

## **ATTACHMENT B**

### **CONDITIONS/STATUS OF CONDITIONS**

**TM99-1359** – As approved by the Planning Commission on January 22, 2004.

#### **I. STANDARD SUBDIVISION REQUIREMENTS OF LAW**

1. The developer shall obtain approval of construction drawings and project improvement plans consistent with the Subdivision Design and Improvement Standards Manual and cost estimates from the County Department of Transportation and pay all applicable fees prior to commencement of any improvements on public streets and service facilities. All improvements shall be consistent with the approved tentative map.

*The approval of the West Valley Village Unit 7B Improvement Plans by the Department of Transportation (DOT) on May 23, 2006 substantiates compliance with this condition.*

2. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance.

*The Subdivision Improvement Agreement and accompanying bonds have been reviewed and approved by the Department of Transportation.*

3. 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.

*All easements necessary for utility, roads and drainage are depicted on the Final Map.*

4. The construction of all required improvements shall be completed with the presentation of the final map to the Planning Director before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation.

*A Performance bond and Laborer and Materialsmen Bond have been reviewed and approved by DOT.*

5. All survey monuments shall be set prior to the presentation of the final map to the Board of Supervisors for approval; or the developer shall have a surety of work to be done by bond or cash deposit. Verification of set monuments, work completed, or work to be completed, and cost of completion is to be determined by the County Surveyor.

*The Monument Bond has been provided to the County Surveyor by the applicant, thereby substantiating this condition.*

6. All roads shall be named by filing a completed road naming petition for each proposed road with the county Surveyor's office prior to filing the final map.

*A Road Name Petition has been reviewed and approved by the County Surveyor's Office on June 16, 2005.*

7. The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible fire protection district. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the fire protection district.

*The approval of the West Valley Village Unit 7B Improvement Plans by the El Dorado Hills Fire Protection District substantiates compliance with this condition.*

8. If blasting activities are to occur in conjunction with subdivision improvements, the subdivider shall ensure that such blasting activities are conducted in compliance with state and local regulations.

*This condition is reflected as Note 31 on the DOT approved Improvement Plans for Unit 7B.*

9. If burning activities are to occur during the construction of the subdivision improvements, the subdivider shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.

*This condition is reflected as Note 32 on the DOT approved Improvement Plan for Unit 7B.*

10. Prior to filing a final map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493 (d).

*The Final Map has been approved and signed by the Tax Collector certifying payment of liens.*

11. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of

the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Department shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by the County Planning Director.

*This condition is reflected as Note 17 on the DOT approved Improvement Plans for Unit 7B.*

## **II. PROJECT SPECIFIC CONDITIONS**

The following are conditions specific to the West Valley Village Tentative Map, consistent with the goals and policies set forth in the Valley View Specific Plan.

### **Roads**

12. Pursuant to Resolution No. 039-2003, this project is subject to the ***El Dorado Hills/Salmon Falls Area Road Impact Fee***. Said fee shall be due upon the issuance of a building permit. If prior to the issuance of each building permit for said project a revised fee is established and in effect, such revised amount shall be paid.

*Compliance with this condition shall be verified during the building permit process.*

13. Pursuant to Resolution No. 038-2003, this project is subject to the El Dorado Hills Transportation Impact Mitigation Fee for State System Capacity and Interchanges. Said fee shall be due upon the issuance of a building permit. If prior to the issuance of each building permit for said project a revised fee is established and in effect, such revised amount shall be paid.

*Compliance with this condition shall be verified during the building permit process.*

14. Pursuant to Resolution No. 236-2003, this project is subject to the Interim Highway 50 Variable Traffic Impact Fee Program. Said fee shall be due upon the issuance of a building permit. If prior to the issuance of each building permit for said project a revised fee is established and in effect, such revised amount shall be paid.

*Compliance with this condition shall be verified during the building permit process.*

15. The encroachment onto Latrobe Road, at the entrance parkway, shall be constructed to El Dorado County Standard Plan 103F, or an alternative design approved by the County Engineer, including signalization consistent with the Crain Traffic Study recommendations.

*Compliance with this condition has been verified with the approval of the Collector Road Plans on January 31, 2006.*

16. The encroachment onto Latrobe Road, at the minor collector, shall be constructed to El Dorado County Standard Plan 103E, or alternative design approved by the County Engineer.

*Compliance with this condition has been verified with the approval of the Collector Road Plans on January 31, 2006.*

17. Turnarounds shall be constructed at any proposed entry gates within this subdivision and are subject to the review and approval by the Department of Transportation at the improvement plan stage.

*The approval of the West Valley Village Unit 7B Improvement Plans by the Department of Transportation (DOT) on May 23, 2006 substantiates compliance with this condition.*

18. A vehicular access restriction shall be designated along the frontage of Latrobe Road for the frontage of the project except at the encroachments at the roads designated entrance parkway and minor collector and the connection shown from Latrobe Road directly into Unit 2.

*This condition does not apply to West Valley Village Unit 7B.*

19. 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.

*The approval of the West Valley Village Unit 7B Improvement Plans by the Department of Transportation (DOT) on May 15, 2006 substantiates compliance with this condition.*

20. All roads shall be constructed in conformance with the Design and Improvements Standards Manual with the following widths:

ROAD NAME	REFERENCE	ROAD WIDTH	EXCEPTIONS/NOTES
Project Entrance Parkway	Spec. Plan & Std Plan 101B	80 ft. (128' R/W), plus utility/slope easements	Type 2 vertical curb & gutter, with 6 ft. sidewalks
Project Major Collectors	Spec. Plan & Std Plan 101B	56 ft. (64', 76-86' R/W), plus utility/ slope easements and 20-foot landscape lot.	Type 2 vertical curb & gutter, with 6 ft. sidewalks
Project Minor Collectors	Spec. Plan & Std Plan 101B	36 ft. (56' R/W), plus utility/slope easements	Type 2 vertical curb & gutter, with 6 ft. sidewalks
Project Local Streets	Spec. Plan & Std Plan 101B	28 ft. (46' R/W), plus utility/slope easements	Type 1 rolled curb & gutter* with 4 ft. sidewalks

ROAD NAME	REFERENCE	ROAD WIDTH	EXCEPTIONS/NOTES
Project Cul-de-sacs	Spec. Plan & Std Plans 101B & 114	28 ft. (46' R/W), plus utility/slope easements	Type 1 rolled curb & gutter with no sidewalks

\*Type 2 vertical curb & gutter adjacent to park site and open space. Sidewalk shall be constructed on both sides of the street in SFR and CR as shown. In Units 3, 5, 7 and 8 (ER), sidewalks shall be constructed on one side of the street, and shall be omitted in cul-de-sacs. Curbs shall be Type-2 vertical curb and gutter if sidewalks are less than 4 feet to back of curb.

Road widths in the preceding table are measured from curb face to curb face. Right of way lines will be at the back of curb as a minimum. Where the right-of-way line is within 5 feet of the back of the curb, a maintenance easement shall be provided for the land between the right-of-way line and a line 5 feet behind the back of the curb.

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

*The approval of the West Valley Village Unit 7B Improvement Plans by the Department of Transportation (DOT) on May 23, 2006 substantiates compliance with this condition.*

21. Pursuant to the agreed design, an irrevocable offer of dedication, in fee, shall be made for the on-site portions of Latrobe Road, with slope easements where necessary. If the future El Dorado Hills/Salmon Falls Road Improvement Fee (RIF) program includes right-of-way acquisition costs, then credit/reimbursement shall be given against RIF for the value of land so dedicated.

*The legal descriptions, plats and IOD's for the Latrobe Right-of-Way have been recorded on December 8, 2006.*

22. An irrevocable offer of dedication, in fee, for the required rights-of-way (R/W) as indicated in the above table shall be made for all the proposed roads, with slope easements where necessary. Said offer may be accepted at the time of the final map, in which case a Zone of Benefit (ZOB), or other entity, shall be established in order to provide for the long-term maintenance of the roads. Said offer may be rejected at the time of the final map, in which case, a homeowners' agreement and association, or other entity, shall be established in order to provide for the long-term maintenance of the roads.

*An IOD for major collector roads has been filed with the recordation of the West Valley Zone of Benefit on July 21, 2006. A Homeowner' Association (HOA) has been established for the long-term maintenance of the roadways in this unit.*

23. Bus turnouts and shelters shall be constructed at locations required by El Dorado Transit and the appropriate school district.

*Bus turnouts and shelters shall be constructed in coordination with the El Dorado Transit District.*

24. A secondary access road, providing permanent or temporary looped circulation for each phase of development, shall be constructed prior to the first building permit being issued for any residential structure except where the issuance of building permits is for model homes, which shall be unoccupied. Such looped circulation shall be subject to the approval of, or may be modified by, the El Dorado Hills Fire District, and shall be in conformance with the approved West Valley Wildfire Safety Plan.

*The approval of the West Valley Village Unit 7B Improvement Plans by the Department of Transportation and El Dorado Hills Fire Protection District substantiates compliance with this condition. Issuance of residential permits shall be subject to conformance with this condition.*

25. The applicant shall provide funding for each of the road improvements listed in this condition together with submittal, after review and approval by the Department of Transportation, to the County of a complete package consisting of bid-ready documents for the County's use in advertising for construction bids and awarding a construction contract for each public improvement. The applicant shall contract for the design and engineering of the identified improvements and shall secure any additional right-of-way, regulatory permits and utility relocation provisions necessary for each public improvement and provide evidence of same as part of the complete package of bid-ready documents. All improvements shall be designed to County standards, which include paved shoulders.

Such funding shall be through a Community Facilities District (CFD) or other financing mechanism acceptable to the County and shall be in place prior to the approval of a small lot final map, or at such time as indicated below. Large lot final maps will be allowed as may be needed for the formation of the CFD and financing purposes.

For the purposes of this condition of approval the term "funding the construction" shall include the entire cost of the identified improvement(s) including design, engineering, environmental clearances, necessary permits, necessary right-of-way acquisition, surveying and construction, as determined by current engineer's estimates.

Once the complete package for each improvement is provided to the County this condition with respect to such improvement shall be deemed satisfied and the County shall thereafter take full responsibility for causing the construction of the improvement. In imposing these conditions the County is cognizant of the fact that in order to accomplish the construction of the identified improvements in a timely manner, significant cooperation will be necessary between the County and the applicant. To that end, and in recognition of the significant commitment on the part of the applicant herein, the County will fully cooperate in the processing and in the review of improvement plans, in obtaining necessary rights of way through eminent domain if good faith efforts by the applicant to obtain necessary right-of-way are unsuccessful, and otherwise committing the time and resources necessary to accomplish the tasks in a timely manner.

The improvements specified in this condition of approval, subject to the review and approval of the County Engineer, may be eligible for reimbursements and/or credits against the *El Dorado Hills/Salmon Falls Area Road Impact Fee* (R.I.F.), the *Transportation Impact Fee* (T.I.M) for the State System's Capacity and Interchanges-El Dorado Hills/Salmon Falls Area and the *Interim Highway 50 Variable Traffic Impact Mitigation Fee* programs. The reimbursement agreement will reflect that these improvements are high priority improvements being funded by the applicant while recognizing that funding for additional high priority improvements still needs to be accrued. As such, the reimbursement agreement will reflect the equal need for reimbursement and accrual of RIF revenues.

The applicant and County shall enter into a credit/reimbursement agreement, consistent with any Board of Supervisors' adopted reimbursement policies in effect at the time the agreement is executed, prior to the recording of a small lot final map.

- a) Prior to the approval of the first small lot final map, the applicant shall provide funding and bid-ready package as described above for widening and restriping of Latrobe Road between US Highway 50 south to White Rock Road, to provide for three through lanes in the northbound and southbound directions between the interchange and White Rock Road. In addition, the applicant shall provide funding and bid-ready package as described above for Intersection improvements at Latrobe Road and White Rock Road to provide additional lanes as follows providing for a right turn and two through lanes on northbound approach, a left turn lane and a through lane on westbound approach, realign the eastbound approach and add a right turn lane and a left turn lane and a through lane on eastbound approach, a right turn lane on southbound approach, a northbound through lane from White Rock Road to Town Center Boulevard connecting to the right turn lane at Town Center Boulevard, and reconstruct signal at Latrobe Road and White Rock Road to eight phases.
- b) Prior to the approval of the first small lot final map, the applicant shall provide funding and bid-ready package as described above for the widening of Latrobe Road to four lanes from its intersection with Golden Foothill Parkway (south) to Suncast Lane together with signalized intersection improvements at Latrobe Road/Golden Foothill Parkway (south). In addition, the applicant shall provide the funding and bid-ready package for the installation of intersection improvements at Latrobe Road/Golden Foothill Parkway (south). The Entrance Parkway into West Valley Village shall provide for one left/through shared lane and one right-turn-only lane in this westbound direction. The existing Golden Foothill Parkway (south) shall be restriped to provide one left-turn and one through/right shared lane in the eastbound direction. Latrobe Road in the northbound direction will not change leaving the existing single lane configuration. Latrobe Road in the southbound direction will provide one left-turn-only lane and one right/through lane at this intersection.
- c) Prior to the approval of the first small lot final map, but in no case later than a time sufficient for the County to solicit bids for the construction of the improvements commencing in summer 2004, the applicant shall pay to the

County the estimated cost of reconfiguring/reconstruction of the following elements of the El Dorado Hills/Latrobe interchange. Such payment shall be considered an advance payment for the purposes of reimbursement from the CFD. No building permits may be issued for any lots in the Tentative Map prior January 31, 2005, unless the Board of Supervisors has authorized the advertisement for construction bids for the following elements.

1. Providing dual right turn lanes onto the westbound on ramp in the southbound direction on El Dorado Hills Boulevard consisting of a right turn lane onto the on ramp and a shared through/right turn lane southbound;
2. Construction of a sound wall adjacent to the town homes and residential properties along the realigned Saratoga Way.
3. Construct the realigned Saratoga Way to its new intersection with El Dorado Hills Boulevard at Park Avenue, consistent with approved interchange project report and Environmental Impact Report.
4. Construction of a third southbound travel lane on El Dorado Hills Boulevard from Park Avenue to the Highway 50 westbound on-ramp.
5. Construction of the El Dorado Hills Blvd Interchange Enhancement Improvements as identified below subject to final approval by Caltrans:
  - I. Widening/restriping the westbound off ramp to provide for a right turn lane onto El Dorado Hills Blvd. in the northbound direction, a left turn lane onto Latrobe Road in the southbound direction and shared through/left/right turn lane;
  - II. Widening/restriping the westbound on ramp for two lanes with a merge into one lane, which shall be extended 500 feet, prior to entering the highway;
  - III. Providing dual left turn lanes northbound on Latrobe Road onto the westbound on ramp;
  - IV. Additional northbound through lane on Latrobe Road between the eastbound onramp and the existing Saratoga Way intersection together with any necessary facilities to accommodate pedestrian and bicycle traffic along the east side of Latrobe Road at this location.

Conditions a) and b) above shall be satisfied upon payment of the funds and delivery of bid-ready package as provided herein and the County shall be responsible for completion of the improvements.

Condition c) above shall be satisfied upon payment of the funds in a time sufficient for the County to solicit bids for the construction of the improvements commencing in summer 2004, and the County shall be responsible for completion of the improvements. The County will be responsible for obtaining the necessary right of way to complete the condition c) improvements. The County has collected funds and will continue collecting funds from the RIF for these improvements. The Applicant shall pay the difference between the funds allocated in the RIF program to this project, at the time of advertisement soliciting bids for the construction contract, and the total engineer's



estimated amount of the project, with an additional funding contribution from the applicant, if necessary, to cover any shortfall between the total engineer's estimated amount of the project and the actual bid amount at time of award of contract plus an amount for contingencies not to exceed 10 percent of the contract amount. The applicant and County shall enter into a credit/reimbursement agreement, consistent with any Board of Supervisors' adopted reimbursement policies in effect at the time the agreement is executed, prior to the recording of a small lot final map. No building permits shall be issued within the tentative map area until the project is bid-ready approved and the applicant has made the funding contribution or until January 31, 2005, and the applicant has made the funding contribution, which ever occurs first.

*The required submittal for off-site roadway improvements identified in the condition has been provided, reviewed and approved by DOT.*

26. The applicant shall fund the Silva Valley Parkway interchange in the manner set forth below.

The applicant shall, immediately upon recording of the first small lot final map, begin the design, engineering and processing necessary with County Department of Transportation and Caltrans to achieve all necessary approvals for bidding the contract for construction of the improvements described below, as conceptually depicted in the Supplemental Traffic Analysis for the West Valley TM99-1359 of the Valley View Specific Plan, December, 2003, or as subsequently modified through the project approval process with the County, Caltrans, or other regulatory agencies, except to the extent the work and improvements are completed by third parties. As a method of measuring progress, the following scheduling milestones are provided herein and are considered non-binding target milestones and, further, the applicant shall submit the engineering design contract and other consulting contracts for the Silva Valley Parkway interchange, which shall contain schedules for completion, to the County for review and approval prior to the applicant executing said contracts: preliminary design, preliminary right-of-way mapping and a circulation ready draft environmental document shall be completed by the applicant upon the issuance of the 200<sup>th</sup> building permit within the tentative map, final approved design, final approved right-of-way mapping and a final environmental document shall be completed before the issuance of the 400<sup>th</sup> building permit, right-of-way certification and necessary regulatory permits shall be obtained by the applicant by the issuance of the 700<sup>th</sup> building permit. A complete package shall include all necessary Caltrans' permits and all other necessary regulatory permits for constructing the improvement. Once the complete package for the improvement is provided to the County by the applicant, this condition with respect to such improvement shall be deemed satisfied and the County shall thereafter take full responsibility for causing the construction of the improvement.

- 1) Improvements including the extension of a minimum of two lanes beginning at Silva Valley Parkway from the existing four lane improvements located adjacent to the School site to a connection with the existing White Rock Road, together with the construction of the bridge abutments for the new Parkway overpass. The applicant shall provide the funding for the construction of the north and south bridge abutments. The roadway improvements are the obligation of a third party and should be constructed, or under construction, prior to the funding obligation

contained herein. However, if such roadway improvements are not substantially completed, as determined by the Department of Transportation, the applicant shall secure the funding for the roadway improvements, subject to reimbursement. In addition, the project includes the construction of auxiliary lanes eastbound from the El Dorado Hills Boulevard interchange on-ramp to the planned Silva Valley Parkway Interchange off ramp, west bound from the Silva Valley interchange west bound on ramp to the El Dorado Hills interchange westbound off ramp, and east bound from the Silva Valley Parkway Interchange on ramp to the Bass Lake truck climbing lanes. No improvement to the existing bridge crossing at White Rock Road shall be required for this improvement.

- 2) Improvements including all four on and off ramps from US Highway 50 both in the eastbound and westbound directions, including traffic signals as warranted at the interchange.

The County shall appropriate the entire balance of the Silva Valley Parkway Interchange set-aside account fund, for payment of the cost of the improvements at such time as a contract is awarded for the construction of such improvements less any prior reimbursements to County, Serrano Associates, LLC, or other third parties for Silva Valley Interchange related facilities constructed by these parties prior to the award of the construction contract under this condition of approval. The applicant shall fund the difference in cost for the construction of the improvement and the amount that has been collected in the set-aside account at such time as the County is prepared to put the project contract out to bid. The applicant's contribution of funding improvements once made shall be creditable/ reimbursable against the Silva Valley Parkway Interchange set-aside amount in the following manner: (1) the applicant shall be entitled to a credit/reimbursement of the 30 percent of the prevailing RIF Fee which would otherwise be paid by the applicant into the Silva Valley Parkway Interchange set-aside fund; (2) reimbursement from revenues into the Silva Valley Parkway Interchange set-aside fund from other sources until such time as the applicant has been fully reimbursed for the construction costs, subject to additional set-aside that might be necessary to construct the final phased improvement; and (3) any other applicable fee. The preceding points shall be incorporated into a credit/reimbursement agreement between the applicant and the County, consistent with Board of Supervisors' adopted reimbursement policies. The agreement shall be entered into prior to the recording of the first final map.

*The applicant has initiated the required plans and improvements for the future Silva Valley Interchange with coordination and to the satisfaction of the Department of Transportation.*

27. Prior to the approval of the first small lot final map, the applicant shall initiate a planning study and prepare preliminary designs for alternative connections between Latrobe Road south of White Rock Road and US Highway 50 west of the El Dorado Hills Blvd. interchange; this study shall be complete within three years of initiation of the study. The applicant's responsibility shall be limited to supplying, in consultation with County staff, topographic information, plans and profiles and baseline environmental assessment information for the County's use for future actions. Reimbursement shall be provided if

the connection is included in the RIF, consistent with any Board of Supervisors' adopted reimbursement policies in effect at the time an agreement is executed.

*The subdivider has provided the necessary studies and preliminary designs for the alternative connections between Latrobe Road and White Rock Road for review by the Department of Transportation.*

28. The County, City of Folsom and Caltrans are engaged in preliminary project planning which includes an auxiliary lane on US Highway 50 from westbound on ramp at the El Dorado Hills Boulevard interchange to the County line. At such time as the County, City of Folsom or Caltrans is prepared to solicit bids for the construction of this auxiliary lane, the applicant shall pay the balance of the funds needed by the County to complete the County's portion of this auxiliary lane construction. The applicant's obligation pursuant to this condition will be limited to paying the difference between the cost of construction less the total fees paid from within the tentative map area into the County's fee program for Highway 50 improvements. The obligation hereunder shall also be reduced by the receipt by the County or Caltrans of any other funds from outside sources, i.e. federal funds or grant money. Any funds advanced by the applicant shall be reimbursed or credited against future fees in accordance with a reimbursement agreement with the County consistent with any Board of Supervisors' adopted reimbursement policies in effect at the time the agreement is executed.

*Compliance with this condition shall be verified during the building permit process.*

29. It is anticipated as part of the current General Plan update process that a comprehensive update of the County's various impact fee programs will be completed. This update may substantially alter the existing impact fee programs. The developer shall be responsible to pay fees associated with all impact fee programs in effect at the time building permits are issued.

*Compliance with this condition shall be verified during the building permit process.*

30. When specified in conditions of approval, the subdivider is required to perform off-site improvements, and 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.

Where the subdivider is required to make improvements on land which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map or parcel map, the subdivider shall submit to the County for approval:

- a. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements.

- b. Improvement plans prepared by a civil engineer of the required off-site improvements.
- c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

Prior to the filing of the final map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required off-site 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 an amount sufficient to pay such costs including legal costs subject to the approval of the County.

*The required agreement has been received and reviewed by the Department of Transportation.*

### **Drainage**

- 31. Prior to the filing of a final map, the applicant shall construct and/or bond to ensure the construction of all drainage facilities as described in the Preliminary Engineering Report for West Valley View Specific Plan Master Drainage Study, dated September 28, 1999.

*The approval of the West Valley Village Unit 7B Improvement Plans and Master Drainage Plans by the Department of Transportation (DOT) substantiates compliance with this condition.*

- 32. A final drainage plan shall be prepared in accordance with the County of El Dorado Drainage Manual, subject to review and approval by the Department of Transportation. Drainage facilities shall be designed and shown on the project improvement plans consistent with the final drainage plan. The developer shall install said drainage facilities with the respective phase of construction, or as specified in the final drainage plan.

*The approval of the Drainage Study for West Valley Village Unit 7B and the Comprehensive Drainage Report for West Valley Village substantiates compliance with this condition.*

- 33. Cross lot drainage shall be avoided wherever possible. When cross lot drainage does occur, it shall be contained within dedicated drainage easements. 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.

*All easements are shown on the Final Map for Unit 7B. Approval of the Improvement Plans for this unit substantiates compliance with this condition.*

- 34. The subdivider shall be required to form a County Service Area Zone of Benefit (ZOB) or other financial mechanism acceptable to the County to fund the drainage facility

maintenance and improvement services. The funding mechanism for these services must be established prior to approval of the final map and shall include a provision for future increased funding requirements. It is recommended that a special tax with an escalator clause be used as the funding mechanism.

*A Zone of Benefit for West Valley Village has been formed and recorded with the El Dorado County Recorder on July 21, 2006.*

35. The final map shall show all drainage easements consistent with the County of El Dorado Drainage Manual, the project final drainage plan, and the project improvement plans.

*All easements are depicted on the Final Map for Unit 7B.*

### **Grading**

36. This project is proposing mass pad grading. Section 15.14.460 of the County of El Dorado Grading, Erosion and Sedimentation Ordinance (Amended Ordinance No. 4170, 8/20/91) states that a mass pad grading project application shall be transmitted for comment to the supervisor of the district where the project is located, prior to the issuance. The district supervisor will be allowed 15 calendar days to respond, before the grading permit is issued.

*Rough grading plans, as approved by DOT, were submitted to District 2 Supervisor, Helen Baumann, on February 1, 2005 for review.*

37. All grading plans shall be prepared and submitted to the 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 Soil Conservation Service, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. No building permit shall be issued by the County until final grading plans and erosion control plans are approved by the Department of Transportation and the grading is completed.

*DOT has approved the Rough Grading Plans for this unit. The grading plan was submitted to RCD on March 3, 2005.*

38. The timing of construction and method of revegetation shall be coordinated by the El Dorado County Resource Conservation District. If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the Soil Conservation Service for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.

*DOT has approved the Rough Grading Plans for this unit. The grading plan was submitted to RCD on March 3, 2005.*

39. Improvement plans shall incorporate protective measures toward existing oak trees per Volume IV, Design and Improvement Standards Manual, Oak Tree and Wetlands Preservation Requirements and Specifications (County Resolution No. 199-91).

*Protective measures towards existing oak trees are shown on the DOT approved Rough Plans.*

40. Erosion control and drainage design from residential areas into the open space areas shall employ natural appearing methods. The use of native plant materials is required where revegetation is proposed.

*The approved Rough Grading, Improvement and Landscape Plans incorporate these natural appearing methods as part of erosion control and drainage design.*

41. Should asbestos-containing rock be exposed during grading, construction of roads, excavation for underground facilities, building foundations, or any construction related activity, County Ordinance No. 4569 shall apply.

*Asbestos related measures are noted in the DOT approved Improvement Plans for Unit 7B.*

### **Planning**

42. A meter award letter or similar commitment to provide water and sewer service to each lot by the El Dorado Irrigation District shall be submitted to the Planning Department prior to final map application submittal.

*The EID Meter award letter for a maximum of 61 residential lots has been provided with this Final Map application.*

43. A Notice of Restriction shall be recorded on Lots V, W, and X with the recording of the Phase O large lot map for West Valley Village, which states the following:

On lot V, development shall be limited to non-residential only, with a square footage limitation of 60,000 square feet. Similarly, on Lots W and X, development shall be limited to non-residential only, with a square footage limitation 60,000 square feet for Lot W and 60,000 square feet for Lot X, or a combination of 120,000 square feet between the two Lots. Any development beyond those limitations which is consistent with the Valley View Specific Plan, which includes residential, multi-family, commercial, office and mixed use, shall require an additional or supplemental traffic study meeting the requirements of the Valley View Specific Plan's EIR Mitigation Measure T-16 as adopted by the Board of Supervisors.

*A Notice of Restriction has been placed on the Large Lot Final Map for West Valley Village.*

44. The developer shall submit a lotting envelope plan to the Planning Department for all lots within the ER land use designation flagged as non-graded lots on the preliminary grading plan demonstrating that every effort has been made to customize the building envelope on the lot with the expressed intention of saving the existing oaks on said lot. This lotting plan shall be submitted prior to issuance of a grading permit and/or prior to submittal of a final map package that includes the affected parcels, to the Planning Department. These building envelopes shall be recorded on the final map.

*This condition has been superseded by Planning Condition No. 6 approved under the TM99-1359R (see below) and is no longer applicable.*

45. In order to maintain adequate building separation while maintaining flexibility to allow for innovative designs, setback in the CR area for Village 18 of West Valley Village shall be as follows: Front yard: 20 feet; Side yard: 5 feet; and Rear yard: 15 feet.

In the alternative, if more innovative designs are proposed for the currently proposed lotting pattern that still maintains a single family detached concept, the developer shall, prior to submittal of the improvement plans, submit for review and approval at staff level Specific Plan Review that outlines what is proposed and establishes setbacks based on the proposed design concept. Since these are small lots, the proposal shall include how these building envelopes relate to one another.

In the event the developer decides to change the existing lotting pattern with the intent of developing production housing projects such as townhouse, half-plex or other common-wall, attached single family projects, zero lot line or Z lot parcels, or airspace condominiums, a major revision to the approved tentative map shall be submitted and the application for a revision shall include the exhibits as set forth on page 37 of the Valley View Specific Plan.

*This condition does not apply to West Valley Village Unit 7B.*

46. A Master Homeowners' Associate (HOA) shall be formed for the purpose of maintaining community facilities including private parks and developed landscape areas within Valley View.

*A Home Owner's Association, containing CC&R's, Articles of Incorporation and Bylaws, has been established.*

47. CC&Rs recorded on all Valley View areas shall provide that the maintenance and reporting requirements of the Operations and Management Plan shall be vested with the HOA or appropriate Community Services District as specified in the Operations and Management Plan.

*Condition, Covenants and Restrictions (CC&R) have been established for the West Valley View. This document specifies maintenance and reporting provisions of the Operations and Management Plan.*

48. A Landscape and Lighting District shall be formed to provide a backup funding source for implementation of the Operations and Management Plan as well as street lighting, landscaping, parks and trails in case the Community Services District, through agreement with the developer/landowner, elects to provide maintenance services in accordance with the Operations and Management Plan.

*The formation of the Home Owner's Association for the West Valley Village substantiates compliance with this condition.*

49. Prior to the recordation of a final map in West Valley Village, the CC&Rs shall be submitted to the Planning Director to ensure that: the responsibilities for drainage maintenance are specified; that procedures and responsibilities for site plan and architectural review in compliance with the requirements of the Design Guidelines of the Valley View Specific Plan are provided; and that the CC&Rs contain other provisions as specified by conditions of this map.

*Planning Services staff has verified drainage maintenance responsibilities and architectural review procedures and other applicable items in the CC&R's.*

50. The CC&Rs shall contain provisions for the establishment of an architectural review committee. The purpose of this committee is to ensure that the Architectural Design Guidelines for single family development within the Specific Plan text are administered in conformance with the Specific Plan. The Architectural Design Guidelines shall provide the minimum basis for review.

*Planning Services staff has verified architectural review procedures contained in the CC&R's.*

51. The subdivider shall obtain a will serve letter from the franchise refuse hauler, El Dorado Disposal Com., Inc.

*The subdivider has secured a Will Serve Letter issued by El Dorado Disposal Waste Management on July 12, 2006, thereby substantiating compliance with this condition.*

52. All lots shall conform to the lot geometry set forth for each land use designation in the Specific Plan. Any lots that do not conform shall be changed prior to final map approval.

*As verified, lots within Unit 7B conform to the lot configuration requirements identified in the Valley View Specific Plan.*

### **Fire District**

53. The potable water system for the purpose of fire protection for this residential development shall provide a minimum fire flow of 1,000 GPM with a minimum residual pressure of 20 psi for two-hour duration. This requirement is based upon a wood framed residential dwelling that does not exceed 3,600 square feet. Any dwelling exceeding 3,600 square feet may/will cause an increase in the fire flow requirement. 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 the system shall be supplied to the Fire Department for review and approval.

*The Improvement Plans, as approved by the El Dorado Hills Fire Protection District contains the required district provisions detailing the necessary fire facilities and construction related measures to serve the subsequent residential development within this unit. This substantiates compliance with the condition.*

54. This development shall install Mueller Dry Barrel fire hydrants conforming 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. In addition, no exterior portion of any building shall be more than 250 feet from a hydrant as specified in the uniform fire code and the fire Department Fire Safe Regulations.

*The Improvement Plans, as approved by the El Dorado Hills Fire Protection District contains the required district provisions detailing the necessary fire facilities and construction related measures to serve the subsequent residential development within this unit. This substantiates compliance with the condition.*

55. To enhance the night-time 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 the Fire Safe Regulations.

*The Improvement Plans, as approved by the El Dorado Hills Fire Protection District on contains the required district provisions detailing the necessary fire facilities and construction related measures to serve the subsequent residential development within this unit. This substantiates compliance with the condition.*

56. Each village shall have a supplemental wildfire safety plan prepared as required by Valley View Specific Plan's Wildfire Safety Plan.

*The subdivider has provided a supplemental wildfire safety plan approved by the El Dorado Hills Fire Protection District on August 10, 2006.*

57. Each village/unit shall provide 20-foot-wide access points to the wild land open space.

*As applicable, the required access point(s) to the open space are depicted on the DOT and El Dorado Hills Fire Protection District approved Improvement Plans for Unit 7B.*

58. This development shall be provided with a minimum of two independent access roadways during the construction of any phase of the project as required by County Design Standards.

*As reflected in the approved Improvement Plans, a minimum of two independent accesses will be utilized during construction of this unit.*

59. If phasing of this development creates any dead-end access roadways in excess of 150 feet, the roadway shall be provided with a turnaround in accordance with fire department standards.

*The approved Improvement Plans contain provisions for turnaround in accordance to fire department standards during the construction phase of this unit.*

60. The dead-end roadways in Unit 5, sub-unit 5; Unit 6, sub-Unit 2; and Unit 7, sub-Unit 2, exceed County requirements. The minimum width of these streets as required by the County Design Standards is 36 feet of paved surface or 28 feet of paved surface with parking bays. These streets shall conform to the satisfaction of the fire district and Department of Transportation.

*The approved Improvement Plans include a Street Exhibit depicting the appropriate street widths for this unit.*

### **VALLEY VIEW SPECIFIC PLAN CONDITIONS**

The following are applicable conditions of approval from the Valley View Specific Plan document.

61. A Class I bicycle and pedestrian trail shall be constructed along the portion of Latrobe Road adjacent to the project site consistent with El Dorado County and El Dorado Hills Community Services District standards. If bike paths are included in the RIF program, the applicant shall be eligible for reimbursement or credits.

*The preliminary construction plans for the Class I bicycle and pedestrian trail has been submitted to DOT for review. The plans shall be reviewed further by and to the satisfaction of the Department of Transportation, Planning Services, and El Dorado Hills Community Services District (CSD).*

62. Consistent with Chapter 10 of the Specific Plan, prior to issuance of building permits for any multi-family residential, attached single family residential, commercial or professional office development proposed within any land use classification in the Valley View Specific Plan, a Specific Plan Design Clearance shall first be obtained from the El Dorado County Planning Director or his designated representative. Said Design Clearance shall be ministerial in nature and shall consist of a finding that the proposed development is in conformance with the Valley View Specific Plan and applicable design standards established by the Specific Plan. Where no specific design standard exists, the proposal shall be subject to the provisions of Chapter 17 of the El Dorado County Code (Zoning Ordinance).

An application for a Specific Plan Design Clearance shall consist of the following:

- a. A site plan depicting all proposed structures and improvements.
- b. Proposed building elevations.
- c. A preliminary landscape plan showing the locations of all existing trees, existing trees proposed for removal, and all proposed new landscaping including replacement oak trees. The landscape plan shall include all measures to be undertaken to protect native trees which are proposed to remain on the site.

- d. A preliminary grading plan.
- e. A proposed sign package showing the location and typical size, materials, colors and configuration of all proposed signs.
- f. A fee, consistent with that established for the administration of design review by the Planning Director.

*This condition does not apply to Unit 7B, which anticipates the construction 61-unit residential development.*

63. Trenches greater than five feet in depth shall be shored, sloped back at a 1:1 (horizontal to vertical) slope angle or reviewed for stability by the County's geotechnical engineer in accordance with the Occupational Safety and Health Administration (OSHA) regulations (described in 29 CFR 1926.650 to 1926.653) if personnel are to enter the excavations. Require trench excavations to conform with local ordinances. Monitor shearing and high groundwater associated with the Bear Mountains fault during trench construction and require additional shoring and/or de-watering as necessary.

*Details of this condition have been depicted and, therefore accomplished, in the DOT approved Improvement and Grading Plans.*

64. Prior to final map approval, each lot potentially affected by the proximity to the Bear Mountain Fault, pursuant to the geologic mapping locating said Fault on the West Valley Village site, shall have a disclosure informing all potential home buyers of the potential seismic risk associated with the Foothills Fault System.

*A copy of the required disclosures, depicting the above provisions, have been provided and reviewed by staff. Future residents of the development shall be provided a copy of the disclosure.*

65. Pursuant to Mitigation Measure AQ-4 of the Valley View Specific Plan EIR (DEIR, p. IV.I-15), the following condition of approval shall apply to the West Valley Village tentative map.

In order to reduce land use compatibility impacts between the project and the treatment plan, require the applicant to provide a 300-foot-wide open space, buffer and proper noticing of potential future project occupants. These measures, combined with anticipated odor control measures at the EID plant funded through proposed Assessment District 12, will reduce the impact to a less than significant level.

- a. Buffer. As recommended by the El Dorado Irrigation District (EID), provide a 300-foot open space buffer between the proposed residential uses east and south of the treatment plant. This measure is consistent with the intent of El Dorado County General Plan Policy 2.2.5.14 which states that "buffers shall be established around future water supplies and other public facilities to protect them from incompatible land uses."

- b. Disclosure. Provide disclosure statements regarding the existence of the wastewater treatment plant and the associated potential odor problems. Include disclosure statements with all sales and lease agreements for all project residential and commercial properties located within one mile of the treatment plant. It is important to note that while this requirement may help reduce future complaints about odor from the treatment plant, it will not reduce the potential nuisance caused by odor from the plant; therefore, the buffer described under (a) above is considered by the primary mitigation measure for this impact.

*Given its distance to the treatment plant, this condition does not apply to Unit 7B; however, the Improvement Plans for the units adjacent to the plant will be required to depict the buffer. Disclosure, depicting the above impact, shall be provided to future residents of Unit 7B.*

66. Parkland dedication shall be calculated based on the factors for developments within the El Dorado Hills Community Services District (Chapter 16.12.A.9 of the El Dorado County Code). Parks shall be offered to the El Dorado Hills Community Services District. Prior to the recordation of the first final map, the developer shall show evidence of an agreement with the El Dorado Hills Community Services District for the location, size, improvements, and timing of dedication/acceptance of parks throughout the specific plan area, and assure compliance with the parkland dedication requirements.

*The agreement between the applicant and El Dorado Hills Community Services District (EDH CSD) was approved by the CSD Board of Supervisors on November 18, 2006, which substantiates compliance to this condition.*

67. Prior to submittal of a final map, the CC&Rs shall be submitted to the El Dorado Hills Community Services District for review and comment.  
*CC&R's have been submitted by the subdivider to the El Dorado Hills Community Services District for review and received comments on June 13, 2006.*

68. The emergency access between Unit 2 and Latrobe Road shall be gated as long as Latrobe Road consists of two lanes. When Latrobe Road becomes a four-lane road, the access shall be made into a right-in/right-out access only, without gates.

*This condition does not apply to Unit 7B.*

69. Any proposed gates in West Valley Village shall be reviewed and approved by the El Dorado Hills Fire District.

*No gates are proposed for Unit 7B. However, if gates are contemplated, the El Dorado Hills Fire Protection District's approval of the Improvement Plan for Unit 7B and the Valley View Specific Plan Wildfire Safety Plan contains provisions for the construction of gates.*

70. Prior to approval of the first small lot final map, a second access point for ingress and egress to the 18-acre school site shall be determined by the parties and approved by all applicable agencies. The location of the second access point shall be across the span

indicated in Exhibit A, attached to the December 15, 2003, letter from William Wright to Craig Sandberg, in the tentative map file, unless mutually agreed to by the parties.

*On November 21, 2006, the Buckeye Union School District received the signed and notarized school supplemental funding agreement for the Valley View Specific Plan. This agreement also satisfies the required secondary access to the school site.*

71. The developer shall include in any public financing district the amount of \$2,000,000.00 for the purpose of providing funds for a potential shortfall of funding for the construction of the new El Dorado Hills library branch. Any funds not utilized for the purpose of constructing the library shall go the Community Services District, as prepaid park development fees, for the purpose of constructing park improvements within the Valley View Specific Plan.

*The subdivider has submitted documented proof of said funds for the construction of the El Dorado Hills library branch.*

**TM99-1359 R-** As administratively approved on July 7, 2004

**PLANNING CONDITIONS (Roger Trout's letter dated July 2, 2004)**

1. All Seventy-one (71) conditions of approval from the Planning Commission hearing of January 22, 2004 are applicable, except as modified in the following conditions.

*Unit 7B has been reviewed for conformance to all applicable seventy-one (71) conditions.*

2. The first sentence in Condition 60 is no longer applicable.

*This condition has been noted even though Condition 60 does not apply to Unit 7B.*

3. The approved revised tentative maps are dated July 2004 for Sheets 1 and 2 and May 2004 for Sheets 3 through 11. The maps will be stamped approved by the Planning Department and a copy forwarded to the applicant, DOT and County Surveyor.

*This condition has been acknowledged by the subdivider.*

4. All comments from the El Dorado Hills Fire Department in the Letter dated June 23, 2004 shall be required for the applicable final map.

*The subdivider has provided documentation substantially addressing the comments from the El Dorado Hills Fire Department regarding gates, access control and fire suppression during construction.*

5. Final maps shall show location of vehicular access restrictions for double frontage lots.

*This condition does not apply to Unit 7B.*

6. Final map applications and Improvement Plans shall indicate all Valley View Specific Plan setbacks and any special lot development standards such as “building envelopes” either on the final map or an attached informational sheet. (Augmenting Condition 44.)

*The Final Map includes an informational sheet depicting the required setbacks in accordance to the zoning district for the unit.*

7. Final Map applications and Improvement Plans shall include a Mitigation Monitoring Report on the status of applicable Mitigation Measures from the Valley View EIR.

*Staff has reviewed the supplemental documentation summarizing the status of applicable Mitigation Monitoring Report. The document details the on-going applicable mitigation measures of numerous impacts currently being implemented through preparation and subsequent approval of various plans and studies, disclosure documents, agreements with affected agencies, and acquisition of necessary permits. This documentation substantiates conformance to this condition.*

8. No building permits, including model homes, will be issued prior to recordation of the applicable final map.

*This condition has been acknowledged by the subdivider and shall be verified further during building permit process.*

9. This Approval does not extend the life of the tentative map or serve to “re-approve” the tentative map. TM99-1359 was approved on January 22, 2004 and is to expire on January 22, 2007.

*The subdivider acknowledges this condition. In accordance with Section 66452.6 of the California Subdivision Map Act, Tentative Map TM99-1359 received an automatic time extension on December 14, 2006 in the amount of 36 months.*

**FIRE DEPARTMENT CONDITIONS (Letter dated June 23, 2004 from EDH Fire District to Roger Trout)**

1. The original conditions established for this development addressing the Fire Department's requirements shall be placed upon this revised map.

*The subdivider has provided documentation substantially addressing the comments from the El Dorado Hills Fire Department regarding gates, access control and fire suppression during construction.*

2. The developer shall be required to sign a contract with the Fire Department for the installation and maintenance of all access control devices for this development.

*At the time of Final Map submittal, a contract from the El Dorado Hills Fire Protection District was unavailable. Once initiated, the developer will authorize the said contract for the installation and maintenance of access control devices. This condition can be further verified through submittal and review of Landscape and Gate Plans.*

3. If Unit 1 has access control devices installed, the access roadway between Unit 1 and Unit 8 shall not have any type on access control devices installed on this section of roadway.

*There will be no access control devices between Units 1 and 8.*

4. Regarding that portion of the minor collector that extends eastward for approximately 1,000 feet and is shown with an access control device just west of Street 41, this condition creates a dead end minor collector with no real turn-around facilities.

*As approved in the Improvement Plans for this unit, this roadway includes a turnaround prior to the gated entrance for vehicles with no intent of accessing the village. Emergency vehicles can access through the gates.*

5. The cul-de-sac shown in Unit 3 (23 and 26 ct), Unit 5 (33ct.), exceed state fire regulations and county design requirements. The minimum paved section widths for these areas shall not be less than 36 feet as required by the county Design Standards.

*This condition is not applicable to Unit 7B.*

6. The dead end streets shown as Courts A-J fail to comply with the County Design Standards that requires a turn around.

*This condition is not applicable to Unit 7B.*

7. The original Wildland Fire Safe Plan shall be revised to reflect the changes to this development, and supplemental Wildland Fire Safety Plans shall be prepared for each unit.

*A Supplemental Wildland Fire Safety Plan was approved for Unit 7B by the El Dorado Hills Fire Protection District on August 10, 2006.*

8. It shall be a condition for this development that the water and road system shall be approved and in operable condition prior to the delivery of any combustible wood materials.

*This condition has been acknowledged by the subdivider and shall be verified further during building permit process.*