



**CONDITIONS OF APPROVAL – MINOR LAND DIVISION -  
" OAKWOOD ESTATES " (PMLD 20070721 )**

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***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 Tentative Parcel Map is approved to allow for two lots consisting of 5.10 and 4.85 acres.
2. Approval of this Tentative Map is subject to the approval of the Board of Supervisors of a Rezoning from RA-B-X 10 acre minimum to RA-B-X 4.6 acre minimum or a similar zone district which permits the project's proposed density and design.
3. Following Tentative Map approval, but before submittal of Improvement Plans, the applicant shall provide the Planning Department with five full-size prints of the approved Tentative Parcel Map for distribution to other County departments, if the approval of the project requires changes to the map.
4. All parcels must meet all zoning requirements (area, width, setbacks, etc.).
5. All parcels must meet a net acreage, or minimum lot size of 4.6 acres.
6. No lot shall be divided by a tax district boundary.
7. No lot shall be further divided.
8. Provide the Development Review Committee with a tree survey and arborist report (by a Certified Arborist) depicting the exact location of all protected trees 6" dbh (diameter at breast height) or greater, or multiple trunk trees with an aggregate diameter of 10" dbh or greater, within 50' of any grading, road improvements, underground utilities, driveways, building envelopes etc., and all trees 18" dbh or greater, located on the entire site, and any trees disturbed from off-site improvements (i.e., road improvements, underground utilities, etc.). Trees to be saved, or removed shall be shown on the survey, and superimposed over the site/grading plan, as well as all proposed improvements, including any underground utilities. The survey report shall be reviewed and approved by the Development Review Committee prior to completion of the Parcel Maps Improvement plans or prior to the Parcel Map for the project being filed at the Placer County Recorders Office. Advisory Comment: Trees may not be disturbed or removed prior to the approval of Improvement Plans.
9. The applicant shall mitigate for the removal of and impacts to trees on-site by replacing trees on-site. For each diameter inch of a tree removed, replacement shall be on an inch-for-inch basis. For example, if 100 diameter inches are proposed to be removed, the replacement trees would equal 100 diameter inches (aggregate). Prior to approval of Improvement Plans the applicant shall submit to the Development Review Committee for review and approval a Planting Plan that details the tree

replacement, irrigation, and monitoring plan for the mitigation of impacted trees (including removal and impacts to dripline). Trees must be installed by the applicant and inspected and approved by the Development Review Committee prior to the acceptance of improvements by the Engineering and Surveying Department. At its discretion, the Development Review Committee may establish an alternate deadline for installation of mitigation replacement trees if weather or other circumstances prevent the completion of this requirement. In lieu of tree replacement on-site for tree removal listed above, a contribution of \$100 per diameter inch at breast height for each tree removed or impacted or the current market value, as established by an Arborist, Forester or Registered Landscape Architect, of the replacement trees, including the cost of installation, shall be paid to the Placer County Tree Preservation Fund. If tree replacement mitigation fees are to be paid in the place of tree replacement mitigation planting, these fees must be paid prior to acceptance of improvements.

10. Prior to any grading or tree removal activities, during the raptor nesting season (February 1 - September 1), a focused survey for raptor nests shall be conducted by a qualified biologist. A report summarizing the survey shall be provided to Placer County and the California Department of Fish & Game (CDFG) within 30 days of the completed survey. If an active raptor nest is identified appropriate mitigation measures shall be developed and implemented in consultation with CDFG. If construction is proposed to take place between February 1<sup>st</sup> and September 1<sup>st</sup>, no construction activity or tree removal shall occur within 500 feet of an active nest (or greater distance, as determined by the CDFG). Construction activities may only resume after a follow up survey has been conducted and a report prepared by a qualified raptor biologist indicating that the nest (or nests) is no longer active, and that no new nests have been identified. A follow up survey shall be conducted 2 months following the initial survey, if the initial survey occurs between February 1<sup>st</sup> and July 1<sup>st</sup>. Additional follow up surveys may be required by the Development Review Committee, based on the recommendations in the raptor study and/or as recommended by the CDFG. Temporary construction fencing and signage as shall be installed at a minimum 500 foot radius around trees containing active nests. If all project construction occurs between September 1<sup>st</sup> and February 1<sup>st</sup> no raptor surveys will be required. Trees previously approved for removal by Placer County, which contain stick nests, may only be removed between September 1<sup>st</sup> and February 1<sup>st</sup>.

11. If tree removal or grading activity commences during the breeding season of the Townsend's big-eared bat, a field survey shall be conducted by a qualified biologist to determine whether active roosts are present on the project site or in areas containing suitable roosting habitat within 50 feet of any development activity. Field surveys shall be conducted in late April or early May in the season before construction begins when bats are establishing maternity roosts but before pregnant females give birth. If no roosting bats are found, no further mitigation is required. If roosting bats are found, disturbance of the maternity roosts shall be avoided by halting construction until either the end of the breeding season or until a qualified biologist removes and relocates the roosting bats in accordance with CDFG requirements.

12. **ADVISORY COMMENT:** This project may be subject to review and approval by the State Dept. of Fish & Game, National Marine Fisheries Services (NMFS), and/or the U. S. Army Corps of Engineers. It is the applicant's responsibility to obtain such approvals, if necessary, prior to any grading, clearing, or excavation.

13. 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 County approved 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 will 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.

14. 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 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 Parcel Map, prior to any construction equipment being moved on-site or any construction activities taking place

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.

15. 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. The fee to be paid is the fee in effect at final map recordation/building permit issuance. (For reference, the fee currently is \$595 per lot to be paid at final map and \$3,150 per unit due when a building permit is issued.) (PD)

16. 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 \$2,656.75 for projects with Environmental Impact Reports and \$1,926.75 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.**

17. 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 Oakwood Estates (the Project). 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

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.

18. A Mitigation Monitoring Implementation Program (MMIP) for the replacement of native oaks and other trees, prepared by an ISA certified arborist, Registered Forester, or Landscape Architect, shall be submitted to the Planning Department, prior to the submittal of the project's Improvement Plans for review and approval by the DRC. The Plan shall include a site plan that indicates the trees' location, installation and irrigation requirements and other standards to ensure the successful planting and continued growth of these trees, as approved by the DRC.

Installation of all trees and irrigation systems must be completed prior to the County's acceptance of the subdivision's improvements. Access rights for monitoring and maintenance, if necessary, shall be provided to the homeowners' association.

An annual monitoring report for a minimum period of 3 years from the date of installation, prepared by the above-cited professional, shall be submitted to the DRC for review and approval. Any corrective action shall be the responsibility of the homeowners' association.

Prior to the approval of the Improvement Plans, a Letter of Credit, Certificate of Deposit, or cash deposit in the amount of 100% of the accepted proposal shall be deposited with the Placer County Planning Department to assure on-going performance of the monitoring program. Evidence of this deposit shall be provided to the satisfaction of the DRC prior to the approval of Improvement Plans. For the purposes of administrative and program review by Placer County, an additional 25% of the estimated cost of the Monitoring Program shall be paid to the County, in cash, at the time that the 100% deposit is made. With the exception of the 25% administrative fee, 100% of the estimated costs of implementing the monitoring program shall be returned to the applicant once the applicant has demonstrated that all 3 years of monitoring have been completed to the satisfaction of the DRC. Refunds will only be available at the end of the entire review period.

It is the applicant's responsibility to ensure compliance with the MMIP. Violation of any components of the approved MMIP may result in enforcement activities per Placer County Environmental Review Ordinance, Article 18.28.080 (formerly Section 31.870). If a monitoring report is not submitted for any one year, or combination of years, as outlined in these conditions, the county has the option of utilizing these funds and hiring a consultant to implement the MMIP. Failure to submit annual monitoring reports could also result in forfeiture of a portion of, or all of, the deposit. An agreement between the applicant and County shall be prepared which meets DRC approval that allows the County use of this deposit to assure performance of the MMIP in the event the property owner reneges.

19. Provide will-serve letters from the following agencies that express satisfaction with the proposed project.

School Districts:	Placer Union High School District and Loomis Union Elementary School District
Water District:	PCWA
Fire District:	California Department of Forestry (CDF) Penryn Fire Protection District

20. Show all record easements on the parcel map.

21. Provide proof of minimum off-site right-of-way access in accordance with Placer County Minor Subdivision Ordinance Section 16.20.160 (3) (E); formerly 19.332. Right-of-way shall be of sufficient width to accommodate the required road improvements with their cut, fill and drainage facilities.

22. Dedicate to Placer County one-half of a 60 foot road and public utility easement where the project fronts Humphrey Road as measured from the existing centerline of the road, plan line or other alignment as approved by the Transportation Division of the Department of Public Works.

23. Create a 26 foot (minimum) road and public utilities access to parcel 1.

NOTE: This access easement may require wider alignment nearer to Humphrey Road to accommodate encroachment design and construction.

24. Offer to Dedicate to Placer County a road and utility easement for all on-site road and utility easements being created by this minor land division.

25. The following additional improvements are required:

A) Construct a new on-site road per Plate R-1 to Parcel 1 to the following standards: 20-foot section – 3” asphalt on 8” aggregate base (Class II) with 2-foot wide aggregate base shoulders.

B) Construct a turnaround per Plate R-2, unless otherwise approved by Placer County Engineering and Surveying Dept., Special Districts or Fire Districts.

C) All parcels created by the parcel map shall be made party to a road maintenance agreement for the maintenance of all roads, both off-site and on-site, used to access the newly created parcels.

NOTE: Neighbors do not have to sign the agreement.

26. Obtain an Encroachment Permit to improve the existing encroachment onto Humphrey Road. The encroachment shall be constructed to Plate R-17 standards, unless otherwise approved by the Placer County Engineering and Surveying Dept.

**NOTE:** The following constraints were noted in the field and may require special design or construction efforts approved by the Transportation Division of the Department of Public Works:

A. See "NOTE" on Condition 23.

27. Submit proof of easements for construction or transmission of water from its source to the property. Create sufficient easements to transport water to all parcels being served by public water source.

28. Road inspection fees to be paid to the Placer County Engineering and Surveying Dept. per Sections 16.08.160 & 16.08.170 (formerly 19.336) of the Land Development Manual.

29. Submit evidence that there are no delinquent taxes and that any existing assessments have been split.

30. Submit evidence of title report in the form of a "Parcel Map Guarantee" from a Title Company. A current Title Report (not older than 90 days) shall be submitted with the Parcel Map when it is submitted for checking.

31. Install fire protection facilities, as listed below or as required by the serving Fire Protection District, if more restrictive than County requirements (A or B through E as appropriate):

A. Extend existing water line and/or install fire hydrant as required by the serving fire entity (see Section 16.08.080 [formerly 19.105] of the Land Development Manual).

**OR**

B. Construct fire protection tank and approved appurtenances.

C. Submit Improvement Plans to the California Department of Forestry and any other serving fire district for checking and approval and pay any required checking fee.

D. Dedicate necessary easements to serve fire protection for this parcel as approved by the fire-serving district.

E. Create a maintenance agreement for the maintenance of the water tank to which all parcels shall be made a party.

**NOTE:** If the parcel is rated ISO-8, this condition does not apply for Placer County Engineering and Surveying Dept. but applicant will have to comply with any other conditions that may be required by the fire protection agencies.

32. Submit to the Placer County Engineering and Surveying Dept. (ESD), for review and approval, **Improvement Plans** for the required improvements and pay the appropriate plan check and inspection fee. The Environmental Health Division may be required to review and approve the plans for compliance to their regulations if deemed appropriate by the ESD (See Section 16.20.200 c, 3, f).
33. Sewage Disposal: Prior to Improvement Plan approval of the on-site sewage disposal plans must be obtained from EHS. Any on-site sewage disposal area within 50' of any planned construction shall be shown on the Improvement Plans. **(EHS)**
34. Prior to Grading Permit or Improvement Plan approval and before any grading or clearing occurs on the project site, within 50' of any on-site sewage disposal area, the on-site sewage disposal area of any affected lot shall be fenced off with fluorescent construction fencing and clearly marked with a sign that states "KEEP OFF! Reserved for Sewage Disposal Only". **(ESD/EHS)**
35. Prior to the approval of the Improvement Plans, submit to EHS, for review and approval, a "will-serve" letter PCWA for domestic water service. The applicant shall connect the project to this treated domestic water supply. **(EHS)**
36. Prior to Final Map approval, the applicant shall submit the following documents to EHS for review and approval the following documents: **(EHS)**
  - A) A site plan of Parcel 1, prepared by a qualified consultant, showing lot boundaries, the minimum usable sewage disposal area designated for each lot, locations of existing and proposed water wells and sewage disposal systems, site topography at the contour interval specified in the Land Development Manual, roadways, easements, driveways, water lines, and other constraints to on-site sewage disposal system siting. **(EHS)**
  - B) Indicate on the Improvement Plans and Final Map or Development Notebook the location of each lot's approved minimum usable sewage disposal area. Notation shall be made on the documents that the shown sewage disposal area shall not be graded, compacted, or, in any way, altered or encumbered. **(EHS)**
37. Prior to Improvement Plan approval, 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 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)**
38. 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:

- a) Monday through Friday, 6:00 am to 8:00 pm (during daylight savings)
- b) Monday through Friday, 7:00 am to 8:00 pm (during standard time)
- c) 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.

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/ESD/PD)**

39. Prior to Improvement Plans approval, a Note shall be placed on Improvement Plans to indicate that 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 the EHS Hazardous Materials Section. The project shall remain stopped until there is resolution of the contamination problem to the satisfaction of EHS and to the Central Valley RWQCB. **(EHS)**

40. Prior to Improvement Plan approval place a Note on the Improvement Plans to indicate that the approved on-site sewage disposal system area and the 100% replacement area must remain unaltered and available, free of vehicular traffic, parking, structures of any type, or soil modification. **(EHS)**

41. If Best Management Practices are required by the Engineering and Surveying 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)**

42. The applicant shall offer a 15-foot irrevocable offer of dedication for a multi-purpose trail located parallel to Humphrey Road which shall be recorded against the property.

43. The applicant shall have 36 months to exercise this Tentative Parcel Map. Unless exercised, this approval shall expire on June 26, 2011.