

## **Findings**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

### **FINDINGS FOR APPROVAL**

#### **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 measures placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3** 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.
- 1.4** 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.

#### **2.0 General Plan Findings**

- 2.1** The proposed use and design conforms to the Low Density General Plan Land Use Designation. The project area is located outside a Community Region, the proposed use and developmental density are consistent with both land use designation and floor area ratio policies as well as the natural resources on site being protected pursuant to General Plan Policies 2.2.1.2 regarding land use designations, 2.2.4.1 regarding density bonus, 2.2.3.1 regarding planned developments, 2.2.1.5 regarding building intensities, 2.2.5.3 regarding general policies for evaluating zone changes, 2.2.5.21 regarding incompatibility with surrounding land uses, 5.2.1.2 regarding adequate water supply, 5.7.1.1 regarding fire protection, 7.3.3.4 regarding special setback for riparian areas, and 7.4.4.4 regarding oak woodlands.
- 2.2** In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject Zone Change request based on the requirements of the General Plan

relating to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density Zone District. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced Zone Change request. Based on this analysis and the conclusions reached in the staff report, the site is found to be suitable to support the proposed density.

- 2.3** The proposed project is consistent with policies 2.1.5.1 regarding building densities, 2.2.5.21 regarding compatibility with adjoining land uses, 5.2.1.2 regarding adequate water supplies, 5.2.1.3 regarding connecting to a public water system, 5.7.1.1 regarding adequate water for fire protection, 7.3.3.4 regarding buffers and setbacks for wetlands and streams, and 7.4.4.4 regarding oak woodland preservation and mitigation.

### **3.0 Administrative Findings**

#### **3.1 Tentative Subdivision Map**

##### **3.1.1 The site is physically suitable for the proposed type and density of development after rezone.**

As shown on the Tree Preservation Plan (Exhibit H), adequate building areas for each lot are available considering the required wetland setbacks, tree canopy retention, zoning setbacks, and fire safe standards. As such, the site is physically suitable for the proposed type and density of development.

##### **3.1.2 The proposed subdivision is not likely to cause substantial environmental damage.**

The proposed subdivision is not likely to cause substantial environmental damage with the implementation of the mitigation measures identified in Attachment 1.

##### **3.1.3 The proposed Tentative Map, including design and improvements, is consistent with the General Plan policies and land use map after rezone.**

As proposed, the Tentative Map conforms to the Low Density Residential General Plan land use designation and applicable General Plan policies including density, access, tree canopy retention, water service, wetland setbacks, grading, transportation, fire protection, and wastewater disposal.

##### **3.1.4 The proposed Tentative Map conforms to the applicable standards and requirements of the County's zoning regulations and the Major Land Division Ordinance.**

As proposed, the Tentative Subdivision Map conforms with the applicable development standards outlined within the Estate Residential 5-Acre Zone District with the addition of the Planned Development Overlay (RE5-PD) and the Major Land Division Ordinance.

## **3.2 Planned Development**

### **3.2.1 The Development Plan is consistent with the General Plan.**

As outlined within the staff report and General Plan consistency findings above, the Development Plan is consistent with all applicable policies of the General Plan concerning land use, transportation and circulation, public services and utilities, public health, safety, and noise element, as well as conservation and open space.

### **3.2.2 The proposed development is so designed to provide a desirable environment within its own boundaries.**

The proposed development plan features approximately 24.5 acres of open space. As such, the development is designed to provide a desirable environment within its own boundaries.

### **3.2.3 Any exceptions to the standard requirements of the Zone Regulations are justified by the design or existing topography.**

A Deviation from the Residential 5-acre Development Standards includes a reduction in the minimum lot size requirement for all residential parcels. This exception to the standard requirements of the RE-5 Zone Regulations is justified to accommodate the Density Bonus Provision of the General Plan.

### **3.2.4 The site is physically suited for the proposed use.**

The 81.61 acre site contains sufficient developable areas to accommodate the proposed residential uses and density.

### **3.2.5 Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.**

Public water will be provided to the project site by EID upon annexation by LAFCO into fire and water district boundaries. El Dorado Irrigation District provided a letter dated May 19, 2008 indicating that the project could have adequate water capacity and supplies to serve the proposed project provided additional improvements are made to the system. Environmental Management has provided conditions of approval to ensure the septic capability of each proposed lot. The Department of Transportation (DOT) has conditioned the project accordingly to reflect the additional traffic to Malcolm Dixon Road as well as all onsite roads. The Fire District has provided conditions of approval to reflect the addition of an emergency access road to the proposed development.

**3.2.6 The proposed uses do not significantly detract from the natural land and scenic values of the site.**

The project includes approximately 25.4 acres of open space to preserve the natural landscape and scenic value of the site as well as provide wildlife habitat.

**Conditions of Approval**

1. This Tentative Subdivision Map, Zone Change and Development Plan approval is based upon and limited to compliance with the project description, the Planning Commission exhibits marked Exhibit E, F, G, H1, H2, H3, H4 & I, dated July 24, 2008, and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for 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:**

The project includes a request for a Zone Change from Exclusive Agriculture (AE) to Estate Residential 5-acre, with a Planned Development Overlay (RE-5-PD) and a Tentative Map to create 23 single-family lots ranging in size from 78,147 square feet to 120,291 square feet (1.79 to 2.76 acres) and three open space lots totaling 25.40 acres. Access to the proposed subdivision would be from two proposed gated roadway connections, one to the south at the existing Malcolm Dixon Road extending further off-site to the south providing an additional connection to Green Valley Road and another to the west from Salmon Falls Road. The project proposes to use public water and individual septic systems. In order for the project to be eligible for public water and fire services the property would be require annexation by LAFCO into the local water and fire districts. The project proposes to use the Density Bonus provision for seven additional residential lots. No Design Waivers have been requested.

The allowable density shall comply with Table 1 below:

<b>TABLE 1: Density Calculation</b>			
<b>Acreage 81.61 acres</b>	<b>Allowable Density within AE Zone District</b>	<b>Allowable Density in RE-5 Zone District</b>	<b>Allowable Units Using Density Bonus</b>
	Minimum 20 acre parcels	Minimum 5- acre parcels	1.5 Density Bonus Units
<b>Allowable Parcels</b>	4	16	23.94

The gross and net lot area shall comply with Table 2 below:

<b>TABLE 2: Gross and Net Lot Area</b>		
<b>Lot Number</b>	<b>Gross Area (Sq. Ft.)</b>	<b>Net Area (Sq. Ft.)</b>
1	107,632	79,007
2	120,291	91,731
3	96,158	70,016
4	95,314	69,535
5	89,621	65,865
6	87,268	61,697
7	99,322	73,782
8	85,746	62,317
9	86,976	63,325
10	89,905	64,359
11	95,304	65,536
12	91,828	64,723
13	89,535	64,844
14	88,992	59,454
15	100,300	64,956
16	104,900	77,364
17	87,264	63,816
18	78,147	55,746
19	110,923	84,174
20	117,142	88,978
21	92,247	60,109
22	115,253	39,108

23	90,704	59,017
Lot A	1,002,876	1,002,876
Lot B	94,720	94,720
Lot C	8,800	8,800

The oak removal as part of construction of the on-site access road and future residential development of the site shall comply with Table 3 below:

<b>Table 3: Oak Tree Canopy Removal Summary</b>		
Total Oak Canopy to Be Removed (acres)	Canopy Removed for Road Improvements (acres)	Proposed Canopy Removed for Residential Development (acres)
27.36	5.87	21.46

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

**Conditions of Approval from the Mitigated Negative Declaration**

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

2. To avoid take of active raptor nests, pre-construction surveys shall be conducted by a qualified biologist no more than 30 days prior to initiation of proposed development activities. Pre-construction surveys shall follow protocol guidelines issued by the California Department of Fish and Game (CDFG). If no active raptor nests are found to occur, necessary tree removal shall proceed. If active raptor nests are found on or immediately adjacent to the site, the following actions shall be taken in order to avoid impacts to nesting raptors:
  1. Halt all construction within 150 feet of any trees containing active raptor nests; these areas shall be marked with fencing or tape in order to clearly delineate areas where construction is prohibited.
  2. Construction shall not resume within 150 feet of any identified nest until the end of the typical nesting season; August 31. Construction may resume prior to the end of the nesting season, only if all raptor fledges have left the nest.

3. Construction shall not resume prior to consultation with the California Department of Fish and Game and determination that the proposed project would not result in a “take” of any rare, threatened, endangered or special status species.

**Monitoring:** The applicant shall provide Development Services with a letter from a qualified biologist verifying compliance, prior to issuance of a grading permit.

## **Project Conditions of Approval**

### **Planning Services**

3. The developer shall pay the mitigation in-lieu fee or provide a replacement plan for all oak canopy removed as part of road and infrastructure improvements (Total 27.36 acres). The mitigation fee shall be paid at a 1:1 ratio as required by the Oak Woodland Conservation Ordinance and shall be based on the fee established by the Board of Supervisors. The applicant shall provide to Planning Services proof of payment of the mitigation in-lieu fee or replacement plan, prepared by a licensed arborist, prior to issuance of a grading permit or removal of any oak trees. (Reference PD06-0006)
4. The Final Subdivision Map shall include the following notes:
  1. A total of 1 acre or 1.5 percent of oak canopy shall be available to each lot within the subdivision for removal during individual lot development. Individual property owners shall pay the mitigation fee or provide a replacement plan. Replacement plans shall be prepared by a licensed arborist at a 1:1 ratio as required by the Oak woodland Conservation Ordinance and fee shall be based on the amount established by the Board of Supervisors, excluding lots 1 & 12. (Reference PD06-0006)
  2. Any oak canopy removal beyond 1 acre or 1.5 percent for any individual lot within the subdivision, including any removal on Lots 1 & 12, shall pay the mitigation fee or provide a replacement plan. Replacement plans shall be prepared by a licensed arborist at a 2:1 ratio as required by the Oak woodland Conservation Ordinance and fee shall be based on the amount established by the Board of Supervisors. (Reference PD06-0006)
  3. Lots 2, 3, 4, 5, 19, 20, & 21 shall be required to provide a minimum 50 foot setback with a maximum 45 foot building height.
5. The applicant shall provide to Planning Services, a meter award letter or similar document from EID, prior to filing the Final Map.
6. 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. Planning Services shall verify that the fees have been paid at the time of filing the Final Map.

7. 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.
8. At time of final map filing, all open space lots shall be dedicated to a Homeowner's Association or similar entity as open space with an appropriate maintenance program.
9. At time of final map filing, CC & R's shall be submitted and reviewed by Planning Services.
10. The map shall be recorded and constructed in phases consistent with the phasing plan included within the Tentative Subdivision Map, Exhibit E. All Open Space (Lots A, B & C) shall be dedicated at the time of filing of the first phase of the map.
11. This Tentative Subdivision Map shall expire in 36 months from date of approval unless a timely extension has been filed.
12. All fees associated with the Tentative Subdivision Map shall be paid prior to filing the Final Subdivision Map.
13. 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 shall cooperate fully in the defense.

14. Construction activities shall be limited to the hours of 7 a.m. to 7 p.m. during weekdays and 8 a.m. to 5 p.m. on Saturday. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards. Planning Services shall verify this requirement is placed on the Grading Plans prior to issuance of a grading permit.
15. 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.



16. 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.
17. 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).

#### **Environmental Management-Air Quality**

18. Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.
19. The applicant shall obtain and comply with all necessary permits from the Air Quality Management District prior to issuance of a grading permit.

#### **Surveyor's Office**

20. 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 the surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit shall be coordinated with the County Surveyor's Office.
21. 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.

#### **El Dorado Hills Fire Department**

22. The potable water system for the purpose of fire protection for this project shall provide a minimum fire flow of 1,000 gallons per minute. The fire flow must have a duration of two hours with no less than 20 psi residual pressure. The District shall verify that adequate fire flow is available prior to filing the final map.
23. The project shall annex into the El Dorado Irrigation District (EID) and pay all fees associated with the annexation.

24. The developer shall install Mueller Dry Barrel fire hydrants consistent with El Dorado Irrigation District specifications for fire protection. The spacing between fire hydrants shall not exceed 500 feet. The exact location of each fire hydrant shall be determined by the El Dorado Hills Fire Department prior to filing the final map.
25. All access roadways and fire hydrants shall be installed prior to issuance of any building permit, as specified by the El Dorado Hills Fire Department Standard 103.
26. Driveways shall be designed to a maximum of 20% grade. Any driveway exceeding this requirement shall require the installation of fire sprinklers per NRPA 13D.
27. The applicant shall provide a Wildland Fire Safe Plan that is approved by the Fire Department Prior to filing the Final Map.
28. No traffic calming devices shall be installed that utilize a raised bump section of roadway as determined by the Fire Department.
29. All lots within the subdivision that are one acre or greater shall provide a minimum 30 foot building setback, as required by the California Fire Safe Regulations.
30. Any driveway exceeding 150 feet in length shall provide a turn around that meets or exceeds 2007 California Fire Code.
31. Minimum widths for all driveways shall be 12 feet with a vertical clearance of 15 feet. All medium to heavy vegetation within 10 feet of either side of driveways shall be thinned or removed, as determined by the Fire Department.
32. The proposed 40 foot easement dedicated to the Fire Department shall create a four way intersection at B Drive and C Court. The roadway shall be 20 feet wide with a 15 foot vertical clearance and improved to an all weather surface per the 2007 California Fire Code. The roadway shall continue to the eastern property line and line up with an adjoining roadway from the Arroyo Vista Subdivision. The Department shall review and approve all plans prior to issuance of a grading permit.

## **Department of Transportation**

### **PROJECT SPECIFIC CONDITIONS**

33. 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 substantially completed to the approval 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:

<b>Table 1</b>			
<b>ROAD NAME</b>		<b>ROAD WIDTH</b>	<b>EXCEPTIONS/NOTES</b>
<b>AREA OF BENEFIT</b> Off-Site Malcolm Dixon Road Widening From STA:10+00 to STA:28+20	Std Plan 101B County Maintained System	24ft (50ft R/W) EP to EP	Two 12 foot wide lanes and 3 foot wide shoulder per Exhibit X. 2"AC overlay over existing section. No vertical profile change. 3"AC/8"AB section for pavement extension or as recommended in Soils report.
<b>AREA OF BENEFIT</b> Off-Site Malcolm Dixon Road Reconstruction From STA:28+20 to STA: 40+51	Std Plan 101B County Maintained System	24ft (50ft R/W) Including slope easements. EP to EP	Two 12 foot wide lanes, AC dike and 3 foot wide shoulder per Exhibit X. Omit shoulders at (e) Box Culvert location. 3"AC/8"AB or as recommended in Soils report. For design speed see Exhibit X.
<b>AREA OF BENEFIT</b> New Connection Reconstruction portion From STA: 20+20 to STA: 21+70.	Std Plan 101B County Maintained System	24ft (50ft R/W) Including slope easements. EP to EP	Two 12 foot wide lanes, AC dike and 2 foot wide shoulder per Exhibit X. 3"AC/8"AB section or as recommended in Soils report. For design speed see Exhibit X.
<b>AREA OF BENEFIT</b> Off-Site New Connection From STA:10+00 to STA:15+44	Std Plan 101B County Maintained System	36ft (60ft R/W) Including slope easements. FC to FC	36 foot travel way, curb, gutter and 6 foot wide shoulder per Exhibit X. 3"AC/8"AB section or as recommended in Soils report. For design speed see Exhibit X. 36 feet will accommodate two 11-foot travel lanes and a 10-foot striped turn pocket if necessary and 2-foot gutter pans on each side.
Onsite 'A' & 'B' Drive to intersection of A & B Drives,	Std Plan 101C  Maintenance Entity	24ft(50ft R/W) EP to EP	Two 12 foot wide lanes and 2 foot wide shoulder per Exhibit X. 3"AC/8"AB section or as recommended in Soils report. 25 MPH Design Speed.
Onsite 'B' Drive North of A & B Intersection, 'C' Court	Std Plan 101C  Maintenance Entity	36ft(50ft R/W)	Two 18 foot wide lanes and 2 foot wide shoulder per Exhibit X. 3"AC/8"AB section or as recommended in Soils report. 25 MPH Design Speed
On-Site Emergency Vehicle Access (EVA).	Std Plan 101C N/A	20ft (40ft easement)	20 foot travel way with 1' shoulder per Exhibit X. All weather surface, 6" class 2 AB or equal. 20 MPH Design Speed. No construction, deposit of funds only.
Off-Site Chartraw	Std Plan 101C	24ft (50ft R/W)	Two 12 foot wide lane and 2 foot

Road Widening From STA: 21+70 (New Connection) to ALTO LLC southern boundary line.	Condition #45	Including slope easements. EP to EP	wide shoulder per Exhibit X. 3"AC/8"AB section or as recommended in Soils report. Road width is measured EP to EP. 25 MPH Design Speed.
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34. Upon the applicant's request, the County will form and implement, at the applicant's expense, a public improvement financing district for funding or reimbursement of the costs of off-site public improvements to be constructed as identified in the Exhibit X entitled Malcolm Dixon Area Traffic Circulation Plan. The applicant shall prepare and submit for County's approval and adoption a proposed Area of Benefit and supporting Engineers Estimate and Report for the purpose of financing and reimbursement of required off-site land acquisitions, widening and (re-) construction of public improvements as may be appropriate. The proposed Area of Benefit shall include but not be limited to parcels APN: 110-020-12, 126-100-18, 19, 23, & 24. The Area of Benefit Engineer's Report shall be prepared and submitted and the proposed public financing district formed prior to the filing of the Final Map. For development projects within the proposed public financing district Area of Benefit, County shall require consent by the land owner to the public financing district and participation in the funding or reimbursement and/or construction of the off-site public improvements for Malcolm Dixon Area Traffic Circulation Plan on a pro rata share of residential lots or equivalent share basis as a condition of approval. For development projects which may derive benefit from the public improvements to be constructed as part of the Malcolm Dixon Area Traffic Circulation Plan, County shall require participation in the funding and reimbursement and/or construction of the off-site public improvements for Malcolm Dixon Area Traffic Circulation Plan on a pro rata share of residential lots or equivalent share basis as a condition of project approval.
35. The applicant shall obtain an encroachment permit from DOT and shall construct the encroachment of the off-site access roadway onto Green Valley Road to the provisions of County Standard Plan 103E or as specified in the approved traffic study for this project.
36. The applicant shall provide at least two connections with an existing, improved public street, not to include the Emergency Access road, for the project. The accesses shall adhere to the provisions described in Table 1. In the alternative, the second connection with an existing, improved public street may be provided by way of the Salmon Falls connector road in accordance with County approved design standards as shown on the Malcolm Dixon Area Traffic Circulation Plan. The improvements shall be substantially 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.
37. The applicant shall set funds aside for construction of the Emergency Vehicle Access as shown on the TM and described in Table 1. The amount of funds shall be determined by

an Engineer's Estimate subject to review and approval by DOT. Once approved, the funds shall be placed into a restricted interest bearing account for a period not to exceed 5 years from the filing of the Final Map. The funds will be available to the Arroyo Vista CSD if and when the CSD installs an emergency access acceptable to the El Dorado County DOT and El Dorado Hills Fire Department on lands within their jurisdiction that will line up with the EVA easement proposed by the ALTO LLC TM06-1408. If the Arroyo Vista CSD fails to install an emergency access on their lands within the 5-year time frame, the funds including interest will be returned to the applicant or its assigns as provided in written notice by the applicant to the County. The EVA easement will be granted to the El Dorado Hills County Water District (Fire Department) prior to the filing of the Final Map.

38. The applicant shall provide a 50 foot wide road and public utility easement for all on-site roadways Road A, B and Court C, with the appropriate slope easements, prior to the filing of the final map.
39. The applicant shall provide a 40 foot wide road and public utility easement for the Emergency Access Road with the appropriate slope easements, prior to the filing of the final map.
40. All lots that front on two roads shall take access on the minor roadway, and a non-vehicular access easement shall be established on the major roadway on the final map, specifically Lots 7, 12, 13, 14 and 18.
41. 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. The January 2008 preliminary grading plan indicates and therefore Lots 17, 21-23 shall have driveways rough graded. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. 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.

#### **STANDARD DOT CONDITIONS**

42. **Improvement Plans and Cost Estimate:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the final map.
43. **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. 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.

44. **Performance Bond:** 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. The developer shall pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.
45. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs 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, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the final map.
46. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by 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 Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
47. **Easements:** 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.
48. **CC&R's:** The Master Covenants, Conditions and Restrictions (CC&Rs) shall provide that no parking shall be permitted within cul-de-sac bulbs which have a radius to edge of pavement which is less than County standards and shall provide for enforcement of such provisions. Additionally, the CC&Rs shall include a provision for off-street parking to compensate for lack of parking normally provided within the cul-de-sac bulb shall either provide a three-car driveway or provide sufficient depth of driveway (18 feet per parking stall) to accommodate longitudinal and/or lateral parking for three spaces.
49. The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
50. **Construction Hours:** Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7 a.m. and 7 p.m., Monday through Friday, and 8 a.m. and 5 p.m. on weekends, and on federally-recognized

holidays. Exceptions are allowed if it can be shown that construction beyond these times is necessary to alleviate traffic congestion and safety hazards.

51. **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.
52. **Grading Permit / Plan:** The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado “*Design and Improvement Standards Manual*”, the “*Grading, Erosion and Sediment Control Ordinance*”, the “*Drainage Manual*”, the “*Off-Street Parking and Loading Ordinance*”, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
53. **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.
54. **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.
55. **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.

56. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.
- The ultimate drainage outfall of the project.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. 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.

57. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When cross lot drainage does occur, 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.
58. **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.



59. **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 or parcel 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.

60. **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 with the first map check for the parcel map
61. **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.
62. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

## LAFCO

63. The applicant shall process a request for annexation into the El Dorado irrigation District for public water, prior to filing the final map.
64. The applicant shall process a request for annexation into the El Dorado Hills Fire Department for fire protection services, prior to filing the final map.