentative map. A letter from the certified project arborist or qualified biologist verifying the replacement of trees and a contract for intensive to moderate maintenance and monitoring shall be required for a minimum of 15 years after planting. The survival rate shall be 90 percent. Any trees that do not survive during this period of time shall be replaced by the property owner. The arborist or biologist contract, planting and maintenance plan, and all compliance documents necessary to meet the Oak Woodlands Interim Interpretive Guidelines shall be provided to Planning Services prior to issuance of a grading permit.

- b. Payment of all fees required under Option B of General Plan Policy 7.4.4.4 to the county's Integrated Natural Resources Management Plan (INRMP). Payment of fees shall be at a migration ratio of 2: 1 and based on all impacted oak woodland acreage. Payment of fees and successful completion of this alternative is dependent upon county adoption and implementation of the INRMP by the County and approval of Planning Services.
- c. Acquisition of an off-site conservation easement covering property with healthy oak woodland canopy area of 0.36 acres, equivalent to 100 percent of the oak canopy area proposed to be removed by the project. The conservation easement shall be in close proximity to the project site or within or adjacent to an Important Biological Corridor or Ecological Preserve, as designated in the General Plan. The conservation easement shall provide for the preservation of the area in perpetuity and shall include such terms, conditions, and financial endowments for monitoring and management deemed necessary by the County to ensure the long term preservation of the oak woodland area. The easement shall be in favor of the County or a County-approved conservation organization.

Timing/Implementation: Prior to approvals of grading permits

Monitoring/Enforcement: El Dorado County Planning

9. **MM Bio-8:** If option a. above is utilized, the applicant shall provide an update letter to be prepared by a qualified professional about the health and progress of the re-planted oak saplings and/or oak acorns for this project.

Timing/Implementation: Prior to issuance of occupancy permits

Monitoring/Enforcement: El Dorado County Planning

10. **MM Bio-9:** If option a. above is utilized, Covenants, Conditions, and Restrictions (CC&Rs) shall be established and recorded for this project that would, in part, ensure the survival of replanted oaks by requiring that each property owner share equally in the responsibility in the long term monitoring and maintenance of replanted oaks. The CC&Rs shall require that the property owners coordinate a one year, three years, five years, and ten year monitoring survey to be prepared by a qualified professional for both oak and saplings that would be replaced, as well as a similar fifteen year survey update for acorns. In the event that the re-planted saplings or acorns not survive, they shall be replaced (at the sole and equally shared cost of each property owner) based on County adopted policies and standards, and based on the input of a qualified professional.

Timing/Implementation: Prior to issuance of building permits, occupancy permits, and on-going

Monitoring/Enforcement: El Dorado County Planning

11. **MM Cultural-1:** The applicant shall consult with Planning Services to coordinate the placement of a non-building buffer on the final map, Site Plan Review (SPR), grading, improvement, and/or building plans, based on the recommendations of the

Cultural Resources Study. Planning Services staff shall review such plans and study to ensure the proper placement of the non-building buffer is made, to be labeled 'non-building buffer.'

Timing/Implementation: Prior to issuance of final map, Site Plan Review (SPR), grading, improvement, and/or building plans

Monitoring/Enforcement: El Dorado County Planning\

12. **M Land Use-1:** The applicant shall submit a Site Plan Review (SPR) application for each of the newly created residential parcels to determine consistency with the approved rezone, tentative parcel map, and Planned Development (PD) application. The consistency determination shall be made based upon review of the tentative map, project exhibits, conditions of approval, mitigation measures, ordinances, and policies applicable at the time of the SPR review.

Timing/Implementation: Prior to issuance of building permits

Monitoring/Enforcement: El Dorado County Planning

13. **MM Noise-1:** The backyard area Parcel 1 shall be located at the furthest distance possible away from U.S. Highway 50 and the proposed residence shall be sited between US Highway 50 and the backyard areas. At no time, shall backyard areas including, but not limited to, grassy or play areas, balconies, patios, and/or decks be located between US Highway 50 and the residential structure.

Timing/Implementation: Prior to SPR approval

Monitoring/Enforcement: El Dorado County Planning

14. **M Noise-2:** Prior to the issuance of building permits on Parcels 2 and 3, the applicant shall illustrate the use of a minimum Sound Transmission Class rating 32 for all second story bedroom windows. Parcel 1 shall require such treatments on all stories. Balconies, patios, and decks on Parcels 2 and 3 shall only be allowed behind and below the berm.

Timing/Implementation: Prior to issuance of building permits

Monitoring/Enforcement: El Dorado County Planning

15. **MM Noise-3:** Prior to the issuance of building permits on Parcels 1, 2, and 3, the applicant shall illustrate central air and heating units will be installed to allow occupants to close doors and windows as desired to achieve compliance with applicable interior noise level criteria.

Timing/Implementation: Prior to issuance of building permits

Monitoring/Enforcement: El Dorado County Planning

Planning

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

17. This tentative map shall expire within 36 months from the date of approval unless a timely extension has been filed.
18. The applicant shall make the actual and full payment of planning processing fees for the rezone, planned development, and tentative map application prior to the County Recorder processing the final map.
19. Prior to the issuance of building permits, the applicant shall pay Quimby in-lieu fees to Planning Services pursuant to Subdivision Ordinance Section 16.12.090. The applicant 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.
20. A notice of Restriction on Open Space Lot A shall be filed concurrent with the final map restricting all future residential development activities in perpetuity. With exception to environmental protection and maintenance of the driveways, no future development activities shall be allowed on Open Space Lot A.
21. Concurrent with the final map recording and prior to the County issuing building permits on any parcel Covenants, Conditions, and Restrictions (CC&Rs) must be established for the project to address, at a minimum, the maintenance of Open Space Lot A, existing and proposed improvements to the berm, oak tree replacement and monitory (if any), driveway easements, and driveway encroachments. Planning Services shall review the Covenants, Conditions, and Restrictions (CC&Rs) to ensure consistency with project mitigation, permit conditions, and county standards.
22. At the discretion of the Deputy Director of Planning Services, the applicant can request specific encroachments into identified wetland buffers. The applicant shall submit a letter prepared by a qualified biologist that states the specified encroachment would not result in any impacts to riparian habitat and/or wetlands. Should the report identify impacts, no such encroachments could occur without a Planning Commission decision, at a noticed public hearing with proper CEQA assessments. Fees associated with the processing of a Planning Commission request for such encroachments shall be paid by the applicant.

23. The Site Plan Review (SPR) on Parcels 1, 2, and 3, shall substantially conform to exhibits labeled 'Noise and Visual Analysis Exhibit Parcels 1-3' and the tentative map for building envelopes and established setbacks, location of building pads associated to steep slopes, finished floor elevations, fence lines, backyard areas shielded from noise sources, and site line building elevations to US Highway 50. SPRs processing fees shall be based on a deposit and 'Time and Materials Agreement' for reimbursement for County time spent on such reviews.
24. Central air and heating units shall be screened from public view. Roof mounted units shall not be allowed. The location of outdoor equipment associated with central air and heating units shall be shown on the Site Plan Review (SPR) plans and building plans for each parcel.
25. Propane tanks shall be screened from public view. The location of propane tanks shall be shown on the Site Plan Review (SPR) plans and building plans for each parcel.
26. Prior to the issuance of building permits, the applicant shall connect to the existing El Dorado Irrigation District (EID) water lines and provide a copy of the meter award letter to Planning Services to be placed in the project file.
27. Prior to occupancy, the applicant shall connect to the existing El Dorado Irrigation District (EID) 6 inch sewer line located in Crazy Horse Road.
28. At no time shall gates be installed across the driveway easements for Parcels 1, 2, and 3. The existing gate serving parcel 45 of final map I-107 located across the existing 30 foot wide public utility and driveway easement shall remain. Primary driveway access and gate openers shall be made available to property owners of Parcel 1 of this project, in perpetuity. At no time shall primary driveway access for Parcel 1 occur over and across the primary driveway access for Parcel 2 which connects to Crazy Horse Road.
29. All fencing shall be designed to meet the County's Fence Ordinance Section 17.14.155. All fencing shall be kept free of graffiti and each individual property owner shall be responsible for meeting this requirement.
30. Common area lighting is not permitted. All necessary outdoor lighting shall be designed to meet the County's Lighting Ordinance Section 17.14.170.
31. For Parcels 1, 2, and 3, the CC&Rs shall contain a provision regulating refuse and recycling materials and storage. Such storage shall occur out of public view and shall only be located curbside on trash/recycling pick-up days.
32. Prior to the approval of occupancy permits for each parcel, the applicant shall schedule an inspection with Planning Services for verification of compliance with applicable conditions of approval numbered 19 thru 33. The applicant shall provide evidence that

each of these conditions have been satisfied and such information shall be included in the project file for reference.

33. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an 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 the appropriate measures are taken or the site is determined not to be of significance. Planning Services shall review the grading plans prior to the issuance of a grading permit.
34. 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 review the grading plans prior to the issuance of a grading permit.

Cameron Park Community Services District

35. Prior to the recording of the final map, the applicant shall form a Home Owner's Association or other mechanism and establish the CC&Rs for the project.
36. Prior to the approval of building permits, the applicant shall consult with the Cameron Park Community Services District (CPCSD) to address requirements associated with the Landscaping and Lighting Assessment District (LLAD), including, but not limited to, the payment of fees in place at the time of building permit issuance.
37. Prior to the issuance of building permits, the applicant must make the payment for all applicable Park and Recreation impact fees. Fees shall be assessed based on the fees in place at the time of building permit issuance.

Department of Transportation (Zone of Benefit)

38. Prior to final map recording, the applicant shall provide written confirmation of how the project may or may not affect the Cambridge Oaks Zone of Benefit #98391 shall be provided in the form of a professionally prepared Engineer's Report consistent with the requirements for the formation of a zone of benefit, except that no legal description and boundary map are required (Exhibits A and B to the Report). The report shall contain a map depiction of the entire existing zone of benefit, including the existing drainage facilities as well as the plan for the proposed project, Marble Valley Ridge Estates TM 06-1412. The cost apportionment shall include the existing facilities and any additional facilities that are planned and depicted for Marble Valley Ridge Estates.

39. Any additional drainage facilities built in the project area that tie into the existing drainage facilities shall be maintained by the zone of benefit, not by the HOA.
40. Prior to the recordation of the final map, the applicant shall consult with the Department of Transportation Zone of Benefit to consider the requirement of an irrevocable offer of dedication (IOD) for drainage easements and maintenance based on the written confirmation be provided.
41. Prior to the recordation of the final map, if there are no additional facilities added with the proposed project, the plans and Engineer's Report will serve as written confirmation. If additional facilities are proposed, the Engineer's report will serve as written confirmation that the apportioned cost requirements for all facilities in the zone will not exceed the current per parcel annual special tax amount of \$200.00.

Department of Transportation

42. The applicant shall obtain an encroachment permit from DOT and construct the roadway encroachment (with the minimum required sight distance) from the on-site driveways onto Crazy Horse Road to meet County Standard Plan 103A-1, prior to the recordation of the map.
43. The applicant shall form and/or verify the existence of an entity, to the satisfaction of DOT, for maintenance of all on-site shared driveways and drainage facilities, prior to the recordation of the final map.
44. 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.
45. 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.
46. 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 plans shall incorporate the findings of detailed geologic and geotechnical investigations.
47. 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.

48. 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.
49. 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.
50. This project disturbs more than one acre of land area (43,560 square feet). At the time that an application is submitted for improvement plans or a grading permit, 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.
51. The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants, Conditions, and Restrictions (CC&Rs).
52. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7 a.m. and 7 p.m., Monday through Friday, and 8 a.m. and 5 p.m. on weekends, and on federally-recognized holidays. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards.

El Dorado County Fire Protection District

53. Prior to the issuance of building permits, the applicant must consult with the El Dorado County Fire Protection District about required fees, plan reviews, and/or site visits for this project. Plan review fees are \$120.

54. Prior to the approval of building permits, the applicant shall consult with the Fire District to install two new fire hydrants. Hydrants will be Muller model 200 Centurion and are approved as shown.
55. Minimum fire flow required is 1,000 gallons per minute (gpm) at 20 pounds per square inch (psi) for a period of two hours.
56. A 20 foot wide all weather fire access road is required to connect Parcels 1 and 3. This may be accomplished with 12 feet of asphalt and/or using a chip seal or pavement with 3 inches of aggregate base shoulders.
57. Access driveways to Parcels 2 and 3 shall not be gated.
58. A Fire District approved opticon gate opening device shall be added to the Knox key switch that is in place.

Environmental Management

59. Prior to approval of grading and/or improvement plans, the applicant shall provide an Asbestos Dust Mitigation Plan (ADMP) and application with the appropriate fees to be reviewed and approved by the County Air Quality Management District (AQMD). The ADMP shall comply with the requirements of Rule 223, 223.1, and/or 223.2.
60. All project construction activities shall adhere to AQMD Rule 224 for Cutback and Emulsified Paving Materials.
61. All project architectural coatings shall adhere to AQMD Rule 215.
62. Any burning of wastes that result from 'Land Development Clearing' must be permitted through the AQMD. Only vegetative waste material may be disposed of using an open outdoor fire pursuant to AQMD Rule 300.
63. The following measures shall be implemented during construction activities to maintain the air quality standards established by the AQMD. The standards include: use of low emission on-site mobile construction equipment, maintenance of on-site equipment to manufacture's specifications, retardation of on-site diesel engine injection timing by two to four degrees, use of electricity from power poles rather than temporary gasoline or diesel generators, use of reformulated low-emission diesel fuel, use of catalytic converters on gasoline powered equipment, substitution of electric and gasoline powered equipment for diesel-powered equipment where feasible, inactive construction equipment shall not remain idling for periods in excess of two minutes, materials shall be scheduled for delivery during off-peak hours, configure construction parking to minimize traffic interference, and develop a construction traffic management plan.
64. Prior to the construction or installation of any new point source emission units or non-permitted emission units such as gasoline dispensing facilities, boilers, internal

combustion engines, the applicant shall submit an authority to construct application to be reviewed and approved by the AQMD. Submittal of the application shall include facility diagram(s), equipment specifications, and emission factors.

County Surveyor

65. 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 Surveyor's Office.
66. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 16.44.120(B)(2).

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