

**TM07-1458-R/BLA13-0015/Migianella** – As approved by the Planning Commission on February 27, 2014

**Conditions of Approval**

**Planning Services:**

1. This Tentative Map revision is based upon and limited to compliance with the project description, the conditions of approval set forth below, and the following Exhibits:

Exhibit E .....	Tentative Subdivision Map dated April 2013
Exhibit F-1 .....	Tree Preservation Plan map dated February 2014
Exhibit F-2 .....	Arborist Confirmation of Oak Woodlands Conservation Easement dated February 19, 2014
Exhibit F-3 .....	Oak Woodland Conservation Easement APN 110-430-03 dated February 2014

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.

This Tentative Subdivision Map is based upon and limited to compliance with the project description, the Conditions of Approval set forth below,

The project approval shall include the following and applies to the parcel identified by Assessor’s Parcel Number 110-020-45:

A Tentative Map creating eight residential lots ranging in size from 3 to 4.5 acres.

The project shall connect to EID public water and construct private on-site septic systems. The map may be recorded in phases, subject to Development Services Director review.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

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

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

2. **BIO-1:** If construction begins outside the 1 February to 31 August breeding season, there will be no need to conduct a preconstruction survey for active nests. If construction is scheduled to begin between 1 February and 31 August then a qualified biologist shall conduct a preconstruction survey for active nests at the construction site. In order to avoid take (FGC § 86) of protected birds and raptors (FGC § 3503, 3503.5, 3511, and 3513), a pre-construction bird and raptor nest survey shall be conducted within 10 days prior to the beginning of construction activities by a California Department of Fish and Wildlife (CDFW) approved biologist in order to identify active nests in the project site vicinity. The results of the survey shall be submitted to CDFW. If active raptor nests are found, a quarter-mile (1320 feet) initial temporary nest disturbance buffer shall be established. If active passerine nests are found, a two hundred foot (500 feet for special status species) initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an on-site biologist/monitor experienced with the species' behavior shall be retained by the project proponent to monitor the nest, and shall along with the project proponent, consult with the CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if birds/raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated on-site biologist/monitor shall be on-site daily if necessary while construction related activities are taking place and shall have the authority to stop work if birds/raptors are exhibiting agitated behavior. In consultation with the CDFW and depending on the behavior of the birds/raptors, over time it may be determined that the on-site biologist/monitor may no longer be necessary due to the birds/raptors' acclimation to construction related activities.

**Monitoring Responsibility:** Planning Services.

**Monitoring Requirement:** The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and obtain all necessary permits prior to initiation of construction activities. This requirement shall be placed on all grading plans. Planning Services shall review the surveys prior to issuance of a grading permit and/or removal of any trees within the entire project parcel.

### **Planning Services**

3. The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Final Map.

4. The project could remove up to 4.62 acres of oak canopy under GP Policy 7.4.4.4 Option A. The applicant shall establish and submit proof of an executed Conservation Easement of 3.7 acres per the Tree Preservation Plan map dated February 2014 (Exhibit F-1), Arborist confirmation of Oak Woodland Conservation Easement dated February 19, 2014 (Exhibit F-2), and the Oak Woodland Conservation Easement APN:110-430-03 dated February 2014 (Exhibit F-3) prior to filing of the Final Map. Up to 0.37 acre is made available to each lot for mitigation in the Conservation Easement. Removal of the Canopy exceeding 0.37 acre (up to 0.5 acre) shall be mitigated on individual lots by replanting prior to occupancy.

Note 9 on the Tree Preservation Plan map dated February 2014 is subject to Development Services Division Director approval and may require additional CEQA analysis or another public hearing.

A Notice of Restriction (NOR) shall be recorded that limits the oak canopy removal for each lot to the allocations listed on the Table on the Tree Preservation Plan for the development of a residence on each lot. A note shall be placed on the recorded map identifying the applicability and standards of said Notice. The draft NOR shall be reviewed and approved by Planning Services prior to recordation, and recordation shall occur with the recordation of the final map.

5. The following shall be incorporated as a note on the grading/improvement plans:

In the event archeological resources are 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. If the find is determined to be a “unique archeological resource”, contingency funding and a time allotment sufficient to allow recovering an archeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archeological mitigation takes place.

If the find is determined to be a “unique archeological resource”, the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a “nonunique archeological resource”.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

6. The following shall be incorporated as a note on the grading/improvement plans:

In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

7. 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.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

8. All Development Services fees shall be paid prior to filing of the Final Map.

9. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$ 2,181.25 Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. No permits shall be issued or Final Map filed until said fees are paid.
10. The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. Appropriate fees shall be paid to process the time extension.

**The Department of Transportation:**

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

<b>Table 1</b>					
<b>ROAD NAME</b>	<b>DESIGN STANDARD PLAN</b>	<b>ROAD WIDTH* / SHOULDER WIDTH</b>	<b>RIGHT OF WAY**</b>	<b>DESIGN SPEED</b>	<b>EXCEPTIONS /NOTES</b>
Road A (onsite)	Modified Std Plan 101B	20ft / 2ft 3” AC over 8” AB or 6” chip seal	50ft	20 mph	No curb, gutter, or sidewalk, road width is measured Edge of Pavement (EP) to EP.
Road B (onsite)	Modified Std Plan 101B Std Plan 114 at cul-de-sacs	20ft / 2ft 3” AC over 8” AB or 6” chip seal	50ft	20 mph	No curb, gutter, or sidewalk, road width is measured EP to EP.
Kaila Way (offsite)	Modified Std Plan 101B	20ft / 2ft	50ft	25 mph	No curb, gutter, or sidewalk, road width is measured EP to EP.

\* Road widths in the preceding table are measured from curb face to curb face. Curb face for rolled curb and gutter is 6” from the back of the curb.

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

12. **Maintenance Entity:** The proposed project must form an entity for the maintenance of the private roads and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads and drainage facilities of the current project. EDCTD shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.

13. **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 map.
14. **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.
15. **Turnaround:** The applicant shall provide a turnaround at the end of the Roadway “A” and at the end of Roadway “B” to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the EDCTD or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
16. **Driveway Cuts:** Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. Attention should be given to the minimum required sight distance at all driveway encroachments. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
17. **Intersection / Turnaround Grades:** The DISM Section 3.B.3 requires the summation of the absolute values of the centerline gradients of proposed streets within an intersection shall not exceed 10 percent. Also, the centerline gradient of a street terminating at an intersection shall not exceed 5 percent at any point within the intersection and for a distance of 50-ft from the point of intersection. Finally, the gradient within turnarounds shall not exceed 8 percent or an acceptable alternative approved by the County Engineer. Road profiles indicating compliance with these standards shall be submitted and approved by DOT prior to approval of improvement plans.
18. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.

19. **Road & Public Utility Easements:** The applicant shall provide a 50 foot wide non-exclusive road and public utility easement for the on-site access roadways prior to the filing of the final map.
20. **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 EDCTD prior to the filing of the final map. The signing and striping shall be designed and constructed per the latest version of the Manual of Uniform Traffic Control Devices (MUTCD) and the California Supplement.
21. **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).
22. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
23. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the following hours and days: 7:00 a.m. and 7:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on weekends and holidays.
24. **DISM Consistency:** The developer shall obtain approval (as modified by these conditions herein) of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (dated May 1986, revised May 1990) from the EDCTD, and pay all applicable fees prior to filing of the final map.
25. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the EDCTD for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of EDCTD or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map.
26. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
27. **Grading Permit / Plan:** If more than 250 cubic yards of earth movement are required for the 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.

28. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the EDCTD. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the EDCTD 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.
29. **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.
30. **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 EDCTD. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
31. **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. A Scoping Meeting for the required drainage study between County staff and the engineer shall occur prior to the first submittal of improvement plans. The engineer shall bring a watershed map and any other existing drainage system information to the Scoping Meeting. The improvements shall be completed to the approval of the EDCTD prior to the filing of the final map or the applicant shall obtain an approved improvement agreement with security.

32. **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.
33. **Off-site Improvements (Security):** Prior to the filing of a final map or parcel map, the subdivider 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 subdivider 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.
34. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the Final Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any final map or parcel map, the subdivider 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 subdivider 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.

35. **Off-site Access Easements:** The applicant shall provide proof of access to the project site from a State or County maintained road, together with the legal right to improve such access. Said proof shall be provided by and through a "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the parcel map.
36. **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 the EDCTD with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
37. **TIM Fees:** The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

**El Dorado Hills Fire Department:**

38. The potable water system with the purpose of fire protection for this residential development shall provide a minimum fire flow of 1,500 gallons per minute with a minimum residual pressure of 20 psi for a three-hour duration. This requirement is based on a structure 13,400 square feet or less in size, Type V-B construction. All structures shall be fire sprinklered in accordance with NFPA 13D and Fire Department requirements. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire Department for review and approval.
39. This development shall install Mueller Dry Barrel fire hydrants, or any other type of hydrant which conforms to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development

shall not exceed 500 feet. The exact location of each hydrant shall be determined by the Fire Department.

40. In order to enhance nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and State Fire Safe Regulations.
41. In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to combustibles being brought onto the site as specified by the Fire Department, Standard B-003.
42. The applicant shall record a Notice of Restriction (NOR) that states that all eight lots shall adhere to the conditions of the Migianella Wildland Fire Safe Plan dated July 21, 2013 and have an attached copy of the approved Plan. The NOR shall be reviewed and approved by the El Dorado Hills Fire Department, and subsequently shall be recorded and a copy of the recorded document shall be received by Planning Services and the Fire Department prior to filing the Final Map.
43. Lots that back up to wildland open space shall be required to use non-combustible type fencing.
44. Installing any type of traffic calming device that utilizes a raised bump/dip section of roadway shall be prohibited.
45. The driveways serving this project shall be designed to a maximum of 16 percent grade and can be increased to 20 percent if paved. In addition, driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. A turnaround shall be provided at all building sites on driveways over 300 feet in length, and shall be within 50 feet of the building.
46. Any gate shall meet the El Dorado Hills Fire Department Gate Standard B-002.
47. All parking restrictions as stated in the El Dorado Hills County Water District Ordinance 35 shall be in effect. On-street parking shall be prohibited and the roadway shall be signed every 25 feet "no parking fire lane." All street curbs shall be marked red (if existing).
48. All hammerheads shall meet Fire Department standards. The roadway shall be signed every 25 feet "no parking fire lane." All street curbs shall be marked red.

**El Dorado Hills Community Services District:**

49. The developer shall ensure that any CC&Rs established for the project are reviewed and approval by the El Dorado Hills CSD.

50. The subdivider shall pay a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
51. The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The fees shall be paid to the CSD at the time of filing the final map.

**Department of Environmental Health- Air Quality Management District:**

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

**Surveyor's Office:**

54. 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.
55. The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyors Office prior to filing the final map.