

## **Conditions of Approval**

### **Project Description**

1. The Piedmont Oak Estates Tentative Subdivision Map, Development Plan, and Design Waivers are based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits H through K.1 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 consists of the following:

A. Tentative Subdivision Map (Piedmont Oaks Estates) of 25.86-acre property creating a total of 103 lots consisting of 75 residential lots (20 custom and 55 clustered), one lift station lot, one public road lot, 12 private access lots, six open space lots, one commercial lot, and seven Remainder Lots. The Tentative Subdivision Map includes a Design Waiver for the construction of sidewalks on both sides of road with reduced widths from 8-foot to 6-foot (along Commercial area frontage) and 6-foot to 4-foot (along residential subdivision);

B. Development Plan for Piedmont Oak Estates to include 8.28 acres of open space areas (35% of the entire site) and modifications to Single-Unit Residential Zone (R1) District minimum standards for lot size, lot widths, yard setbacks, and maximum building coverage. Ten percent of the proposed residential units shall be reserved as affordable housing.

### **Planning Services**

2. **Human Remains:** 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 Section 15064.5; Health and Safety Code Section 7050.5; Public Resources Code Sections 5097.94 and 5097.98). This requirement shall be noted on grading plans and shall be verified prior to issuance of grading permits.

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 archaeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to the excavation of the finds and evaluation of the finds, in accordance with Section 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.

3. **Tentative Map Expiration:** This tentative map shall expire 36 months from the date of approval unless a timely extension is filed.
4. **Park In-Lieu Fees:** The subdivision is subject to parkland dedication in-lieu fees based on values supplied by the Assessor's Office and calculated in accordance with Section 16.12.090 of the County Code. The subdivider shall be subject to a \$150.00 appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees. The required in-lieu fees, payable to El Dorado County, shall be remitted prior to Final Map recordation. A proof of payment shall be submitted to Planning Services.
5. **Meter Award Letter:** A meter award letter or similar document shall be provided by the water purveyor prior to recordation of the final map for of the subdivision.
6. **Hold Harmless:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

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

The county shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

7. **Oak Canopy Preservation and Replacement:** Prior to the filing of the Final Map of for Piedmont Oak Estates, the applicant shall implement the required preservation and replacement of oak canopy based on the *Oak Canopy Analysis, Preservation, and Replacement Plan for Piedmont Oak Project, El Dorado County, CA.* prepared by Sycamore Environmental Consultants, Inc dated February 7, 2013 and subsequent updates, pursuant to applicable provisions of the General Plan Policy 7.4.4.4 Option A and the Interim Interpretive Guidelines of the policy. Complete implementation of the plan, including the execution of an oak canopy monitoring plan, shall be verified by the Division prior to acceptance of subdivision improvement for the development.

8. **Oak Canopy Preservation Measures:** Prior to issuance of Grading Permit, the applicant shall incorporate the Oak Tree Preservation Measures (based on the *Oak Canopy Analysis, Preservation, and Replacement Plan for Piedmont Oak Project, El Dorado County, CA.*) as notes on the grading plans. The measures shall be implemented during grading and/or construction stage of the development.
9. Prior to Final Map recordation, the applicant shall install an interpretive sign with Open Space Lot C detailing the importance of Diamond Springs during the Gold Rush era.
10. Details of planting of Evergreen trees or similar species that would achieve screening purposes along the southern perimeter of Open Space B adjacent to residential Lots 25-40 shall be incorporated in Improvement Plan for the subdivision, subject to review and approval by the Division.

*The following Mitigation Measures from the Initial Study/Mitigated Negative Declaration are incorporated as conditions of approval.*

11. **Mitigation Measure MM AQ-1: Air Quality Impacts** On any given day during construction, the contractor shall ensure that all equipment used during that day (off-road vehicles and auxiliary handheld equipment) does not exceed the fuel usage limit (diesel and regular gasoline) established in the El Dorado County Air Pollution Control District CEQA Guide. The maximum amount of fuel that can be used is based on the year that the equipment was built.

The maximum amount of fuel that can be used in one day if all equipment used is 1995 model year or older is 337 gallons.

The maximum amount of fuel that can be used in one day if all equipment used is 1996 model year or newer is 402 gallons.

If a combination of 1995 and older and 1996 and newer equipment is used, then divide the number of 1996 and newer equipment by the total number of equipment used. Multiply that number by 65. Add that number to 337. The sum is the maximum number of gallons of fuel permitted for use on that day.

Monitoring Responsibility: El Dorado County AQMD

Monitoring Requirement: AQ-1 shall be incorporated and verified as a note on the approved construction plans (Grading and/or Improvement Plan) and implemented during project construction.

12. **Mitigation Measure MM AQ-2: Air Quality Impacts**  
The contractor shall ensure that all diesel-powered equipment used does not exceed the diesel fuel usage limit established in the El Dorado County Air Pollution Control District

CEQA Guide. The maximum amount of diesel fuel that can be used is based on the year that the equipment was built.

The maximum amount of diesel fuel that can be used during the project if all equipment used is 1995 model year or older is 3,700 gallons.

The maximum amount of diesel fuel that can be used during the project if all equipment used is 1996 model year or newer is 37,000 gallons.

If a combination of 1995 and older and 1996 and newer equipment is used, then divide the number of 1996 and newer equipment in the fleet by the total number of equipment in the fleet. Multiply that number by 33,300. Add that number to 3,700. The sum is the maximum number of gallons of diesel fuel use permitted.

Monitoring Responsibility: El Dorado County AQMD

Monitoring Requirement: Mitigation Measure AQ-2 shall be incorporated and verified as a note on the approved construction plans (Grading and/or Improvement Plan) and implemented during project construction.

**13. Mitigation Measure MM BIO-1: Biological Resource Impacts (Raptor)**

The applicant shall implement the following provisions:

- If construction begins outside the 1 February to 31 August breeding season, there will be no need to conduct a preconstruction survey for active nests.
- If construction begins between 1 February and 31 August then a qualified biologist shall conduct a preconstruction survey for active nests. The survey will include a 250 foot radius from the work area for nesting birds-of-prey and a 50 foot radius from the work area for other nesting MBTA birds. The survey will be conducted from publicly accessible areas within two weeks prior to construction. If no active nest of a bird-of-prey or MBTA bird is found, then no further action is necessary.
- If an active nest of a bird-of-prey or MBTA bird is found, then the biologist shall recommend a buffer suitable to protect the nest until fledging. The County shall approve the final buffer. The size and shape of suitable buffers depend on the species of bird, the location of the nest relative to the Project, Project activities during the time the nest is active, and other Project specific conditions.
- No construction activity shall be allowed in the buffer until the biologist determines that the nest is no longer active, or unless monitoring determines that a smaller buffer will protect the active nest. The buffer may be reduced, with the County's concurrence, if the biologist monitors the construction activities and determines that no disturbance to the active nest is occurring.

Monitoring Responsibility: Planning Services

Monitoring Requirement: Mitigation Measure BIO-1 shall be incorporated and verified as a note on the approved construction plans (Grading and/or Improvement Plan) and implemented prior to and during project construction.

14. **Mitigation Measure MM BIO-2: Biological Resource Impacts (Wetland).**

If identified waters are filled as part of subdivision construction, the applicant shall obtain approval of an appropriate Section 404 and 401 permits from the U.S. Army Corp of Engineers in accordance with Clean Water Act and 1600 permit from the California Department of Fish and Wildlife.

Monitoring Responsibility: Planning Services

Monitoring Requirement: Prior to issuance of Grading Permit, the applicant shall provide proof of acquisition of Section 401, 404, and 1600 permit.

**Transportation Division-Project Specific Conditions**

15. **Road Design Standards:** The project shall construct all roads in conformance with the County Design and Improvements Standard Manual (DISM), modified as shown on the Tentative Map and as presented in Table 1 (the requirements outlined in Table 1 are minimums).

<b>Table 1. Piedmont Oak Estates Road Improvement Standards</b>				
<b>ROAD NAME</b>	<b>DESIGN STD PLAN</b>	<b>ROAD WIDTH*</b>	<b>R/W WIDTH</b>	<b>EXCEPTIONS/NOTES</b>
Road A, from point A-1 to point A-2 (Commercial Area)	Std Plan 101B	40 feet	60 feet	Commercial lot frontage. Six-foot wide sidewalk (along Commercial area) subject to Design Waiver.
Road A, from point A-2 to point A-3, and from point A-4 to cul-de-sac	Std Plan 101B	36 feet	50 feet	Four-foot wide sidewalk on both sides of the road subject to Design Waiver.
Road A, from point A-3 to point A-4	Std Plan 101B (Modified)	36 feet	50 feet	Four-foot wide sidewalk on both sides of the road subject to Design Waiver.
Roads B and C	Std Plan 101B (Modified)	<del>28</del> <u>36</u> feet	50 feet	Crown offset as shown on tentative map. Four-foot wide sidewalk on both sides of the road subject to Design Waiver.
Secondary (Emergency) Access Road (from "Road A" cul-de-sac to Black Rice Road)	Std Plan 101C	20 feet	50 feet	

\* 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.

16. **Offer of Dedication, Interior Roads:** Interior Roads are private and are to be maintained by a Property owner's, or Home owner's Association. The County will reject any offer of dedication. At the option of the Project, a segment of "Road A" from point A-1 to point A-2 (Commercial Area) may be dedicated as a public road. In which case, the County will accept the road on behalf of the public but reject the road for maintenance.
17. **Off-Site Road & Public Utility Easements:** The applicant shall irrevocably offer to dedicate a 50-foot wide road and public utility easement for the off-site Emergency

Access Road, with slope easements included as necessary. The County will accept the road on behalf of the public, but reject the road for maintenance. This road shall be maintained by the Home Owner's Association.

18. **Off-Site Access Road:** The off-site access road and easement shall not preclude abutter's rights or access to APN 051-461-49.
19. **Encroachment Permit(s):** The applicant shall obtain an encroachment agreement and/or permit from Caltrans and shall construct the "Road A" intersection onto Diamond Road (SR49) in accordance with the requirements of Caltrans and the County. Submit plans to County and obtain County Engineer's approval before submitting an encroachment application to Caltrans. The intersection shall include a southbound-to-eastbound left turn pocket and shall be coordinated with County Capital Improvement Project Numbers 72375, Diamond Springs Parkway – Phase 1A – SR49 Realignment, and 72334, Diamond Springs Parkway – Phase 1B.
20. **Vehicular Access Restriction:** Prior to the filing of the map, the applicant shall record a vehicular access restriction along the entire frontage Diamond Road (SR49), excluding the locations of the approved access encroachments.
21. **Off-site Improvements (Acquisition):** As specified elsewhere in these Conditions of Approval, the applicant is required to perform off-site improvements. If the applicant does not secure, or cannot secure sufficient title or interest for lands where said off-site improvements are required, and prior to the filing of any final or parcel map, the applicant shall enter into an agreement with the County pursuant to Government Code Section 66462.5. The agreement will allow the County to acquire the title or interests necessary to complete the required off-site improvements. The Form, Terms, and Conditions of the agreement are subject to review and approval by County Counsel.

The agreement requires the applicant: pay all costs incurred by County associated with the acquisition of the title or interest; provide a cash deposit, letter of credit, or other securities acceptable to the County in an amount sufficient to pay such costs, including legal costs; If the costs of construction of the off-site improvements are not already contained in a Subdivision Improvement Agreement or Road Improvement Agreement, the applicant shall provide securities sufficient to complete the required improvements, including but not limited to, direct construction costs, construction management and surveying costs, inspection costs incurred by County, and a 20% contingency; provides a legal description and exhibit map for each title or interest necessary, prepared by a licensed Civil Engineer or Land Surveyor; provides an appraisal for each title or interest to be acquired, prepared by a certified appraiser; Approved improvement plans, specifications and contract documents of the off-site improvements, prepared by a Civil Engineer.

**Transportation Division-Standard Conditions**

22. **Public Transit:** Bus turnouts and shelters shall be constructed at locations required by El Dorado Transit and the appropriate school district.
23. **Curb Returns:** All curb returns shall include pedestrian ramps with truncated domes conforming to Caltrans Standard Plan A88A, including a 4-foot sidewalk/landing at the back of the ramp. Alternate plans satisfying the current accessibility standards may be used, subject to review and approval by County.
24. **Maintenance Entity:** The proposed project must form an entity for the maintenance of public and private roads and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads of the current project. Transportation Division shall review the document forming the entity to ensure the provisions are adequate prior to the filing of the final map.
25. **Common Fence/Wall Maintenance:** The responsibility and access rights for maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
26. **Consistency with County Codes and Standards:** 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 Transportation Division and pay all applicable fees prior to filing of the final map.

Additionally, the project improvement plans and grading plans shall conform to the *County Grading, Erosion and Sediment Control Ordinance, Grading Design Manual, the Drainage Manual, Storm Water Ordinance (Ord. No. 5022), Off-Street Parking and Loading Ordinance, all applicable State of California Water Quality Orders, the State of California Handicapped Accessibility Standards, and the California Manual on Uniform Traffic Control Devices (MUTCD)*.

27. **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 Transportation Division. 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.
28. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.



29. **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. This drainage shall be conveyed via closed conduit or open channel, to either a natural drainage course of adequate size or an appropriately sized storm drain system. The Grading and Improvement plans shall show drainage easements for all on-site drainage facilities where required.
30. **Regulatory Permits and Documents:** All regulatory permits or agreements between the Project and any State or Federal Agency shall be provided to the Transportation Division with the Project Improvement Plans. These project conditions of approval and all regulatory permits shall be incorporated into the Project Improvement Plans.
31. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the Transportation Division with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.

#### **Air Quality Management District**

32. **Fugitive Dust:** The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM<sub>10</sub>) in the form of dust. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to the start of project construction if a Grading Permit is required from the Building Dept. (Rules 223 and 223.1)
33. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
34. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
35. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
36. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>. An applicability flow chart can be found here:

[http://www.arb.ca.gov/msprog/ordiesel/faq/applicability\\_flow\\_chart.pdf](http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf). Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.

37. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be under permit from the California Air Resources Board (CARB). A copy of the current portable equipment permit shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.
38. **New Point Source:** Prior to construction/installation of any new point source emissions units (e.g., gasoline dispensing facility, emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501 and 523)

#### **Diamond Springs/El Dorado Fire Protection District**

39. **Secondary Access:** A second means of access from the project shall have a minimum travel surface width of 20 feet is required. The surface shall be an all-weather hard surface which will support a 40,000 lb load. There shall be no parking either side. Conformance with this condition shall be verified prior to approval of Improvement Plans.
40. **Fire Hydrants:** Fire hydrants shall be placed at 600-foot intervals throughout the project (approximately 11 hydrants). Each hydrant shall be accessed by a turnout 50 foot long by 10 foot wide. Each turnout shall have the same all-weather surface as the roadway and be capable of supporting a 40,000 lb load. Final placement of each hydrant shall be subject to fire district approval. Conformance with this condition shall be verified prior to approval of Improvement Plans.
41. **Looped Roads:** Looped roads with one name which have two accesses off of another road are discouraged since there are two intersections with the same name but at different locations. Conformance with this condition shall be verified prior to approval of Improvement Plans.
42. **Access to Clustered Units:** Access to the clustered housing from the street shall have a minimum 20-foot wide travel surface with no parking on either side of the access. Conformance with this condition shall be verified prior to approval of Improvement Plans.
43. **Red Curbing:** Roads with “No Parking” on both side and other “No Parking” areas shall be designated by red curbing and lettering stating “No Parking Fire Lane”. The letters shall have a minimum 3 inches in height with a 1/2 inch stroke. The lettering shall be

placed every 25 feet. Conformance with this condition shall be verified prior to approval of Improvement Plans.

44. **No Parking:** “No Parking” signs are suitable in areas where there is no curbing. The fire district shall approve the signs are at their location. Conformance with this condition shall be verified prior to approval of Improvement Plans.
45. **Wildfire Safe Plan:** The applicant shall update and implement the executed Wildfire Safe Plan for Piedmont Oak Estates Subdivision. Conformance with this condition shall be verified prior to approval of Improvement Plans.

#### **County Surveyor’s Office**

46. **Monuments:** All survey monuments shall be set prior to the filing of the Final Map or the developer shall have the surety of work to be done by bond or cash deposit. Verification of set monuments or amount of bond or deposit to be coordinated with the Surveyors Office.
47. **Road Naming:** The roads serving the development shall be named by filing a completed Road Name Petition with the County Surveyor’s Office prior to filing the Final Map.

#### **Housing and Community and Economic Development Program**

48. **Designation of Affordable Housing:** At least 10% of the total units shall be designed as affordable housing for families of moderate to low income. Income levels are defined as those households earning 50 to 120 percent of the median family income as established for El Dorado County. Deed restrictions for these specific units shall be recorded prior to approval of the final map.
49. **Affordable Housing Plan:** Prior to Final Map, the applicant shall establish an Affordable Housing Plan that includes, but not limited to, financing arrangements, monitoring program, and 20-year deed restrictions.

#### **Environmental Health Department-Hazardous Materials Division**

50. **Environmental Assessment Reports:** Prior to issuance of Grading Permit, the applicant shall submit a Phase 1 Environmental Assessment Report evaluating potential site contamination for review and approval by the division.