

Z07-0040/TM07-1454/S09-0012/Sundance Subdivision – As recommended by the Planning Commission on November 18, 2010

[Clerk's Note: Staff provided more clarity to the applicant-submitted findings for the Special Use Permit and the changes are shown in double-underline/double-strikeout format.]

Findings

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 The County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 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 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Rural Residential (RR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because this land use designation permits an allowable density of one dwelling unit per 10 to 160 acres. The proposed project density conforms to the General Plan land use designation.
- 2.2 The proposal is consistent with all applicable Policies of the General Plan including 2.1.1.7, infrastructure, 2.2.1.2, land use density, 2.2.5.3, rezoning, 2.2.5.21, land use compatibility, 5.2.3.4, groundwater, 5.7.1.1, fire protection, 6.2.3.2, emergency access, 7.1.2.1, slope disturbance, 7.3.3.4, wetland setbacks, 7.4.4.4, oak tree canopy retention, 8.1.3.1, agricultural land buffering, and 8.1.3.2, agricultural setbacks, because it will provide adequate roadways, utilities and other public services, appropriate land use density, compatibility with the surrounding neighborhood, sufficient groundwater supply, availability of emergency water, adequate emergency access, avoid disturbance of slopes in excess of 30 percent, sufficient intermittent stream and wetland setbacks, and oak tree

canopy retention. Sufficient agricultural land buffering will also be included in the project. The proposal was reviewed against the 19 specific criteria under policy 2.2.5.3 and found to be consistent with applicable criteria such as septic and leach field capability, groundwater capability to support wells, capacity of the transportation system serving the area, important agricultural areas and existing land use pattern. There are no existing CC & R's. The project provides adequate access and site design that ensure compatibility with the surrounding permitted land uses and is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

- 3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance development standards because the proposed lots meet the development standards of the RE-10 zone district pursuant to section 17.70.110 for minimum lot areas and lot widths, and to permit the yard setbacks required of future residential development.

4.0 ADMINISTRATIVE FINDINGS

4.1 Tentative Subdivision Map

- 4.1.1 *The proposed map and design is consistent with the General Plan and Specific Plans adopted by the County.*

As proposed, the tentative map conforms to the RR General Plan land use designation and applicable General Plan policies including adequate roadways, utilities and other public services, compatibility with the surrounding neighborhood, availability of emergency water, adequate emergency access, sufficient intermittent stream and wetland setbacks, and oak tree canopy retention.

- 4.1.2 *The site is physically suitable for the type and density of development proposed.*

The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately 0.09 units per acre.

- 4.1.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat.*

A mitigated negative declaration was prepared for the proposed tentative subdivision map. Based on the initial study, it was determined that the project would not have a significant effect on the environment with the incorporation of the mitigation measures and conditions of approval contained within Attachment 1 above.

4.1.4 *The subdivision shall have adequate access to accommodate the proposed density.*

The project has been conditioned to comply with El Dorado County Department of Transportation, CAL FIRE and El Dorado County Fire Protection District requirements to assure adequate access.

4.1.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties.*

CAL FIRE and the El Dorado County Fire Protection District reviewed the proposed tentative subdivision map and conditioned the map for adherence to fire safe standards which will ensure that the project does not create serious public health and safety problems or unacceptable fire risk to current and future occupants of adjoining properties.

4.2 Special Use Permit (~~Findings for Denial~~)

4.2.1 *The issuance of the permit is consistent with the General Plan.*

~~Approval of the gate would effectively eliminate the project's required secondary access point in conflict with General Plan Policy 6.2.3.2 concerning adequate access for emergency vehicles and area residents. The issuance of the Special Use Permit is consistent with the General Plan which promotes the concept of identifiable communities and proper mitigation of traffic impacts.~~

4.2.2 *The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood; and*

~~As stated above, DOT, CAL FIRE, and the El Dorado County Fire Protection District are all opposed to the gate because of the secondary access and circulation limitations it would create as well as potentially delayed response times impacting public safety. Construction of the gate would create a dead end road which exceeds the permissible length of a dead end road in the DISM. Further, sufficient unimpeded through circulation is necessary. Based on staff analysis and comments received from affected public agencies, the County finds that the gate would be detrimental to the public health, safety and welfare and injurious to the neighborhood. The proposed gate would not be detrimental to the public health, safety and welfare nor injurious to the neighborhood, in that: such gate ~~has been approved~~ is subject to approval by the El Dorado County Fire Protection District, the gate would promote public safety by reducing traffic on Pilot Hill View Drive and the gate is desired by the neighborhood so as to prohibit additional traffic through an established neighborhood.~~

4.2.3 *The proposed use is specifically permitted by special use permit pursuant to this Title.*

~~The proposed use is not specifically permitted by special use permit pursuant to the El Dorado County Zoning Ordinance. The proposed gate is permitted with a Special Use Permit by pursuant to El Dorado County Ordinance Code Section 17.14.155E.~~

5.0 DESIGN WAIVER APPROVAL FINDINGS

5.1 Permit proposed lots 15 and 16 to exceed the 3:1 depth to width lot ratio.

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

Proposed lots 15 and 16 will have a depth to width ratio of 3.3 to 1 which slightly exceeds the 3 to 1 ratio requirement in the DISM. This slight modification in proposed lots 15 and 16 will permit home construction in the front portion of the lots while significantly reducing potential impacts to existing oak tree canopy and slopes in excess of 30 percent found on the rear portion of these lots.

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

Strict application of the design and improvement requirements will require additional grading and oak tree canopy removal. Because of the slopes on these lots, a slight modification to the lot depth to width ratio is justified to reduce grading and potential impacts to oak tree canopy.

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

The waiver will not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as it will reduce grading and oak tree canopy removal impacts.

5.1.4 *The waivers 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.*

The requested design waiver will not hinder the County's implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

5.2 Permit a reduction in the shoulder width for proposed Road “B” from 10 feet as required in the Design and Improvement Standards Manual to two feet.

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

This waiver was reviewed by the Department of Transportation, CAL FIRE, and the El Dorado County Fire Protection District and found to be acceptable provided that an additional 10 feet be kept clear from the edge of the pavement as a fire safety zone. Further, a fire safe plan will be prepared for review by CAL FIRE and the El Dorado County Fire Protection District which will outline the requirements for this 10-foot fire safety zone.

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

The reduced shoulder width will reduce potential grading and oak tree canopy removal impacts while still providing an adequate 10-foot wide fire safe buffer as outlined above.

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

This waiver was reviewed by the Department of Transportation, CAL FIRE, and the El Dorado County Fire Protection District and found to be acceptable provided that an additional 10 feet be kept clear from the edge of the pavement as a fire safety zone. As such, approval of the waiver will not be injurious to the adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

5.2.4 *The waivers 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.*

The requested design waiver will not hinder the County’s implementation of the Subdivision Map Act as outlined in Article II of Chapter 16 of County Code or any of the other applicable ordinances discussed within the staff report.

Conditions of Approval

I. PROJECT DESCRIPTION

1. This tentative subdivision map is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits A-P, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may

require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Tentative subdivision map creating 28 residential lots ranging in size from 10 acres to 14.8 acres on a 298.19 acre site. Project will include the off-site improvement of Rattlesnake Bar Road and Pilot View Drive to a width of 20 feet from proposed Road "A" to Salmon Falls Road. Project access to the north will be via Rattlesnake Bar Road while the connection of proposed Road "A" to Pilot View Drive will provide access to the south. Lots will be served by private well and septic systems. An entry/security gate is to be installed on Road "A" at the south end of Lots 2 and 27 as shown on the approved tentative map (revised July 2010).

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.

II. MITIGATED NEGATIVE DECLARATION CONDITIONS

2. A pre-construction survey for California Horned Lizard shall be conducted not more than one hour prior to initial grading in gabbroic northern mixed chaparral. The pre-construction survey shall be conducted at a time of day when the lizard is most likely to be found (basking behavior during mid-morning), as determined by a qualified biologist, and most likely to result in detection and capture of California Horned Lizard, if present. California Horned Lizards, if found, shall be moved out of the path of construction. This mitigation measure shall be noted on the project's improvement plans.

Timing/Implementation: Prior to improvement plan approval

Enforcement/Monitoring: El Dorado County Planning Services

3. If road design uses closed-bottom culverts, such as pipes, where the road crosses channels, a Section 404 permit shall be obtained from the U.S. Army Corps of Engineers prior to grading permit issuance. If required, proof of said permit shall be provided to Planning Services prior to grading permit issuance.

Timing/Implementation: Prior to grading permit issuance

Enforcement/Monitoring: El Dorado County Planning Services

4. A 50-foot setback shall be shown on the final subdivision map from all wetlands, stockponds, and intermittent channels consistent with General Plan Policy 7.3.3.4.

Timing/Implementation: At time of final map submittal

Enforcement/Monitoring: El Dorado County Planning Services

5. If construction is scheduled to begin between February 1 and August 31, a qualified biologist shall conduct a preconstruction survey for active nests at the construction site and within 250 feet of the construction site from publicly accessible areas within 30 days prior to construction. If no active nest of a bird of prey or MBTA bird is found, then no further mitigation measures are necessary.

If an active nest of a bird of prey or MBTA is found, the biologist shall flag a minimum of 250-foot environmentally sensitive area (ESA) around the nest if the nest is of a bird of prey, and a minimum 50-foot ESA around the nest if the nest is of an MBTA bird other than a bird of prey.

The ESA shall be maintained until the nest is no longer active, that is, when the nest no longer contains eggs and young have fledged. No disturbance shall occur within the ESA until a qualified biologist determines that the nest is no longer active. This mitigation measure shall be noted on the project's improvement plans.

Timing/Implementation: Prior to improvement plan approval

Enforcement/Monitoring: El Dorado County Planning Services

III. PROJECT CONDITIONS

Planning Services

6. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
7. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified

descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).

8. Pursuant to Section 16.12.090, the project is responsible for parkland dedication of 0.2352 acres which shall be satisfied by park in lieu fees. The applicant shall submit a request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor; upon completion of appraisal, the applicant must pay the park fee, pursuant to Section 16.12.090 of the El Dorado County Subdivisions Ordinance, to the Georgetown Divide Recreation District, and shall submit the receipt to El Dorado County Planning Services with the final map application.
9. This tentative subdivision map shall expire within 36 months from date of approval unless a timely extension has been filed.
10. All fees associated with the tentative subdivision map shall be paid prior to recording the final subdivision map.
11. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,010.25 Department of Fish and Game 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.
12. 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 will cooperate fully in the defense.

13. Prior to filing the final map, the applicant shall pay the mitigation fee to meet the requirements of General Plan Policy 7.4.4.4, Option B. However, the applicant may also elect to comply with Option A, in-lieu of Option B, prior to filing the final map.
14. Prior to issuance of a grading 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 if deemed necessary prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.

Air Quality Management District

15. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:
 - Application of water on disturbed soils and unpaved roadways a minimum of three times per day
 - Using track-out prevention devices at construction site access points
 - Stabilizing construction area exit points
 - Covering haul vehicles
 - Restricting vehicle speeds on unpaved roads to 15 miles per hour
 - Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust
16. Prior to grading permit issuance, a fugitive dust plan and asbestos dust mitigation plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.
17. Burning of vegetative wastes that result from “Land Development Clearing” must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
18. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
19. The project construction will involve the application of architectural coating which shall adhere to District Rule 215, Architectural Coating.

Department of Forestry and Fire Protection (CAL FIRE)

- ~~20. A metal gate shall not be allowed at the end of Road A. Road A shall have unimpeded access and egress on both ends to provide for required emergency secondary access to subdivision prior to the filing of the final map.~~
21. A sign identifying traffic access or flow limitations, including but not limited to weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, shall be placed at the intersection preceding the traffic access limitation (Article 3. Signing and Building Numbering, Section 1274.06 of the Fire Safe Regulations) prior to final map filing.
22. A fire safe management plan, acceptable to the El Dorado County Fire Protection District and the California Department of Forestry and Fire Protection, shall be prepared and

implemented. A letter of compliance with this condition shall be submitted by the Fire District and CAL FIRE to Planning Services prior to filing the final map.

Department of Transportation

23. **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 Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map: (the requirements outlined in Table 1 are minimums)

ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH* / SHOULDER WIDTH	RIGHT OF WAY*	DESIGN SPEED	EXCEPTIONS/ NOTES
Road A (onsite)	Std Plan 101C	20 ft /1ft	50 ft	25 mph	-
Road B	Std Plan 101C	20 ft/2ft	50 ft	25 mph	-

* Road widths are measured from curb face to curb face or edge of pavement to edge of pavement if no curb (traveled way). Curb face for rolled curb and gutter is 6” from the back of the curb.

** Non-exclusive road and public utility easements included

24. **Off-site Access Improvements:** The applicant shall construct and /or verify that the off-site portion of Rattlesnake Bar Road from Road A to Salmon Falls Road, meets the requirements of El Dorado County Standard Plan 101C, to a 20-foot roadway width with 1-foot wide shoulders on each side of the roadway, as required in Section 3.A.2.c.ii, of the DISM, and Fire Safe Regulations. The applicant shall provide an exhibit to the DOT, Planning, and the Fire District that shows that Rattlesnake Bar Road complies with the DISM and Fire Safe Regulations as well as a secondary access road or acceptable alternative. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.

- ~~25. **Off-site Access Improvements:** The applicant shall construct and /or verify that the off-site portion of Pilot View Drive from Road A to Salmon Falls Road, meets the requirements of El Dorado County Standard Plan 101C, to a 20-foot roadway width with 1-foot wide shoulders on each side of the roadway, as required in Section 3.A.2.c.ii, of the DISM, and Fire Safe Regulations. The applicant shall provide an exhibit to the DOT, Planning, and the Fire District that shows that Pilot View Drive complies with the DISM and Fire Safe Regulations as well as a secondary access road or acceptable alternative. The improvements shall be completed to the satisfaction of the Department of~~

~~Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.~~

~~26. **Secondary Access:** The nearest County roadway having two means of access for this site is Salmon Falls Road. The DISM [Section 3 A. 9. & 12] states and therefore the applicant shall be required to verify and/or provide a secondary access to this site or an acceptable alternative. Both the primary and secondary off-site accesses shall meet the requirements of El Dorado County Standard Plan 101C and the 2007 CA Fire Code with a 20 foot wide roadway capable of supporting 75,000 pounds. These off site improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.~~

27. **Dead End Roads:** Pursuant to Article 2, Section 1273.09 of the SRA Fire Safe Regulations, the maximum length of a dead-end road, including all dead-end roads accessed from the dead-end road, shall not exceed the following cumulative lengths, regardless of the numbers of parcels served:

- parcels zoned for less than one acre-----800 feet
- parcels zoned for 1 acre to 4.99 acres-----1320 feet
- parcels zoned for 5 acres to 19.99 acres -----2640 feet
- parcels zoned for 20 acres or larger -----5280 feet

All lengths shall be measured from the edge of the roadway surface at the intersection beginning the road to the end of the road at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest allowable length shall apply. The lengths of all dead-end roads shall be graphically depicted and identified on the site and improvements plans prior to the filing of the map.

28. **Turnaround:** The applicant shall provide a turn around at the end of Road B to the provisions of County Standard Plan 114 or approved equivalent. Where parcels are zoned 5 acres or larger, turnouts shall be provided at a maximum of 1320 foot intervals (per Fire Safe Regs). The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.

29. **Tangents:** Pursuant to DISM Sec 3.B.6, a minimum 100-foot tangent shall be introduced between reversed curves. The County Engineer may approve a tangent of less than 100 feet on local roads provided the adjacent curves have a minimum radius of 200 feet or an acceptable alternative approved by the County Engineer. The tangent and radius lengths shall be graphically depicted on the site plans or included in a Line & Curve Table on the site plans prior to filing of the map.

30. **Roadway Slopes:** Pursuant to Design Std Plan 101C, Note 4: Roads with Average Daily Trips (ADT) of less than 601 may have slopes exceeding 12 percent not to exceed 15

percent for lengths up to 600 feet if they are paved with a minimum of 2.5" AC on 6" AB. The roadway slopes exceeding 12 percent shall be indicated as proposed to be paved on the improvement plans and/or proposed map prior to filing.

31. **Sight Distance:** (Road A and intersection with Rattlesnake Bar Road and Pilot View Drive) The sight distance from a vehicle parked at the edge of traveled way of Road A with the driver's eye no more than 15 feet from the edge of pavement, shall be a minimum of 550 feet in either direction, consistent with Caltrans AASHTO standards. Sight distance easements, if necessary, must be obtained by the applicant and included on the map prior to approval of improvement plans.
32. **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.
33. **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 feet 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.
34. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from the Proposed Road A onto Rattlesnake Bar Road and Pilot View Drive to the provisions of County Design Std 103C, or as required by the approved traffic study. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the map.
35. **~~Offer of Dedication (In Fee)~~Road Right-of-Way & Public Utility Easement:** The applicant shall irrevocably offer to dedicate a total of 30 feet of road right of way and public utility easement, along the on-site portion of Rattlesnake Bar Road, ~~in fee, as required by the General Plan~~ as determined by EDC DOT, ~~prior with to~~ prior with to the filing of the map. Slope easements shall be included as necessary. This offer will be ~~accepted~~ rejected by the County.

36. **Road & Public Utility Easements:** The applicant shall irrevocably offer to dedicate a 50-foot wide non-exclusive road and public utility easement for the on-site access roadways *as* described in the table above, on the final recorded map. Slope easements shall be included as necessary. This offer will be rejected by the County.
37. **Off-site Access Easements:** The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall be provided by and through a "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office.
38. **Road Maintenance Entity:** Prior to filing of the final map, the applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads not maintained by the County, both on-site and for those roads that are required for access to County or State maintained roads. Said maintenance shall also include the proposed entry gate located on Road "A". DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the final map.
39. **Maintenance of Pilot View Drive:** The applicant shall provide for contribution to the continuing maintenance of Pilot View Drive, which is in County Service Ares #9, Zone of Benefit #98135. The cost of the contribution shall be supported by an engineer's report subject to review and approval by the Department of Transportation prior to filing of the final map.
40. **Drainage Maintenance Entity:** Prior to filing of the final map, the applicant shall join or form a drainage zone of benefit (ZOB) or other appropriate entity to ensure that all storm water drainage facility maintenance requirements are met. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the final map.
41. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
42. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" sign as required by the Department of Transportation prior to the filing of the final map. The signing and striping shall be designed and constructed per the latest version of the California Manual Uniform Traffic Control Devices (MUTCD).
43. **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.
44. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design

Waivers) from the County Department of Transportation, and pay all applicable fees prior to filing of the final map.

45. **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 within the County right of way. 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 map.
46. **Subdivision Improvement Agreement & Security:** The developer shall enter into a Subdivision Improvement Agreement (SIA) with the Department of Transportation for all onsite roadway, drainage infrastructure, grading, etc. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the SIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the map.
47. **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.
48. **Grading Permit / Plan:** A ~~residential~~ grading permit is required for the project. The applicant shall submit ~~a site-improvement/grading plans~~ prepared by a professional civil engineer for the onsite and offsite improvements to the DOT 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 fees shall be paid at the time of submittal of improvement plans. All applicable inspection fees shall be paid prior to issuance of a permit. The improvements and grading 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 map.
49. **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.

50. **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.
51. **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, and recommended design criteria for any retaining walls.
52. **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:
- a. The site can be adequately drained;
 - b. The development of the site will not cause problems to nearby properties, particularly downstream sites;
 - c. 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 the applicant shall demonstrate that there are no downstream impacts.
 - d. 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 Department of Transportation, prior to the filing of the final map or the applicant shall obtain an approved improvement agreement with security.

53. **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.
54. **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.
55. **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.
56. **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.
57. **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 final 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.

58. **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.
59. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees at issuance of building permit.
60. ~~The applicant shall provide a 15-foot wide Georgetown Divide Recreation District trail easement for non motorized use along Road A with the filing of the map. The applicant shall provide for payment of an in-lieu fee for public trails payable to the Georgetown Divide Recreation District. Said fee shall be equivalent to the fee amount determined by using the fee in-lieu of land dedication for park land formula in accordance with County Code Section 16.12.090.~~
61. **Storm Water Drainage BMPs:** Storm drainage from on- and off-site impervious surfaces (including roads) shall be collected and routed through specially designed water quality treatment facilities (BMPs) for removal of pollutants of concern (e.g. sediment, oil, grease, etc.), as approved by DOT. This project is located within the area covered by El Dorado County's municipal storm water quality permit, pursuant to the National Pollutant Discharge Eliminated System (NPDES) Phase II program. Project related storm water discharges are subject to all applicable requirements of said permit. BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) storm water runoff in accordance with "Attachment 4" of El Dorado County's NPDES Municipal Storm Water Permit (State Water Resources Control Board NPDES General Permit No. CAS000004).

With the Improvement Plans, the applicant shall verify that the proposed BMPs are appropriate to treat the pollutants of concern from this project. A maintenance entity of these facilities shall be provided by the project applicant. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the final map.

El Dorado County Fire Protection District

- ~~6062.~~ A review fee of \$500 shall be submitted to the El Dorado County Fire Protection District (EDCFPD) prior to improvement plan approval.
- ~~6163.~~ At time of final map filing, a notice of restriction shall be recorded requiring that each future proposed residence provide an NFPA 13 D sprinkler system in compliance with the Fire Prevention Officer's Standard "Water Supplies Residential without a Purveyor" to the satisfaction of the EDCFPD.

Environmental Management Department

- ~~6264.~~ Prior to final map filing, each lot shall have an adequate water supply from individual wells as determined by the Environmental Management Department.
- ~~6365.~~ The following statement shall be recorded on the final map:

Water testing conducted on the test wells in the proposed subdivision indicate that some of the wells exceed the maximum contaminant level (MCL) or "Consumer Acceptance Level" for secondary standards, specifically iron and manganese. The California Department of Health Services and the Environmental Protection Agency have designated secondary standards as non-enforceable guidelines for taste, odor, and staining issues; and do not consider secondary standards to be a health risk to consumers. Consumers may want to install a treatment system to remove any constituents that exceed the MCL.

- ~~6466.~~ If any commercial, industrial, agricultural, mining or any other hazardous materials handling activities have taken place on the property in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA) prior to filing the final map. The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a workplan and conduct a Phase II ESA and any required site remediation activities prior to developing property.

Surveyor's Office

- ~~6567.~~ 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.

6668. The roads serving the development shall be named by filing a completed road name petition with the County Surveyor's Office. Proof of any signage required by the Surveyor's Office must be provided to the Surveyor's Office prior to filing the final map.

Planning Commission

69. The entry gate located on Road "A" at the south end of Lots 2 and 27 shall be subject to the review and approval of the El Dorado County Fire Protection District and CalFire. The plans for the entry gate shall be approved by the Fire District and CalFire prior to filing of the final map and/or issuance of a building permit.