



COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room
2850 Fairlane Court, Placerville, CA 95667
<http://www.edcgov.us/planning>
Phone: (530) 621-5355 Fax: (530) 642-0508

Tom Heflin Chair, District III
Dave Pratt, First Vice-Chair, District II
Walter Mathews, Second Vice-Chair, District IV
Lou Rain, District I
Alan Tolhurst, District V

Char TimClerk of the Planning Commission

MINUTES

Regular Meeting
February 10, 2011 – 8:30 A.M.

1. CALL TO ORDER

Meeting was called to order at 8:34 a.m. Present: Commissioners Rain, Pratt, Heflin, and Mathews; Paula Frantz-County Counsel; and Char Tim-Clerk of the Planning Commission.

2. ADOPTION OF AGENDA

Motion: Commissioner Rain moved, seconded by Commissioner Mathews, and carried (4-0), to adopt the agenda as presented.

AYES: Pratt, Mathews, Rain, Heflin

NOES: None

ABSENT: Tolhurst

3. PLEDGE OF ALLEGIANCE

4. CONSENT CALENDAR (All items on the Consent Calendar are to be approved by one motion unless a Commission member requests separate action on a specific item.)

a. Minutes: January 27, 2011

END OF CONSENT CALENDAR

Motion: Commissioner Pratt moved, seconded by Commissioner Mathews, and carried (4-0), to approve the Consent Calendar.

AYES: Rain, Mathews, Pratt, Heflin

NOES: None

ABSENT: Tolhurst

5. **DEPARTMENTAL REPORTS AND COMMUNICATIONS**
(Development Services, Transportation, County Counsel)

County Counsel Paula Frantz stated that the Board of Supervisors has concluded the litigation case with Mr. Sayed with the formal action of adopting a Resolution to have projects with Density Bonus be reviewed for cumulative impacts.

6. **COMMISSIONERS' REPORTS**

Commissioner Rain complimented Chair Heflin on the recent newspaper article on his agricultural activities.

Chair Heflin thanked Commissioner Rain for his year of service as Chair for 2010. He also commended Jim Wassner/Code Enforcement for assisting with the sign issue with Apple Café as the roof-top sign is now covered up.

9:00 A.M.

7. **PUBLIC FORUM/PUBLIC COMMENT** – None

8. **PLANNED DEVELOPMENT/TENTATIVE MAP**

PD10-0002/TM10-1496/Serrano Village K-5, Phase 2 submitted by SERRANO ASSOCIATES, LLC for a Development Plan for the proposed subdivision with modifications to One-Family Residential (R1) Zone District development standards including minimum lot size, lot coverage, and setbacks; Tentative Subdivision Map re-subdividing previously approved portion of Village K-5 (APN 123-370-30) and subdividing a 10-acre parcel (APN 123-370-26) creating 142 detached clustered residential lots ranging in size from 4,800 to 19,348 square feet and six landscape lots; and Design Waiver of the following El Dorado County Design and Improvement Standards Manual (DISM) road improvement standards: (A) Modification of subdivision road improvements under Standard Plan 101B including: (1) Reduction of right-of-way width from 50 feet to 42 feet for Hogarth Way and Van Gogh Way; (2) Reduction of right-of-way width from 50 feet to 36 feet for Hogarth, Vermeer, and Reni Courts; and (3) Reduction of sidewalk width from 6 feet to 4 feet on one side of the street; (B) Reduction of right-of-way for cul-de-sac turnarounds from 120 feet to 94 feet in diameter and improved surface diameter from 100 feet to 80 feet; (C) Exceed the 3 to 1 width-to-length lot ratio standard for Lots 5, 47, 62, 100, 116, 117-120, 122, 126, 127, 130, 132, 133, 138 and 141; and (D) Reduction of standard lot frontage width of 60 feet to dimensions identified on the map. The property, identified by Assessor's Parcel Numbers 123-370-26 and 123-370-30, consisting of 32 acres, is located approximately one mile west along Greenview Drive from its intersection with Serrano Parkway within Serrano master planned development, in the El Dorado Hills area, Supervisorial District II. [*Project Planner: Mel Pabalinas*] (Statutory Exemption pursuant to Section 15182 of the CEQA Guidelines)**

Pierre Rivas announced that the applicant had submitted a letter dated February 9, 2011 requesting a continuance to the April 14, 2011 meeting.

Kirk Bone/applicant's agent stated that the reason for the continuance was to allow time to conduct more market studies as the world has dramatically changed since this project was originally drawn. They would like an additional 60 days to ensure that this is the project they want to move forward with.

No further discussion was presented.

Motion: Commissioner Rain moved, seconded by Commissioner Pratt, and carried (4-0), to continue the item to the April 14, 2011 meeting.

AYES: Mathews, Pratt, Rain, Heflin
NOES: None
ABSENT: Tolhurst

9. REZONE/TENTATIVE MAP

Z10-0006/TM10-1497/Diamond View Estates submitted by JEANNIE LLEWELLYN/HABENARIA REPENS LLC, TIM VI TRAN/IVY RE INVESTMENTS LLC, and LIN YANG/BLOOMFIELD BUSINESS LLC (Agent: Larry Patterson/Patterson Development) to rezone an approximately two-acre portion of the 30.95-acre parcel from One-Family Residential-Planned Development, (R1-PD) to One-Acre Residential (R1A); Tentative Subdivision Map to create 26 single-family residential lots ranging in size from 1 to 1.7 acres; and Design Waiver request to allow a driveway standard and no roadway frontage for access for Lot 17. The property, identified by Assessor's Parcel Number 329-201-65, consisting of 30.95 acres, is located on the south side of Turbo Lane, approximately 200 feet southwest of the intersection with Forni Road, in the Diamond Springs area, Supervisorial District III. [*Project Planner: Tom Dougherty*] (Mitigated negative declaration prepared)*

Tom Dougherty presented the item to the Commission with a recommendation of approval to the Board of Supervisors. He discussed in detail Exhibit F and stated that the public comments received were regarding Lot 16. Mr. Dougherty also referenced two Staff Memos that were submitted to the Commission: (1) Staff Memo dated January 28, 2011 regarding a correction to the Environmental Checklist/Discussion of Impacts; and (2) Staff Memo dated February 8, 2011 regarding a revision to DOT Condition #27.

David Howell stated that his parents and he had purchased the old Gage property approximately 5-6 months ago, which is adjacent to Lot 16, and they were very concerned with the proposed location of the access road. As proposed, the road would go between the homes and be located approximately 50-60 feet from a bedroom window. Mr. Howell had been informed that the applicants had been in discussion with the previous owners in obtaining an easement on the lower end of the property for the access road and that location would be the Howell's preference.

He did explain that they had not spoken with the applicant or applicant's agent as they were unsure what their next steps should be.

Tim Vi Tran/applicant stated that they had explored the option of obtaining an easement on the Gage's property but issues had arisen and would have to defer to his agent to provide a better explanation. He further said that extra studies had been conducted on the road placement and they felt that the proposed road location was the best solution for the community and the existing homes as it had the least amount of disturbance.

Larry Patterson/applicant's agent provided a brief history on the access road location, explaining that the project had been originally designed as it is being proposed today, but there had been discussions with the Gage's in obtaining an easement and, as such, the project had been re-designed. However, when the Gage's declined the easement, the project was again re-designed to utilize the existing easement. Mr. Patterson also explained that the previous alternative would have required easements being obtained from other property owners and there had been no forward progress made in that area.

Claudia Wade/DOT indicated that their preference is for roadways to align but the sight distance condition addresses any safety concerns.

Commissioner Rain was in favor of moving forward as presented.

Commissioner Mathews stated that although he understood the Howell's concerns, the project, as designed, made sense. He recommended that the Howell's meet with Mr. Patterson and their Board Supervisor to discuss their concerns further.

No further discussion was presented.

Motion: Commissioner Rain moved, seconded by Commissioner Pratt, and carried (4-0), to recommend the Board of Supervisors take the following action: 1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff with the corrections in "Evaluation of Environmental Impacts" section as identified in the Staff Memo dated January 28, 2011; 2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the Conditions of Approval as presented; 3. Approve Rezone Z10-0006 based on the Findings as presented; 4. Approve Tentative Map TM10-1497 based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition #27 as identified in the Staff Memo dated February 8, 2011; and 5. Approve the request for a Design Waiver to allow a driveway standard and no roadway frontage for access for Lot 17.

AYES: Mathews, Pratt, Rain, Heflin
NOES: None
ABSENT: Tolhurst

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 pursuant to *Section 66472.1* of the *California Government Code*:

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. 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 Planning Commission finds that through feasible conditions and mitigation 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 the corresponding permit monitoring requirement, is 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 base are in the custody of the Development Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Medium Density Residential (MDR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because this land use designation identifies those areas suitable for detached single-family residences with larger lot sizes which will enable limited horticultural and agricultural lapursuits and allow a maximum allowable density of one dwelling unit per 1.0 acre with lot sizes from 1.00 to 5.00 acres in size. The project proposes 26 single-family residential lots ranging in size from 1 to 1.7 which conform to the General Plan land use designation.
- 2.2 As conditioned and with strict adherence to County Code, the proposal is consistent with all applicable Policies of the General Plan. As conditioned, the proposal is consistent with the intent of General Plan Objectives 2.1.1 (Community Region boundaries), Policies 2.1.1.2 (Community Region definition), 2.1.1.7 (adequate roads, utilities and addressing fire hazards), 2.2.5.3 (rezone criteria), 2.2.5.21 (compatibility with surroundings), 2.8.1.1 (lighting impacts), 5.1.2.1 (adequate utilities and public services),

5.2.1.2 (water for emergency), 5.2.1.4 (available domestic water), 5.7.1.1 (adequate emergency water and related facilities), 6.2.3.2 (adequate access), 7.3.3.4 (impacts to wetlands), 7.4.1.5 (rare, threatened, endangered species), and 7.4.4.4 (impacts to oak canopy). Because of the review for General Plan consistency, and as conditioned and mitigated, less than significant impacts to water, biological, archeological and historical features, visual qualities, traffic, services, public facilities, public utilities, and on existing emergency response capabilities will occur. The project can be found to be compatible with the local community. It has been reviewed and conditioned by the Diamond Springs-El Dorado Fire Protection District, Department of Transportation, County Surveyor and the El Dorado Irrigation District noting there are adequate available utilities such as water, power and solid waste facilities. As conditioned and mitigated, the project provides adequate access and site design that ensure compatibility with surrounding land uses, and is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards, with an approved rezone to R1A, the 26 lots conform to existing zoning and the development standards in Section 17.28.080 for minimum lot width of 100 feet, minimum parcel size of one acre, building setback requirements of 30 feet in the front yards, 30 feet for the side yards (15 feet with Fire District approval), and 30 feet for the rear yards, as well having the space to comply with the parking requirements of two spaces not in tandem per dwelling unit pursuant to Section 17.18.060.

4.0 ADMINISTRATIVE FINDINGS

4.1 Tentative Subdivision Map

4.1.1 *The proposed Tentative Subdivision Map, including design and improvements, is consistent with the General Plan policies and land use map. As proposed, and modified by the Mitigations and Conditions of Approval, the map conforms to the Medium Density Residential General Plan land use designation and applicable General Plan policies including land use compatibility, lot size, fire safe access and emergency water supply, and mitigation for indigenous oak tree canopy, threatened species, and wetland impacts.*

4.1.2 *The site is physically suitable for the type and density of development proposed. The site contains sufficient developable areas to accommodate the proposed residential use and proposed density of approximately 1.2 units per acre.*

4.1.3 *The design of the subdivision and proposed improvements as conditioned will not cause significant environmental damage or injure fish and wildlife habitat. Potential environmental impacts for the subdivision have been minimized by the lot designs and one plus acre sizes. The loss of indigenous oak tree canopy will be mitigated by in-lieu fee requirements, the wetlands will be mitigated for minimal impacts, and the potential*

for erosion during grading activities will be minimized by adherence to Best Management Practices required during the grading permit.

4.1.4 *The subdivision shall have adequate access to accommodate the proposed density.* The project has been conditioned to comply with El Dorado County Department of Transportation and Diamond Springs-El Dorado Fire Protection District requirements to assure adequate access.

4.1.5 *The subdivision shall not create serious public health and safety problems or unacceptable fire risk to future occupants to adjoining properties.* The Diamond Springs-El Dorado Fire Protection District reviewed the proposed Tentative Subdivision Map and conditioned the map for adherence to Fire Safe standards which will ensure that the project does not create serious public health and safety problems or unacceptable fire risk to current and future occupants of adjoining properties.

5.0 DESIGN WAIVER APPROVAL FINDINGS

5.1 **Allow a driveway standard for access and no roadway frontage for Lot 17.** The support for the Design Waiver is based on the following findings:

5.1.1 *Special conditions for circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver* because strict adherence to the said DISM standards for the access road requirements to proposed Lot 17 would involve introducing a 20-foot wide road to the parcel which may allow unwanted public access. Requiring the parcel to front a road pursuant to Volume II, section 2, B (5) would require creating a 100-foot frontage pursuant to section 17.28.210 (C) of the Zoning Code which would then create a flag-shaped lot exceeding the required 3 to 1 ratio because they must remain one acre or more in size. The new lot with a driveway standard would create a shape which would conform to the dominant pattern of the lots surrounding them.

5.1.2 *Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property* because strict application of the requirement for lots to meet the *El Dorado County Design and Improvement Standards* required frontage on a public street or a street meeting County subdivision design and improvement standards would create a flag lot that would exceed the 3 to 1 ratio.

5.1.3 *The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public* because allowing Lot 17 to use a driveway standard access road for exclusive access will not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

5.1.4 *This waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division* because the approval of this Design Waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.

Conditions of Approval

1. This Rezone and Tentative Subdivision Map is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibit F (Tentative subdivision Map) 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 and applies to the parcel currently identified by Assessor's Parcel Number 329-201-65:

- a. Rezone an approximately two-acre portion of the 30.95-acre parcel from One-Family Residential-Planned Development, (R1-PD) to One-Acre Residential (R1A); and
- b. Tentative Subdivision Map to subdivide the property into 26 single-family residential parcels ranging in size from 1.0 to 1.7-acre lots.
- c. Design Waiver allowing a driveway standard and no roadway frontage for access for Lot 17.

All lots will be served by public water and sewer. A phasing plan does not accompany this approval. The following table is a breakdown of the interior of the subdivision and the approved lots:

Diamond View Estates Tentative Subdivision Map Individual Lot Area Summary			
Lot No.	Acres	Lot No.	Acres
1	1.24	14	1.00
2	1.01	15	1.00
3	1.00	16	1.03
4	1.00	17	1.02
5	1.00	18	1.13
6	1.00	19	1.00
7	1.00	20	1.00
8	1.00	21	1.00
9	1.11	22	1.11
10	1.02	23	1.07
11	1.00	24	1.01
12	1.00	25	1.00
13	1.00	26	1.00

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

Conditions from the Mitigated Negative Declaration

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

2. **BIO-1: No Disturbance Buffer:** A no-disturbance buffer around the elderberry shrubs as shown on the Tentative Subdivision Map within Lot 18 shall be marked by orange construction fencing prior to commencement of any grading or building permit within said Lot. Said fencing shall have signs posted on them that read, "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs shall be readable from a distance of 20 feet, and must be maintained for the duration of construction.

Monitoring Responsibility: Planning Services

Monitoring Requirement: This requirement shall be placed on the grading permit submitted for all future grading or building permit plans for the area shown within proposed Lot 18 for TM10-1497. Development Services shall review the submitted plans for inclusion of said mitigation prior to issuance of any future grading or building permit. The applicants shall provide Development Services with proof that said fencing has been installed as described above, prior to initiation of any work allowed by an issued building and/or grading permit for future Lot 18 development.

3. **BIO-2: Pre-construction Survey Required:** If vegetation removal is conducted within the nesting period for most migratory bird species and nesting raptor species (between March 1 and August 15), a pre-construction survey for active bird nests shall be conducted by a qualified biologist. If vegetation removal activities are delayed or suspended more than one month after the pre-construction survey, the area shall be re-surveyed. If active bird nests are identified, vegetation removal in these areas shall be postponed until after the nesting season, or a qualified biologist has determined the young have fledged and are independent of the nest site. No known active nests shall be disturbed without a permit or other authorization from USFWS or CDFG.

Monitoring Responsibility: Planning Services

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

4. **BIO-3: Wetland Delineation Verification:** Prior to potential disturbance of any waters of the United States including any wetland features, the wetland delineation study for the project site shall be submitted to the Corps for their verification and approval. If fill of any potential waters of the U.S are anticipated, the appropriate Corps 404 permit must be obtained prior to the fill activity occurring. The appropriate terms of mitigation including the wetland acreage to be mitigated for would be defined in the issued Corps permit. Any waters of the U.S. that would be lost or disturbed should be replaced or rehabilitated at a "no-net-loss" basis in accordance with the Corps' mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement should be at a location and by methods agreeable to the Corps. A total of 0.005 acres of seasonal wetlands were mapped in the combined study area. Wetland mitigation for this project shall be required. Mitigation may include the purchase of mitigation credits from an approved wetland mitigation bank at an appropriate ratio for each acre of wetland /waters proposed to be impacted as determined by the Corps of Engineers.

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall provide a copy of the 404 permit, if required, to Development Services prior to issuance of the grading permit for road infrastructure improvements. If no permits are required by the Corps, a letter from the Corps shall be provided to Development Services stating that no permit shall be required for this project.

5. **BIO-4: No Disturbance Buffer:** A 50-foot setback line shall be shown on the Final Map that begins at all high-water marks or the outer boundary of any adjacent wetlands identified in the area identified in Figure 4 as ADJ-1 of the *Preliminary Delineation of Potential Waters of the U.S.-Diamond View Subdivision*, LSA Associates, Inc., dated June 18, 2008, and as determined by the Corps of Engineer's verified wetland delineation of waters of the United States. No development shall occur within the setback area. The identification shall be made on the Final Map, Site Plan Review, grading and building plans where applicable.

Monitoring Responsibility: Planning Services

Monitoring Requirement: Prior to filing of the Final Map, Site Plan Review (SPR), grading and/or building plan approval, Development Services shall verify that the identification has been made on the Final Map, Site Plan Review, grading and building plans where applicable. The setback lines shall be shown on any submitted development plans submitted for the grading permit and Development Services shall verify this prior to issuance of any development permit.

Planning Services

6. **Oak Woodland:** The applicant shall pay the full mitigation in-lieu fee for all oak canopy removed as part of road and infrastructure improvements. Of the 25,576.95 square-feet of oak canopy project to be removed (18 percent of the project area), 2,557.70 square-feet shall be paid at a 1 to 1 ratio, and 2,046.15 square feet shall be paid at a 2 to 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 Development Services proof of payment of the mitigation in-lieu fee prior to issuance of a grading permit or removal of any oak trees.
7. **Map Time Limits:** The map shall remain in effect for three years from the date of approval. If the map has not been recorded within this timeframe, an extension may be requested prior to expiration of the map. The required application fees shall be paid to process the time extension.
8. **Compliance with Conditions:** At the same time of a submission of a Final Map, and at submittal of any grading permit authorized by this 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 that applies at each said stage. Planning Services shall verify compliance prior to issuance of the road improvement grading permit and concurrent with the filing of a Final Map.
9. **Processing Fee:** Prior to filing of the Final Map, Development Services shall verify that all Development Services Department fees have been paid.
10. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,044.00 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or Certificate of Compliance issued until said fees are paid.
11. **Grading Permit:** 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 Development Services if deemed necessary prior to issuance of a grading permit for verification of compliance with applicable conditions of approval.
12. **Water Meter Award Letter:** A water meter award letter from El Dorado Irrigation District or similar assurance from the water purveyor, guaranteeing water service upon demand to each of the parcels created, shall be submitted to Development Services at the time of filing the Final Map.
13. **Park In-lieu Fees:** Pursuant to Section 16.12.090, the project is responsible for parkland dedication which shall be satisfied by park in lieu fees. The applicant shall submit a

request for Park-in-Lieu fee appraisal to Planning Services, with a check for \$150.00 made out to the El Dorado County Assessor; upon completion of appraisal, the applicant must pay the park fee, pursuant to Section 16.12.090 of the El Dorado County Subdivisions Ordinance, to the General Services Facilities Department, and shall submit the receipt to El Dorado County Development Services with the Final Map.

14. **Liens for Assessment or Bonds:** Prior to filing the 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).
15. **Archeological Resources:** 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 Services 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 Planning Services.

16. **HOA and CC&RS:** A Homeowner's Association (HOA) shall be formed that shall be responsible for enforcement of the Covenants, Conditions, and Restrictions (CC&Rs) which shall be recorded for each parcel. Said CC&Rs shall, at a minimum, include the following provisions:
 - a. Implementation of all provisions of the *Diamond View Estates Wildland Fire Safe Plan*, Bill Draper, Registered Professional Forester #898, March 7, 2009.
 - b. The HOA shall be fully responsible for the ongoing maintenance and monitoring of the shared private road easement area that is entirely within the subdivision boundary as shown on TM10-1497, Exhibit F, as well as the associated drainage facilities and the associated fire safety management of those areas to specifications recommended by the Fire Safe Plan.
 - c. The HOA shall be fully responsible for the ongoing maintenance of any fences and walls constructed on the subdivision's perimeter property lines.

- d. No construction or grading of any kind shall occur within the non-building setback areas shown on the Final Map.
- e. Any future changes in the aforementioned provisions of the final County approved version of the CC&Rs shall require further County approval. The CC&Rs shall contain language that restricts any future modifications by the HOA of County required provisions without prior County approval.

The Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to Development Services for review, and subsequent County approval, prior to filing of the Final Map. Any future changes in the aforementioned provisions of the final County approved version of the CC&Rs shall require further County approval.

- 17. **School Fees:** The developer shall pay all applicable school fees at the time of issuance of building permits for individual lots.
- 18. **Off-site Acquisition:** 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 Development Services Director 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 parcel 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.

- 19. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the Government Code.

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

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

El Dorado County Department of Transportation

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

Table 1					
ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH* / SHOULDER WIDTH	RIGHT OF WAY**	DESIGN SPEED	EXCEPTIONS/ NOTES
Turbo Lane, Ranch Road, Wade Court <i>(onsite)</i>	Modified Std Plan 101B	28 ft	50 ft	25 mph	Type 1 rolled curb and gutter with no sidewalks

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

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

21. **Road and Public Utility Easement Abandonment:** As noted on the Tentative Map, the existing 50-foot wide road and public utilities easement (R&PUE) shall be abandoned and replaced with the proposed R&PUE with the filing of the final map.
22. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment(s) from the Ranch Road and Turbo Lane onto Forni Road to the provisions of County Design Std 103D, or as required by the approved traffic study. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map. Please note that the structural section at the edge of Forni Road is not a minimum structural section in some areas. When improvements are made at the encroachments onto Forni Rd, the applicant will be required to improve the roadway until it meets with the existing minimum structural standard.
23. **Road & Public Utility Easements:** The applicant shall irrevocably offer to dedicate a 50-foot wide non-exclusive road and public utility easement for the on-site access

- roadways as specified in the table above with the filing of the final map. This offer will be rejected by the County.
24. **Vehicular Access Restriction:** Prior to filing of the final map, the applicant shall record a vehicular access restriction along the entire access thru lot 16 for the use of lot 17.
 25. **Access Easement:** The applicant shall show on the Final Map and provide a 30-foot road and public utility easement to serve Lot 17 with the recording of the Final Map.
 26. **Turnaround:** The applicant shall provide a turn around of Wade Court to the provisions of County Standard Plan 114 or approved equivalent by local fire district. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the final map.
 27. **Sight Distance:** The sight distance from a vehicle parked at the edge of traveled way of Turbo Lane and Rancho Road with the driver's eye no more than 15 feet from the edge of pavement, shall be a minimum of ~~550~~ 350 feet in either direction, consistent with Caltrans AASHTO standards. Sight distance easements, if necessary, must be obtained by the applicant and included on the map prior to approval of improvement plans.
 28. **Off-site Access Easements:** The applicant shall provide proof of access to the project site through Turbo Lane and Rancho Road from Forni Road. Said proof shall be provided by and through a "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office.
 29. **Driveway Cuts:** Subdivision improvements shall include rough grading of driveways for all lots with street cuts or fills along the frontage of six feet or more difference in elevation, or as found necessary for reasonable access by the County Engineer. Construction of said driveways shall conform to the Design and Improvements Standards Manual and the Encroachment Ordinance. Attention should be given to the minimum required sight distance at all driveway encroachments. As an alternative, a Notice of Restriction shall be filed against all downhill lots with fill in excess of 6 feet which allows structural driveway access only.
 30. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
 31. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" sign as required by the Department of Transportation prior to the filing of the final map. The signing and striping shall be designed and constructed per the latest version of the California Manual Uniform Traffic Control Devices (MUTCD).
 32. **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