

**Before the Board of Supervisors
County of Placer, State of California**

In the matter of:

An Ordinance Amending Chapter 17, Placer County Code, relating to the Rezoning of property at Sugar Bowl, in the Donner Summit area of Placer County.

Ordinance No: _____

First Reading: _____

The following ORDINANCE was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

**Attest:
Clerk of said Board**

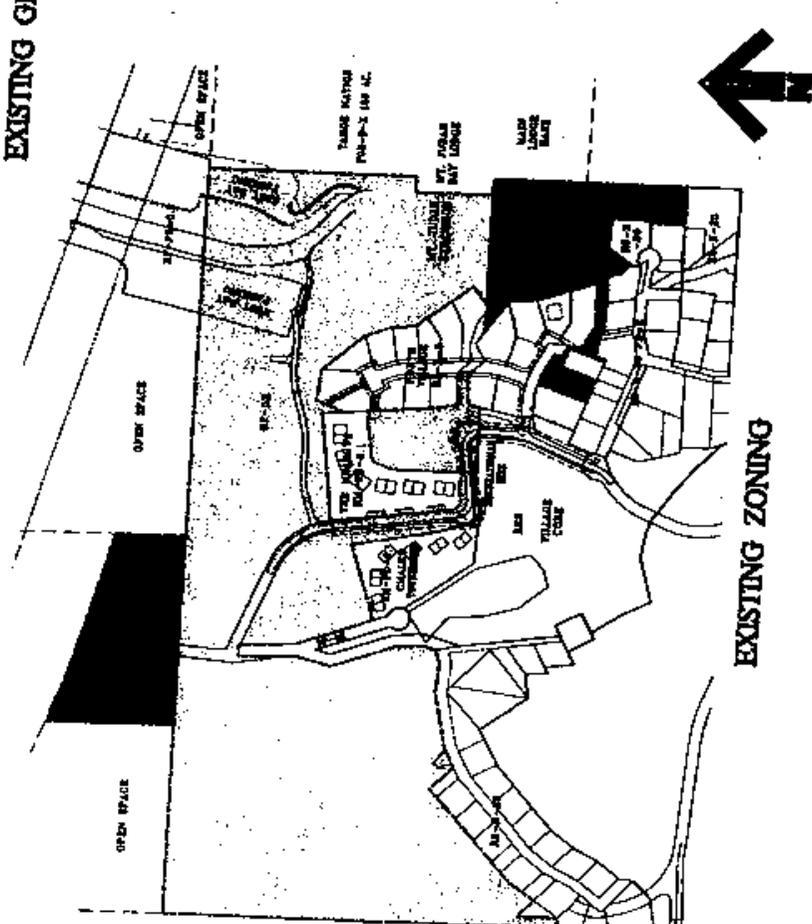
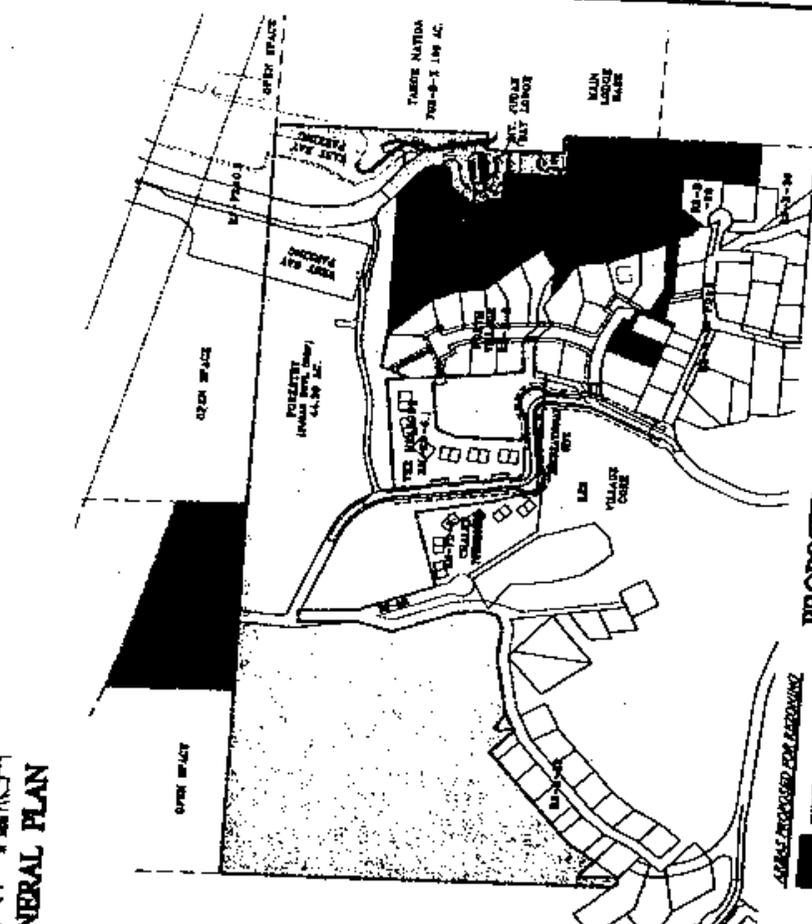
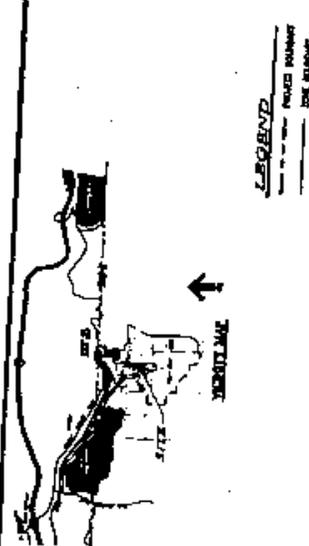
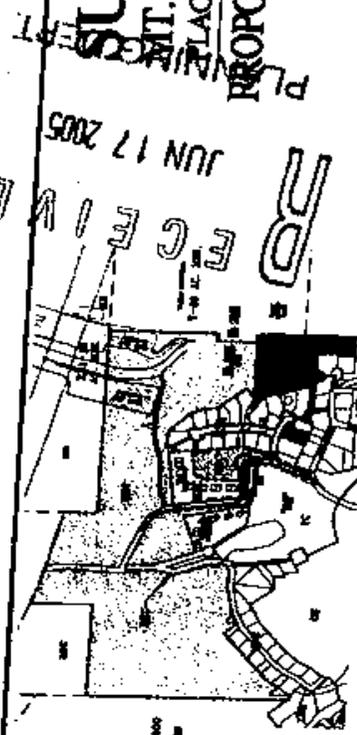
Ann Holman

The Board of Supervisors of the County of Placer, State of California, does hereby ordain as follows:

That Zoning Map P-11 of the Placer County Code is hereby amended as shown on the attached Exhibit 1.

SUGAR BOWL MT. JUDAH EXPANSION PLACER COUNTY, CALIFORNIA PROPOSED ZONING EXHIBIT

JUNE 2005
SHEET 6 OF 6



AREAS PROPOSED FOR ZONING

RESIDENTIAL SINGLE-FAMILY	RM-1	1.5 A.C.
RESIDENTIAL MEDIUM-DENSITY	RM-2	1.5 A.C.
RESIDENTIAL HIGH-DENSITY	RM-3	1.5 A.C.
COMMERCIAL GENERAL	CG	1.5 A.C.
INDUSTRIAL	I	1.5 A.C.



**TERPANCE & LOWRIE
& ASSOCIATES, INC.**
Professional Planning & Public Relations
111 BARBARA AVENUE, SUITE 20
ROSEVILLE, CA 95747, USA
TEL: 916.782.1111 FAX: 916.782.1112

FINDINGS:

I. CEQA

The Planning Commission has considered the proposed Negative Declaration, the proposed mitigation measures, the staff report and all comments thereto and hereby adopts the Mitigated Negative Declaration for the Project based upon the following findings:

1. The Mitigated Negative Declaration has been prepared as required by law. With the incorporation of all mitigation measures, the project is not expected to cause any significant adverse impacts. Mitigation measures include, but are not limited to: development of less contributions to the Road Network Capital Improvement Program.
2. There is no substantial evidence in the record as a whole that the Project as mitigated may have a significant effect on the environment.
3. The Mitigation Negative Declaration as adopted for the Project reflects the independent judgment and analysis of Placer County, which has exercised overall control and direction of its preparation.
4. The mitigation plan/mitigation monitoring program prepared for the Project is approved and adopted.
5. The custodian of records for the Project is the Placer County General Plan Land Use Diagram for the subject area, and will result in lesser potential build-out than the current zoning.

D)ip8 All proposed grading, drainage improvements, vegetation and tree removal shall be shown on the Improvement Plans and all work shall conform to provisions of the County Grading Ordinance (Ref. Article 15.48, formerly Chapter 29), Placer County Code) that are in effect at the time of submittal. No grading, clearing, or tree disturbance shall occur until the Improvement Plans are approved and all temporary construction fencing has been installed and inspected by a member of the DRC. All cut/fill slopes shall be at 2:1 (horizontal:vertical) unless a soils report supports a steeper slope and DPW concurs with said recommendation.

The applicant shall revegetate all disturbed areas. Revegetation undertaken from April 1 to October 1 shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project Improvement Plans. It is the applicant's responsibility to assure proper installation and maintenance of erosion control/winterization during project construction. Where soil stockpiling or borrow areas are to remain for more than one construction season, proper erosion control measures shall be applied as specified in the Improvement Plans/Grading Plans. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the DPW.

Submit to the DPW a letter of credit or cash deposit in the amount of 110% of an approved engineer's estimate for winterization and permanent erosion control work prior to Improvement Plan approval to guarantee protection against erosion and improper grading practices. Upon the County's acceptance of improvements, and satisfactory completion of a one-year maintenance period, unused portions of said deposit shall be refunded to the project applicant or authorized agent.

If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans, specifically with regard to slope heights, slope ratios, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans shall be reviewed by the DRC/DPW for a determination of substantial conformance to the project approvals prior to any further work proceeding. Failure of the DRC/DPW to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body. (MM) (DPW)

E)ip20 Provide the DPW with a letter from the appropriate fire protection district describing conditions under which service will be provided to this project. Said letter shall be provided prior to the approval of Improvement Plans, and a fire protection district representative's signature shall be provided on the plans. (MM) (DPW)

F)ip21 Extend a pressurized water system into the subdivision to County (Section 7 of the LDM) or fire district standards, whichever are greater. (DPW)

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**CONDITIONS OF APPROVAL - REZONING/MAJOR
SUBDIVISION/CONDITIONAL USE PERMIT/VARIANCE -
"MT. JUDAH RESIDENTIAL EXPANSION PROJECT"
(PCPB 2004 0593) MITIGATED NEGATIVE DECLARATION**

THE FOLLOWING CONDITIONS SHALL BE SATISFIED BY THE APPLICANT, OR AN AUTHORIZED AGENT. THE SATISFACTORY COMPLETION OF THESE REQUIREMENTS SHALL BE DETERMINED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC), COUNTY SURVEYOR, AND/OR THE PLANNING COMMISSION.

1. This approval authorizes the construction of a total of 62 condominium units over four phases, along with approximately 1,900 sq. ft. of commercial floor area and recreational amenities. The project further authorizes the rezoning of a portion of the property to a Planned Development zoning of PD 7.5.

2. The following Standard Condition #'s ip3(mm), ip4, ip7, ip8(mm), ip20, ip21, ip23(mm), ip24, ip25, ip26, ip27, g4, g7(mm), rt11, ps2, v3, v10, cr2, eh10, eh14, eh25, eh40, mc7, mc9 and mc10 , apply to this project as printed in *Placer County Land Development Departments' Sample Conditions*, Volume 2004, Number 1, dated July 27, 2004:
 - A)ip3 Staging Areas: Stockpiling and/or vehicle staging areas shall be identified on the Improvement Plans and located as far as practical from existing dwellings and protected resources in the area. (MM) (DPW)
 - B)ip4 Recreational Facilities: The Improvement Plans shall provide details of the construction of the proposed recreational facilities, public and private, both on- and off-site, for the review and approval of the DRC and County Parks Division (PD's). All recreation facilities shall be designed to meet Americans with Disabilities Act (ADA) Federal Guidelines and, where appropriate, the Consumer Product Safety Commission Guidelines (COSC), and the requirements of the American Society for Testing and Materials (ASTM). Approval shall be evidenced by signature of a Parks Division representative on the Improvement Plans. (PD/DFS)
 - C)ip7 The connection of each existing residence within this project to public sanitary sewers is required, shall be shown on the Improvement Plans, and shall be included in the engineer's estimate of costs for subdivision improvements. Note: Hook-up fees are not to be included in the Engineer's Estimate. (EHS/DPW)

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EXHIBIT E

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G)ip23 Submit to DPW, for review and approval, a geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall address and make recommendations on the following:

- A) Road, pavement, and parking area design
- B) Structural foundations, including retaining wall design (if applicable)
- C) Grading practices
- D) Erosion/winterization
- E) Special problems discovered on-site, (*i.e.*, groundwater, expansive/unstable soils, etc.)
- F) Slope stability

Once approved by the DPW, two copies of the final report shall be provided to the DPW and one copy to the Building Department for their use. If the soils report indicates the presence of critically expansive or other soils problems which, if not corrected, could lead to structural defects, a certification of completion of the requirements of the soils report will be required for subdivisions, prior to issuance of Building Permits. This certification may be completed on a Lot by Lot basis or on a Tract basis. This shall be so noted in the CC&Rs and on the Informational Sheet filed with the Final Map(s). It is the responsibility of the developer to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report. (MM) (DPW)

H)ip24 The Improvement Plans shall be approved by the water supply entity for water service, supply, and maintenance. The water supply entity shall submit to the Departments of Environmental Health Services and Public Works a "will-serve" letter or a "letter of availability" from the water district indicating that the agency has the ability and system capacity to provide the project's domestic and fire protection water quantity needs. (DPW/EHS)

I)ip25 An agreement shall be entered into between the developer and the utility companies specifically listing the party(ies) responsible for performance and financing of each segment of work relating to the utility installation. A copy of this agreement or a letter from the utilities stating such agreement has been made shall be submitted to the DPW prior to the filing of the Final Map(s). Under certain circumstances, the telephone company may not require any agreement or financial arrangements be made for the installation of underground facilities. If so, a letter shall be submitted which includes the statement that no agreement or financial arrangements are required for this development. (DPW)

J)ip26 Install cable TV conduit(s) in accordance with company or County specifications, whichever are appropriate. (DPW)

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K)ip27 Submit, for review and approval, a striping and signing plan with the project Improvement Plans. The plan shall include all on- and off-site traffic control devices and shall be reviewed by the County Traffic Engineer. A construction signing plan shall also be provided with the Improvement Plans for review and approval by the County Traffic Engineer. (DPW)

L)g4 In order to protect site resources, no grading activities of any kind may take place within the 100-year flood plain of the stream/drainage way nor within the watershed of the vernal pool(s), unless otherwise approved as a part of this project. (MM) (DPW/PD)

M)g7 If blasting is required for the installation of site improvements, the developer will comply with applicable County Ordinances that relate to blasting and use only State licensed contractors to conduct these operations. (DPW)

N)rt11 All on-site parking and circulation areas shall be improved with a minimum asphaltic concrete or Portland cement surface capable of supporting anticipated vehicle loadings.

ADVISORY COMMENT: It is recommended that the pavement structural section be designed in accordance with recommendations of a soils/pavement analysis and should not be less than 2" AC over 4" Class 2 AB, or the equivalent. (DPW)

O)ps2 Prior to the approval of the Improvement Plans, submit to Environmental Health Services a "will-serve" letter from the franchised refuse collector for weekly or more frequent refuse collection service. (EHS)

P)v3 If the property has been logged within six years prior to the hearing date of the Tentative Map, the applicant shall provide DRC with a letter from the California Department of Forestry stating that all requirements of the Z' Berg-Nejedly Forest Practices Act have been met to the satisfaction of the California Department of Forestry. (FD)

Q)v10 Temporary Construction Fencing: The applicant shall install a 4' tall, brightly colored (usually yellow or orange), synthetic mesh material fence (or an equivalent approved by the DRC) at the following locations prior to any construction equipment being moved on-site or any construction activities taking place:

1) Adjacent to any and all wetland preservation easements that are within 50' of any proposed construction activity;

2) At the limits of construction, outside the dripline of all trees 6" dbh (diameter at breast height), or 10" dbh aggregate for multi-trunk trees, within 50' of any grading, road improvements, underground utilities, or other development activity, or as otherwise shown on the Tentative Map;

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3) Around any and all "special protection" areas as discussed in the project's environmental review documents.

4) Around all Open Space lots within 50 feet of any development activity.

No development of this site, including grading, will be allowed until this condition is satisfied. Any encroachment within these areas, including driplines of trees to be saved, must first be approved by the DRC. Temporary fencing shall not be altered during construction without written approval of the DRC. No grading, clearing, storage of equipment or machinery, etc., may occur until a representative of the DRC has inspected and approved all temporary construction fencing. This includes both on-site and off-site improvements. Efforts should be made to save trees where feasible. This may include the use of retaining walls, planter islands, pavers, or other techniques commonly associated with tree preservation.

Said fencing and a note reflecting this Condition shall be shown on the Improvement Plans. (MM) (PD/DPW)

R)cr2 If any archaeological artifacts, exotic rock (non-native), or unusual amounts of shell or bone are uncovered during any on-site construction activities, all work must stop immediately in the area and a SOPA-certified (Society of Professional Archaeologists) archaeologist retained to evaluate the deposit. The Placer County Planning Department and Department of Museums must also be contacted for review of the archaeological find(s).

If the discovery consists of human remains, the Placer County Coroner and Native American Heritage Commission must also be contacted. Work in the area may only proceed after authorization is granted by the Placer County Planning Department. A note to this effect shall be provided on the Improvement Plans for the project.

Following a review of the new find and consultation with appropriate experts, if necessary, the authority to proceed may be accompanied by the addition of development requirements which provide protection of the site and/or additional mitigation measures necessary to address the unique or sensitive nature of the site. (MM) (PD)

S)eh10 The owner or occupant of each residence in this project shall subscribe to weekly mandatory refuse collection services from the refuse collection franchise holder. The [REDACTED] association shall be responsible for refuse collection service to all non-residential facilities within the project on the same basis. (EHS)

T)eh14 The project owner or authorized managing entity shall insure that all construction vehicles or equipment, fixed or mobile, operated within close proximity of a residential dwelling shall be equipped with properly operating and maintained mufflers at all times during project construction. It is the owner's responsibility to obtain the services

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of a qualified acoustical professional to verify proper equipment mufflers if concerns relating to the issue arise. A note to this effect shall be added to the Improvement Plans where applicable. (EHS)

U)eh25 If at any time during the course of constructing the proposed project, evidence of soil and/or groundwater contamination with hazardous material is encountered, the applicant shall immediately stop the project and contact Environmental Health Services Hazardous Materials Section. The project shall remain stopped until there is resolution of the contamination problem to the satisfaction of Environmental Health Services and to the Central Valley Regional Water Quality Control Board. A note to this effect shall be added to the Improvement Plans where applicable. (EHS)

V)eh40 **ADVISORY COMMENT:** If Best Management Practices are required by the DPW for control of urban runoff pollutants, then any hazardous materials collected during the life of the project shall be disposed of in accordance with all applicable hazardous materials laws and regulations. (EHS)

W)mc7 This map designates a remainder. Pursuant to Government Code, Section 66424.6 the remainder is not being created for the purpose of sale, lease, or financing. Prior to any sale thereof, the owner shall comply with the applicable provisions of Government Code, Section 66424.6. The Placer County standard "remainder note" must appear on the face of the recorded subdivision map. (DPW)

X)mc9 This project is located within a "State Responsibility Area" and, as such, is subject to fire protection regulations established by the State Board of Forestry. Compliance with these regulations shall be evidenced by submittal of a letter from California Department of Forestry (CDF) to the Department of Public Works prior to Improvement Plan approval. CC&Rs shall include notification to future lot owners that said regulations include provisions applicable to residential construction. (DPW)

Y)mc10 During project construction, staking shall be provided pursuant to Section 5-1.07 of the County General Specifications. (DPW)

3. Following Tentative Map approval, but before submittal of Improvement Plans, the applicant shall provide the Planning Department with 5 full-size blue-line prints of the approved Tentative Map for distribution to other County departments.
4. The applicant shall prepare and submit Improvement Plans, specifications and cost estimates (per the requirements of Section II of the Land Development Manual [LDM] that are in effect at the time of submittal) to the DPW for review and approval. The plans shall show all conditions for the project as well as pertinent topographical features both on- and off-site. All existing and proposed utilities and easements, on-site and adjacent to the project, which may be affected by planned construction, shall be shown on the plans. All

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landscaping within sight distance areas at intersections, shall be included in the Improvement Plans. The applicant shall pay plan check and inspection fees. (NOTE: Prior to plan approval, all applicable recording and reproduction cost shall be paid). The cost of the above-noted landscape and irrigation facilities shall be included in the estimates used to determine these fees. It is the applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the Design/Site Review process and/or DRC review is required as a condition of approval for the project, said review process shall be completed prior to submittal of Improvement Plans. Record drawings shall be prepared and signed by a California Registered Civil Engineer at the applicant's expense and shall be submitted to the DPW prior to acceptance by the County of site improvements.

ADVISORY COMMENT: Conceptual landscape plans submitted prior to project approval may require modification during the Improvement Plan process to resolve issues of drainage and traffic safety. (MM)(DPW)

ADVISORY COMMENT: Technical review of the Final Map may not commence until the Improvement Plans are approved by the DPW. The applicant shall provide 5 copies of the approved Tentative Map and 2 copies of the approved conditions with the plan check application. After the 1st Improvement Plan submittal and review by the DPW, the applicant may submit the Final Map to the DPW. (MM)(DPW)

5. Prepare and submit with the project Improvement Plans, a drainage report in conformance with the requirements of Section 5 of the LDM and the Placer County Storm Water Management Manual that are in effect at the time of submittal, to the DPW for review and approval. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: A written text addressing existing conditions, the effects of the improvements, all appropriate calculations, a watershed map, increases in downstream flows, proposed on- and off-site improvements and drainage easements to accommodate flows from this project. The report shall address storm drainage during construction and thereafter and shall propose "Best Management Practice" (BMP) measures to reduce erosion, water quality degradation, etc. Said BMP measures for this project shall include: Minimizing drainage concentration from impervious surfaces, construction management techniques, and erosion protection at culvert outfall locations. (MM)(DPW)
6. The following off-site drainage facilities shall be evaluated in the drainage report for condition and capacity and shall be upgraded, replaced, or mitigated as specified by DPW:
 - A) The perennial waterway west of the proposed condominium buildings. (MM)
7. Storm drainage from on-site impervious surfaces (including roads) shall be collected and routed through specially designed water quality treatment facilities (BMPs)

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for removal of pollutants of concern (e.g. sediment, oil/grease, etc.), as approved by DPW. With the Improvement Plans, the applicant shall verify that proposed BMPs are appropriate to treat the pollutants of concern from this project. Maintenance of these facilities shall be provided by the project owners/permittees unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. Prior to Improvement Plan or Final Map approval, easements shall be created and offered for dedication to the County for maintenance and access to these facilities in anticipation of possible County maintenance. No water quality facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals. (MM) (DPW)

8. Show the limits of the future, unmitigated, fully developed, 100-year flood plain (after grading) for the perennial waterway west of the condominium buildings on the Improvement Plans and Informational Sheet(s) filed with the appropriate Final Map(s) and designate same as a building setback line unless greater setbacks are required by other conditions contained herein. (MM) (DPW)
9. Show finished house pad elevations 2' above the 100-year flood plain line (or finished floor 3' above) for Lots 3 and 4 on the Improvement Plans and Informational Sheet filed with the Final Map. Pad elevations shall be certified by the project engineer on "As-Built" plans submitted to the DPW following project construction. Benchmark elevation and location shall be shown on the Improvement Plans and Informational Sheet to the satisfaction of DRC. (MM) (DPW)
10. Water quality "Best Management Practices" (BMPs) shall be applied according to guidance of the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, or for Industrial and Commercial, (or other similar source as approved by the DPW). BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater runoff. Flow or volume based post-construction BMPs shall be designed at a minimum in accordance with the Placer County Guidance Document for Volume and Flow-Based Sizing of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection. BMPs for the project include, but are not limited to all those identified in the approved "BMP Plan" and: Fiber Rolls (SE-5), Straw Bale Barriers (SE-5), Hydroseeding (EC-4), Revegetation techniques, Infiltration Trench (TC-10), and Velocity Dissipation Devices with rock filled sumps (EC-10). All BMPs shall be maintained as required to insure effectiveness. Proof of on-going maintenance, such as contractual evidence, shall be provided to DPW upon request. (MM)(DPW)

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11. The applicant shall maintain or construct adequate flood storage within the 100-year floodplain of the perennial waterway, if impacted by the proposed development, to the satisfaction of DRC and the Placer County Flood Control District, and shall not impact any existing wetlands/riparian vegetation. This replacement storage shall only be associated with the construction fills associated with the development of the project as noted on the approved Tentative Map.

The applicant shall prepare an analysis to demonstrate the amount of storage to be replaced; the effect on flood flows of the replacement area, any effects on flood conveyance and methods to minimize any maintenance of the replacement storage. The size (volume) of this replacement shall be based on the volume of storage lost by project construction.

Any required storage area shall be designed and shown on the applicable set of Improvement Plans for the project after the above analysis is approved by DPW and the Flood Control District. It shall be constructed concurrent with any grading taking place within the existing 100-year flood plain as shown on the approved Tentative Map. (MM)
(DPW)

12. **ADVISORY COMMENT:** Projects with ground disturbance exceeding one-acre that are subject to construction stormwater quality permit requirements of the National Pollutant Discharge Elimination System (NPDES) program shall obtain such permit from the State Regional Water Quality Control Board and shall provide to DPW evidence of a state-issued WDID number or filing of a Notice of Intent and fees prior to start of construction. (MM) (DPW)
13. All storm drain inlets and catch basins within the project area shall be permanently marked/embossed with prohibitive language such as "No Dumping! Flows to Creek" or other language as approved by the DPW and/or graphical icons to discourage illegal dumping. Message details, placement, and locations shall be included on the Improvement Plans. DPW-approved signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, shall be posted at public access points along channels and creeks within the project area. The Homeowner's association is responsible for maintaining the legibility of stamped messages and signs. (DPW)

ROADS/TRAILS

14. With the initial developed phase, construct a minimum 28' wide day-skier drop off area and vehicle turnaround from the existing Mt. Judah access road. access driveways from the existing on site circulation area to Lot 1 and Lot 3.

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15. With the construction of any condominium building and/or Lot creation, construct a minimum 28' wide access driveway from the proposed day skier drop off area and vehicle turnaround to the proposed building and/or Lot.

ADVISORY COMMENT: Access to the proposed Lots 2 and 4 may be through a parking facility under the building located on Lot 1.

16. The applicant shall continue to implement the traffic control measures identified in the Sugar Bowl Transportation Management Plan.
17. The applicant shall maintain or improve the existing (Winter 2004/2005) transit level of service provided by Sugar Bowl in perpetuity. The applicant shall maintain the level of transit service by either directly providing the service or contracting with others to provide the actual service. The applicant is solely responsible for ensuring the existing transit level of service is maintained. Placer County will not participate in the funding of this service.
18. With the development of the recreational site (indoor pool), construct a public road entrance/driveway onto Mule Ears Drive to a Plate 27-2, LDM standard. The design speed of Mule Ears shall be 25 mph, unless an alternate design speed is approved by the DPW. The improvements shall begin at the outside edge of any future lane(s) as directed by the DPW. An Encroachment Permit shall be obtained by the applicant or authorized agent from DPW. The Plate 27 structural section within the main roadway right-of-way shall be designed for a Traffic Index of 5.5, but said section shall not be less than 3" AC/8" Class 2 AB unless otherwise approved by the DPW. (DPW)

PUBLIC SERVICE

19. Provide to DRC "will-serve" letters from the following public service providers prior to Improvement Plan and Final Map approvals, as required: (CR) (DPW)
- A) PG&E
 - B) SBC/Pacific Bell
 - C) Donner Summit PUD
 - D) Truckee High and Donner Trails Elementary School Districts
 - E) L.P. Suburban
 - F) Placer County Sheriff's Office
 - G) The serving Refuse collection company

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20. Prior to the approval of the Improvement Plans, submit to Environmental Health Services a "will-serve" letter from Donner Summit PUD indicating that the district can and will provide sewerage service to the project. Connection of each lot in this project to sanitary sewers is required. (EHS)
21. Prior to the approval of the Improvement Plans, submit to Environmental Health Services, for review and approval, a "will-serve" letter or a "letter of availability" from Donner Summit PUD for domestic water service. The applicant shall connect the project to this treated domestic water supply. (EHS)

GENERAL DEDICATIONS / EASEMENTS

22. Provide the following easements/dedications on the Improvement Plans and Final Map to the satisfaction of the DPW and DRC: (DPW)
- A) A 40'-wide private road, public utility, and emergency access easement (Ref. Chapter 16, formerly Chapter 19, Placer County Code) from Donner Pass Road to the proposed Lots along the existing and proposed driveway locations. Said roads shall be maintained by the Homeowner's Association. (DPW)
ADVISORY COMMENT: The public utility easement is required unless all the service utilities provide written confirmation that other acceptable easements have been provided to their satisfaction.
 - B) Public utility easements as required by the serving utilities, excluding wetland preservation easements (WPE). (DPW)
 - C) Dedicate 12.5' multi-purpose easements adjacent to all highway easements, unless all the serving utilities provide written confirmation that other acceptable easements have been provided to their satisfaction. (DPW)
 - D) Slope easements for cuts and fills outside the highway easement. (DPW)
 - E) Drainage easements as appropriate. (DPW)
 - F) An Irrevocable Offer of Dedication for easements as required for access to, and protection and maintenance of water quality enhancement facilities (BMP's). Said facilities shall be privately maintained until such time as the Board of Supervisors accepts the offer of dedication. (MM) (DPW)

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- G) Landscape easements as appropriate. (DPW)

VEGETATION AND OTHER SENSITIVE NATURAL AREAS

23. Trees identified for removal, and/or trees with disturbance to their driplines, shall be replaced with comparable species on-site, in an area to be reviewed and approved by the DRC, as follows:

- a) One, 15-gallon native tree for each native tree removed, or a functional equivalent approved by the DRC as follows:

If replacement tree planting is authorized, the trees must be installed by the applicant and inspected and approved by the DRC prior to the issuance of a final Certificate of Occupancy by the Placer County Building Department. At its discretion, the DRC may establish an alternate deadline for installation of mitigation replacement trees if weather or other circumstances prevent the completion of this requirement. (MM) (PD)

- d) In lieu of the mitigation for tree removal listed above, a contribution of \$100 for each native tree removed or impacted. If tree replacement mitigation fees are to be paid in the place of tree replacement mitigation planting, these fees must be paid prior to issuance of a Certificate of Occupancy.

ADVISORY COMMENT: The unauthorized disturbance to the dripline of a tree to be saved shall be cause for the Planning Commission to consider revocation of this permit/ approval. (MM) (PD)

FEES

24. **ADVISORY COMMENT:** This project will be subject to the payment of traffic impact fees that are in effect in this area (Tahoe), pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) will be required and shall be paid to Placer County DPW prior to issuance of any Building Permits for the project:

- A) County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code

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The current estimated fee is \$96,050. The fees were calculated using the information supplied. If either the use or the square footage changes, then the fees will change. The actual fees paid will be those in effect at the time the payment occurs. (PD/W)

25. **ADVISORY COMMENT:** Please be advised that pursuant to County Code Sections 15.34.010, 16.08.100 and/or 17.54.100 (D), a fee must be paid to Placer County for the development of park and recreation facilities. (For reference, the fee for multi-family housing is currently \$2,535 per unit due when a building permit issued.) (PD)

Pursuant to Article 17.54.100 (D) of the Placer County Code, this project's Planned Development status requires that it provide onsite recreation facilities. The applicant may either provide the proposed onsite recreation facilities (swimming pool) concurrent with the first phase of development, or chose to opt out of this requirement and instead pay an additional park fee. If this option were chosen, the net result would be that the project pays the equivalent of double the applicable park fee. (For reference, the current fee for this option would be \$5,070 per unit at building permit issuance.) (PD/DFS)

26. Pursuant to Section 21089 (b) of the California Public Resources Code and Section 711.4 et. seq. of the Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified fees are paid. The fees required are \$1,280 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination is not operative, vested or final and shall not be accepted by the County Clerk. **NOTE: The above fee shall be submitted to the Planning Department within 5 days of final project approval.** (PD)

27. A) The developer will require that the contractors and subcontractors exercise their option to obtain a Board of Equalization sub-permit for the job site and allocate all eligible use tax payments to Placer County. Prior to any construction on-site, the developer will require that the contractor and subcontractors provide Placer County with either a copy of the sub-permit or a statement that use tax does not apply to their portion of the job.

B) The developer will review the Direct Payment Process established under State Revenue and Taxation Code 7051.3 and, if eligible, use the Permit so that the local share of its use tax payments is allocated to Placer County. The developer will provide Placer County with either a copy of the Direct Payment Permit or a statement certifying ineligibility to qualify for the permit. The developer will further work with the Agency to inform all tenants about the Direct Payment Permit Process and encourage their participation if qualified.

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(Applies only to large scale commercial and industrial projects and non-residential components of large-scale residential projects)

28. This project is subject to the payment of the County's Capital Facilities Impact Fee pursuant to Article 15.30 of the Placer County Code. The applicable fee must be paid prior to issuance of a Building Permit, if required, or prior to issuance of a Business License or commencement of the use, if no Building Permit is required. (FS)

ENVIRONMENTAL HEALTH

29. Construction noise emanating from any construction activities for which a Grading or Building Permit is required is prohibited on Sundays and Federal Holidays, and shall only occur:
- Monday through Friday, 6:00 am to 8:00 pm (during daylight savings)
 - Monday through Friday, 7:00 am to 8:00 pm (during standard time)
 - Saturdays, 8:00 am to 6:00 pm

In addition, temporary signs (4 x 4) shall be located throughout the project, as determined by the DRC, at key intersections depicting the above construction hour limitations. Said signs shall include a toll free public information phone number where surrounding residents can report violations and the developer/builder will respond and resolve noise violations. This condition shall be included on the Improvement Plans and shown in the development notebook.

ADVISORY COMMENT: Essentially, quiet activities, which do not involve heavy equipment or machinery, may occur at other times. Work occurring within an enclosed building, such as a house under construction with the roof and siding completed, may occur at other times as well.

The Planning Director is authorized to waive the time frames based on special circumstances, such as adverse weather conditions. (EHS/PD)

30. The owner or occupant of each residence in this project shall subscribe to weekly mandatory refuse collection services from the refuse collection franchise holder. The homeowners' association shall be responsible for refuse collection service to all non-residential facilities within the project on the same basis. (EHS)
31. Prior to approval of a Building Permit for the pool, contact Environmental Health Services, pay required fees, and apply for a plan check. Submit to Environmental Health Services for review and approval complete construction plans and specifications as specified by EHS. (EHS)

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AIR POLLUTION

32. The applicant shall submit to the District and receive approval of a Construction Emission / Dust Control Plan prior to groundbreaking.
33. Construction equipment exhaust emissions shall not exceed District Rule 202 Visible Emission limitations.
34. The project shall provide a plan for approval by the District demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average. The District should be contacted for average fleet emission data. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. Contractors can access the Sacramento Metropolitan Air Quality Management District 's web site to determine if their off-road fleet meets the requirements listed in this measure.
[http://www.airquality.org/ceqa/Construction Mitigation Calculator.xls](http://www.airquality.org/ceqa/Construction_Mitigation_Calculator.xls)
35. No open burning of removed vegetation during infrastructure improvements. Vegetative material should be chipped or delivered to waste to energy facilities.
36. An operational water truck shall be onsite at all times. Apply water to control dust as needed to prevent dust impacts offsite.
37. Suspend all grading operations when wind blown dust results in fugitive dusts exceeding District Rule 228 Fugitive Dust limitation.
38. Clean earth moving construction equipment with water once per day.
39. Reduce traffic speeds on all unpaved surfaces to 15 miles per hour or less.
40. Minimize idling time to 5 minutes for all diesel power equipments.
41. Contractors shall not operate pre 1996 heavy-duty diesel off-road and stationary source equipment on forecast Spare The Air Days.

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42. Use California diesel fuel for mobile and stationary construction equipment.
43. The applicant shall use existing power sources (e.g., power poles) or clean fuel generators rather than temporary diesel power generators. If diesel powered generators greater than 50 horsepower are going to be used, a District Permit to Operate is required.
44. Install low nitrogen oxide (NOx) hot water heaters.
45. Use of low VOC coatings per District Rule 218 Architectural Coatings.
46. Electrical outlets shall be installed on the exterior walls of both the front and back of a residence to promote the use of electric landscape maintenance equipments.
47. Wood-burning or Pellet appliances shall not be permitted in multi-family developments. Only natural gas or propane fired, fireplace appliances are permitted.
48. The project shall implement an offsite mitigation program, coordinated through the Placer County Air Pollution Control District, to offset the project's long-term ozone precursor emissions. The applicant provides monetary incentives to sources of air pollutant emissions within the project's general vicinity that are not required by law to reduce their emissions. Therefore, the emission reductions are real, quantifiable and implement provisions of the 1994 State Implementation Plan. The offsite mitigation program reduces emissions within the region that would not otherwise be eliminated and thereby "offsets" the project's increase to regional emissions.

In lieu of the applicant implementing their own offsite mitigation program, the applicant can choose to participate in the Placer County Air Pollution District Offsite Mitigation Program by paying an equivalent amount of money into the District program. The actual amount of emission reductions needed through the Offsite Mitigation Program would be calculated when the project's average daily emissions have been determined. The amount of emissions would be reduced by any on site measures implemented by the project.

MISCELLANEOUS CONDITIONS

49. The applicant shall, upon written request of the County, defend, indemnify, and hold harmless the County of Placer (County), the County Planning Commission, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorneys fees awarded by a court, arising out of or relating to the processing and/or approval by the County of Placer of that certain development project known as Mt. Judah Residential Expansion. The applicant shall, upon written request of the County, pay or, at the County's option, reimburse the County for all costs for preparation of an

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administrative record required for any such action, including the costs of transcription, County staff time, and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision.

This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the County relating to the approval of the Project. Upon request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provisions of this condition. (cc)

CONDITIONS, COVENANTS, & RESTRICTIONS

50. Prior to the filing of the Final Map, Conditions, Covenants, and Restrictions (CC&Rs) shall be prepared and submitted to and approved by the DPW, County Counsel, and other appropriate County Departments and shall contain provisions for: (CR) (PD/DPW/EHS/APCD)

A) The applicants shall create a Homeowners' association with certain specified duties/responsibilities; (CR) (DPW)

B) None of the provisions required by this condition of approval shall be altered without the prior written consent of Placer County. (CR) (PD/DPW/EHS/APCD)

EMPLOYEE HOUSING

51. The project applicant shall mitigate potential impacts on the availability of employee affordable housing through compliance with the Placer County General Plan requiring new development in the Sierra region to house 50 per cent of the new employees generated by the project. In this case, the applicant shall construct or provide housing to accommodate the number of full time equivalent (FTE) employees in any housing type or combination of housing types, including but not limited to apartments, duplexes, or single-family dwellings. Such housing shall be constructed in the Tahoe-Sierra portion of Placer County or nearby communities. The number of units required will be based on an assumed accommodation of one employee per studio, two employees per one bedroom unit, and one additional employee for each additional bedroom, and employee generation numbers as depicted below.

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Should some other type of housing be proposed, such as dormitory style housing, the County shall determine an appropriate employee accommodation rate for the housing type proposed.

Such employee housing must be affordable (as prescribed by Placer County) and available to Sugar Bowl employees and/or affordable (as prescribed by Placer County) and available to qualified employees in the region as follows: 10% at 50% of median family income (MFI), 25% at 80% of MFI, 30% at 100% of MFI, 25% at 120% of MFI and 10% at 140% of MFI.

Prior to issuance of Certificates of Occupancy (or equivalent approvals) for each improvement on the Sugar Bowl project site, the applicant shall provide evidence that sufficient employee housing has been constructed to house 50% of the employees generated by the respective improvement. If the housing is phased, the applicant shall construct the necessary utilities and infrastructure to serve the future employee housing site(s) with the first phase of development of the employee housing project.

Should any project element(s) be eliminated or reduced in size, the housing obligation shall be reduced accordingly.

EXERCISE OF PERMIT

52. The applicant shall prepare and submit to the Department of Public Works (DPW), a Final Subdivision Map for each phase, which is in substantial conformance to the approved Tentative Map in accordance with Chapter 16 (formerly Chapter 19) of the Placer County Code; pay all current map check and filing fees. (DPW)
53. The project is approved as a phased project. The DRC shall determine when any of the preceding conditions apply to a given phase of development where such timing is not specified in the condition. (DPW)
54. The applicant shall have 36 months to exercise this Vesting Tentative Map and Conditional Use Permit. Unless exercised or extended, this approval shall expire 36 months from the final date of action on the permits. (PD)

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Environmental Issues
(See attachments for information sources)

No Impact	Less Than Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Impact
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10. ADDITIONAL EVIDENCE OF SIGNIFICANCE

- | | | |
|--|---|-------------------------------------|
| <p>A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory?</p> | <p>NO <input checked="" type="checkbox"/></p> | <p>YES <input type="checkbox"/></p> |
| <p>B. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</p> | <p>NO <input checked="" type="checkbox"/></p> | <p>YES <input type="checkbox"/></p> |
| <p>C. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?</p> | <p>NO <input checked="" type="checkbox"/></p> | <p>YES <input type="checkbox"/></p> |

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effect has been adequately analyzed in an earlier EIR or Negative Declaration [State CEQA guidelines Section 15063(c)(3)(D)]. In this case a discussion should identify the following on attached sheets.

- A. **Earlier analyses used.** Identify earlier analyses and state where they are available for review.
- B. **Impacts adequately addressed.** Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards. Also, state whether such effects were addressed by mitigation measures based on the earlier analysis.
- C. **Mitigation measures.** For effects that are checked as "Potentially Significant Unless Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Authority: Public Resources Code Sections 21083 and 21087.

Reference: Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 31083.3, 21093, 21094, 21151; *Sundstrom v. County of Mendocino*, 202 Cal. App. 3d 296 (1988); *Leonoff v. Monterey Board of Supervisors*, 222 Cal. App. 3d 1337 (1990).

- | | |
|---|---|
| <input checked="" type="checkbox"/> California Department of Fish and Game | <input type="checkbox"/> Local Agency Formation Commission (LAFCo) |
| <input checked="" type="checkbox"/> California Department of Transportation (e.g. Caltrans) | <input type="checkbox"/> California Department of Health Services |
| <input checked="" type="checkbox"/> California Regional Water Quality Control Board | <input type="checkbox"/> California Integrated Waste Management Board |
| <input checked="" type="checkbox"/> California Department of Forestry | <input type="checkbox"/> Tahoe Regional Planning Agency |

