

## **FINDINGS – CONDITIONAL USE PERMIT MODIFICATION - MINER'S RIDGE FAMILY APARTMENTS (PCPM 20100046)**

### **FINDINGS:**

#### CEQA:

The Planning Commission has considered the Addendum for the proposed Use Permit Modification, the staff report for the modification and all comments thereto and hereby adopts the Addendum, based upon the following findings:

1. The proposed modification will not result in substantial changes that would lead to the identification of new or previously unidentified significant environmental effects that would require major revisions of the previous Mitigated Negative Declaration.
2. No new information of substantial importance which was not known, and could not have been known with the exercise of reasonable diligence at the time the Mitigated Negative Declaration was adopted, has been discovered which would require major revisions of the previously adopted Mitigated Negative Declaration.
3. There is no substantial evidence in the record as a whole that the project as revised may have a significant effect on the environment. With the incorporation of all previously approved mitigation measures, the modified project will not result in any new or additional significant adverse impacts. Mitigation measures include, but are not limited to: the installation of BMPs for water quality impacts; a preconstruction survey for raptors; the on-site planting of oak trees to offset the loss of oaks; the submission of emission/dust control plans; the payment of traffic fees to reduce transportation and circulation impacts and the construction of road improvements; and, structural setbacks for fire protection.
4. The Addendum to the Mitigated Negative Declaration has been prepared as required by law and the document as adopted reflects the independent judgment and analysis of Placer County, which has exercised overall control and direction of its preparation.
5. The custodian of records for the project is the Placer County Planning Director, 3091 County Center Drive, Suite 140, Auburn CA, 95603.

#### Conditional Use Permit:

6. The proposed use is consistent with all applicable provisions of Chapter 17 (Placer County Zoning Ordinance), Placer County Code, and any applicable provisions of other chapters of this code.
7. The proposed use is consistent with applicable policies and requirements of the Auburn/Bowman Community Plan and the Placer County General Plan.
8. The establishment, maintenance or operation of the proposed use will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County.
9. The proposed use will be consistent with the character of the immediate neighborhood and will not be contrary to its ordinary development.

10. The proposed use as an apartment development will not generate a volume of traffic beyond the capacity of roads providing access to the use, consistent with the applicable requirements of the Placer County General Plan and the Auburn/Bowman Community Plan.
11. The proposed use appropriately modifies any prior established relevant conditions of the previous entitlement, as applicable.

Minor Boundary Line Adjustment Findings

12. The Minor Boundary Line Adjustment complies with Section 66412(D) of the California Subdivision Map Act.

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**RECOMMENDED by PLANNING COMMISSION CONDITIONS  
OF APPROVAL –CONDITIONAL USE PERMIT MODIFICATION -  
MINER’S RIDGE FAMILY APARTMENTS (PCPM 20100046)**

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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 Conditional Use Permit Modification (PCPM 20100046) is approved to allow the construction of a 64-unit apartment project on approximately 6.19 acres (5.5 net acres). A density bonus is granted to increase the permitted number of units from 61 to 64 and a Minor Boundary Line Adjustment (MBLA) is required to consolidate/reconfigure existing parcels. [The Minor Boundary Line Adjustment will be processed through the Parcel Review Committee in order to be recorded.]

At the May 13, 2010 hearing, the Planning Commission also approved Conditions that were derived from the earlier Ridgeview Villas approval and modified to maintain consistency with the revised project description or to provide clarification of an existing Condition.

2. The following Condition #'s ip3 **MM**, ip4, ip8 **MM**, ip23 **MM**, ip24, ip27, ip30; g7; rt2, rt13, rt15; ps5; eh14, eh25, eh40; mc8, mc8a, and mc10 apply to this project as printed in *Placer County Land Development Departments' Sample Conditions*, Volume 2004, Number 1, dated July 27, 2004, as listed in condition 2 A) thru R) below:

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**) (ESD)

B)ip4 Recreational Facilities: The Improvement Plans shall provide details of the construction of the proposed recreational facilities 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)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

JUNE 2010 BOS

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 ESD 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 ESD.

Submit to the ESD 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/ESD for a determination of substantial conformance to the project approvals prior to any further work proceeding. Failure of the DRC/ESD 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)** <sup>(ESD)</sup>

D)ip23 Submit to ESD, 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 ESD, two copies of the final report shall be provided to the ESD 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 building

202

pads prior to foundation inspection. 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)** (ESD)

E)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 Engineering and Surveying 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. (ESD/EHS)

F)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. (ESD)

G)ip30 Prior to Improvement Plan approval, the applicant shall submit an engineer's estimate detailing costs for facilities to be constructed with the project which are intended to be County-owned or maintained. County policy requires the applicant prepare their cost estimate(s) in a format that is consistent with the Governmental Accounting Standards Board, 34th Standard (GASB 34). The engineer preparing the estimate shall use unit prices approved by the ESD for line items within the estimate. The estimate shall be in a format approved by the County and shall be consistent with the guidelines of GASB 34. (ESD)

H)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. (ESD)

I)rt2 Final approval of on-site and off-site waterline, sewerline, storm drain routes, and road locations must be obtained from the DRC. (ESD/PD)

J)rt13 Provide school bus/transit turnout(s) to the satisfaction of the California Highway Patrol, the local busing provider (Mid-Placer Public School Transportation Authority), and the ESD. A letter shall be provided from the CHP and local busing provider which addresses the need for a turnout and the turnout design (if required) and the turnout shall be as shown on the project Improvement Plans prior to their approval. (ESD)

K)rt15 An Encroachment Permit shall be obtained from ESD prior to Improvement Plan approvals for any landscaping within public road rights-of-way. (ESD)

L)ps5 Prior to the approval of the Improvement Plans, confer with local postal authorities to determine requirements for locations of cluster mailboxes, if required. The applicant shall provide a letter to DRC from the postal authorities stating their satisfaction with the development addresses and box locations, or a release from the necessity of providing cluster mailboxes prior to Improvement Plan approval. If clustering or special locations are specified, easements, concrete bases, or other mapped provisions shall be included in the development area and required improvements shall be shown on project Improvement Plans. (ESD)

M)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 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)

N)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)

O)eh40 If Best Management Practices are required by the ESD 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)

P)mc8 Any entrance structure proposed by the applicant shall be reviewed and approved by the DRC, shown on the project Improvement Plans, and shall be located such that there is no interference with driver sight distance as determined by the ESD, and shall not be located within the right-of-way.

Any entrance monument or structure erected within the front setback on any lot, within certain zone districts, shall not exceed 3' in height (Ref. Article 17.54.030, formerly Section 10.030, Placer County Zoning Ordinance). (PD/ESD)

Q)mc8a Any future gated entry feature proposed by the applicant shall be returned to the Planning Commission for approval of a modification of the Conditional Use Permit. (PD)

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

## IMPROVEMENT PLANS

3. The project is subject to review and approval by the Placer County Design/Site Review Committee (D/SRC). Such a review shall be conducted prior to the submittal of the Improvement Plans for the project and shall include, but not be limited to: Architectural colors, materials, and textures of all structures; landscaping; irrigation; signs; exterior lighting; pedestrian and vehicular circulation; recreational facilities; fences and walls; noise attenuation barriers; all open space amenities; tree impacts, tree removal, tree replacement areas, entry features, etc. (PD)

4. Landscape Plan: The Improvement Plans shall provide details of the location and specifications of all proposed landscaping and irrigation -- for the review and approval of the DRC (and Parks Division if maintenance is provided through a CSA). Said landscaping shall be installed prior to the County's acceptance of the project site improvements. (MMIP) (PD/DFS)

JUNE 2010 BOS

5. Provide the ESD 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)** (ESD)

6. 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 ESD 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 landscaping and irrigation facilities within the public right-of-way (or public easements), or landscaping within sight distance areas at intersections, shall be included in the Improvement Plans. The applicant shall pay plan check and inspection fees **and Placer County Fire Department improvement plan review and inspection fees** with the 1<sup>st</sup> Improvement Plan submittal. (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 ESD in both electronic and printed hard copy format as required by the ESD prior to acceptance by the County of site improvements.

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)** (ESD)

7. 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 Stormwater Management Manual that are in effect at the time of submittal, to the ESD 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 final drainage report shall analyze and confirm that only underground drainage facilities will be located within the existing access easement that crosses the property from east to west. The report shall identify water quality protection features and methods to be used both during construction and for long-term post-construction water quality protection. "Best Management Practice" (BMP) measures shall be provided to reduce erosion, water quality degradation, and prevent the discharge of pollutants to stormwater to the maximum extent practicable. **(MM)** (ESD)

JUNE 2010 BOS

8. This project's ground disturbance exceeds one-acre and is subject to the construction stormwater quality permit requirements of the National Pollutant Discharge Elimination System (NPDES) program. The applicant shall obtain such permit from the State Regional Water Quality Control Board and shall provide to the ESD evidence of a state-issued WDID number or filing of a Notice of Intent and fees prior to start of construction. **(MM)** (ESD)

9. Storm water run-off shall be reduced to pre-project conditions through the installation of detention facilities. Detention facilities shall be designed in accordance with the requirements of the Placer County Storm Water Management Manual that are in effect at the time of submittal, and to the satisfaction of the ESD. No detention facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals. **(MM)** (ESD)

10. Drainage facilities shall be designed in accordance with the requirements of the County Stormwater Management Manual that are in effect at the time of submittal, and shall be in compliance with applicable stormwater quality standards, to the satisfaction of the ESD. Maintenance of these facilities shall be provided by the property owner. **(MM)** (ESD)

11. 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 the ESD:

A) the existing 18-inch culvert identified in the preliminary drainage report draining into an existing drain junction box in Foresthill Road

The applicant understands that any upgrade or replacement identified as necessary during Improvement Plan review may require additional environmental review prior to actual implementation. The applicant shall address this issue prior to approval of Improvement Plans. This includes analysis of the structure and any associated environmental review required. **(MM)** (ESD)

12. Storm drainage from on-and off-site impervious surfaces (including roads) shall be collected and routed through specially designed water quality treatment facilities (BMPs) for removal of pollutants of concern (e.g. sediment, oil/grease, etc.), as approved by the ESD. 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 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)**(ESD)

13. 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 ESD). 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 minimizing drainage concentration from impervious surfaces, construction management techniques, mulching, hydroseeding, erosion protection at culvert/pipe outfall locations, infiltration trenches, double can sediment traps, and fossil filters as proposed in the preliminary drainage narrative prepared by A.R. Associates, sediment traps, basins or other BMP’s approved by the ESD to address potential dewatering. All BMPs shall be maintained as required to insure effectiveness. Proof of on-going maintenance, such as contractual evidence, shall be provided to ESD upon request. (MM)(ESD)

14. This project is located within the area covered by Placer County’s municipal stormwater quality permit, pursuant to the National Pollutant Discharge Elimination System (NPDES) Phase II program. Project-related stormwater discharges are subject to all applicable requirements of said permit. BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater runoff in accordance with “Attachment 4” of Placer County’s NPDES Municipal Stormwater Permit (State Water Resources Control Board NPDES General Permit No. CAS000004). (MM)(ESD)

15. 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 ESD and/or graphical icons to discourage illegal dumping. Message details, placement, and locations shall be included on the Improvement Plans. The property owner is responsible for maintaining the legibility of stamped messages. (ESD)

16. All stormwater runoff shall be diverted around trash storage areas to minimize contact with pollutants. Trash container areas shall be screened or walled to prevent off-site transport of trash by the forces of water or wind. Trash containers shall not be allowed to leak and must remain covered when not in use. (ESD)

17. Materials with the potential to contaminate stormwater that are to be stored outdoors shall be placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the stormwater conveyance system, or protected by secondary containment structures such as berms, dikes, or curbs. The storage area shall be paved to contain leaks and spills and shall have a roof or awning to minimize collection of stormwater within the secondary containment area. (ESD)

JUNE 2010 BOS

207

18. Prior to Building Permit issuance, the applicant shall provide evidence of a recorded Minor Boundary Line Adjustment (MBLA) to remove/reconfigure interior property lines as proposed with the project application. (ESD)

19. Prior to approval of Improvement Plans, the Applicant shall work with County staff and adjacent landowners including but not limited to (Prior and Rosene) and provide access rights through the project site, which may include the delivery of an IOD by the Applicant to the County from the adjacent properties to Silver Bend Way.” (Planning Commissioners added condition at the 5-13-10 PC Hearing.)

## **GRADING**

20. Any unsuitable fill or debris identified in the Geotechnical Engineering Report(s) to be prepared and submitted with the Improvement Plans, or discovered during construction, shall be hauled off-site to an appropriately permitted facility. The applicant may propose to treat unsuitable soils to make them suitable. Any treatment of this sort must be recommended by the Geotechnical Engineering Report(s) and the applicant shall obtain the approval of the ESD prior to implementation of the treatment process. (MM) (ESD)

## **ROADS/TRAILS**

21. Construct the project driveway and parking lot circulation aisles to a minimum width of 25-foot of pavement. A minimum 4-foot wide Portland Cement Concrete sidewalk shall be constructed along the eastern side of the access driveway and tie to existing pedestrian facilities along Silver Bend Way. The driveway and storm drainage shall be maintained by the property owner. (ESD)

22. Construct a driveway connection onto Silver Bend Way to a Plate R-13 LDM standard. The entrance shall meet the corner sight distance specifications of the Major Plate R-17 LDM standard. The design speed of Silver Bend Way 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 ESD and DPW. (ESD)

23. Construct one-half of an Urban Secondary Plate R-6 LDM Standard and an additional 12' section for the westbound lane where the project fronts Silver Bend Way, as measured from the existing centerline thereof or as directed by the ESD and DPW. This improvement is to include curb, gutter and a 6' sidewalk along the project's Silver Bend Way frontage as required by the Plate R-6, LDM Standard. Additional widening and/or reconstruction may be required to improve existing structural deficiencies, accommodate auxiliary lanes, intersection geometrics, signalization, bikelanes, or for conformance to existing improvements. The roadway structural

JUNE 2010 BOS

section shall be designed for a Traffic Index of 7.0, but said section shall not be less than 3" inches of AC over 8 inches of Class 2 AB unless otherwise approved by ESD. (ESD)

24. Improve Silver Bend Way off site from the westerly project boundary to the existing improved section of Silver Bend Way to the following standard:

- a) Pavement width 24' (12' minimum each travel lane)
- b) 5'-wide multipurpose walkway with an AC dike for drainage conveyance attached to the roadway, with surfacing to be asphalt concrete and with the route to be approved by the DRC.

Additional widening may be required to accommodate transitions, auxiliary lanes, intersection geometrics, bikelanes, or conformance to existing improvements. The roadway structural section shall be designed for a Traffic Index of 7.0, but said section shall not be less than 3 inches of AC over 8 inches of Class 2 AB, unless otherwise approved by the ESD. (Ref. Section 4, LDM). This roadway shall be privately maintained until such time as it is modified to meet current County road standards, the County Board of Supervisors accepts Silver Bend Way for maintenance, and a CSA is formed. (MM) (ESD)

25. Proposed addresses shall be submitted to the ESD Addressing Division (530-745-7530) for review and shall be approved by the ESD prior to Improvement Plan approval. (ESD)

26. The required Silver Bend Way improvements will impact two existing driveways accessing Silver Bend Way. These driveways shall be reconstructed to a Plate R-18, LDM standard if providing access to a single-family residence and the appropriate Plate R-17, LDM standard if a different type of access. Access to the parcels or uses affected shall be maintained throughout construction activities along Silver Bend Way. (MM) (ESD)

APN 054-171-033 is currently vacant with no structure and no driveway location(s). If this property is developed and driveway locations exist during construction of the project, then the project shall restore any driveways affected by construction on Silver Bend Way so that they conform to the new improvements.

27. Traffic on Silver Bend Way shall be accommodated during construction of the improvements to allow ingress and egress for residents and businesses. The applicant shall request approval, as necessary, for road closure/detour 30-days in advance of commencing project construction affecting such closure. Prior to Improvement Plan approval, the applicant shall provide a construction detour/signage plan for review and approval by the DPW.

The applicant is advised that all road closures and detours on public roads are subject to the discretionary approval of the Director of Public Works. The applicant is advised that such approval is not guaranteed by this condition. The applicant is further advised that half-street closures only will be considered. (MM) (ESD)

JUNE 2010 BOS

28. Construct a fence along the property boundary with Foresthill Road. The fence shall be a minimum of 6-feet high, as measured from finished grade. Said fence shall be approved by the DRC prior to Improvement Plan approval. This fence shall be shown on the Improvement Plans and constructed with the project improvements. (MM)(PLN)

29. All on-site parking and circulation areas, including the maintenance access road to the detention facility, shall be improved with a minimum asphaltic concrete or Portland cement surface capable of supporting anticipated vehicle loadings.

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 inches AC over 4 inches Class 2 AB, or the equivalent. (ESD)

## **PUBLIC SERVICES**

30. Provide to DRC "will-serve" letters from the following public service providers prior to Improvement Plan approval, as required:

- a) PG&E
- b) PCWA
- c) Surewest
- d) Special Maintenance District #1 (Will Serve Requirements Letter dated 4/5/10)
- e) Auburn Placer Disposal Services

If such "will serve" letters were obtained as a part of the environmental review process, and are no older than one year, they shall not be required again. (ESD)

31. Prior to the approval of the Improvement Plans, provide the DRC with proof of notification (in the form of a written notice or letter) of the proposed project to:

- a) Ackerman Elementary School District
- b) Placer Union High School District
- c) The Placer County Sheriff's Office (ESD)

32. Maintenance of detention facilities by the property owner will be required. (MM)

33. Construct a public lift station to accommodate the ultimate sewer shed area that it will serve, subject to review and approval by the Department of Facility Services, Environmental Engineering Division, and shown on the Improvement Plans as required by the ESD. (ESD)

34. Paved access for utility vehicles and turnarounds, as required by the District, shall be provided to the public lift station site (see Placer County General Specifications, Plates U-21, U-22.1, and U-22.2). (ESD)

JUNE 2010 BOS

## GENERAL DEDICATIONS/EASEMENTS

35. Provide the following easements/dedications on the Improvement Plans to the satisfaction of the ESD and DRC: (ESD)

a) A 25-foot wide emergency vehicle access easement over all on-site circulation driveways.

b) An Irrevocable Offer of Dedication to Placer County for the portion of the project property that is within one half of a 50'-wide highway easement (Ref. Chapter 12, Article 12.08, Placer County Code)), where the project fronts Silver Bend Way, as measured from the centerline of the existing roadway, plan line, or other alignment as approved by the Transportation Division of DPW. Easement documents shall be signed by all persons having any record title interest in the property, including the Trustee or Beneficiary of any Trust Deeds. (ESD)

c) Public utility easements, including public sewer easements, as required by the serving utilities, including sewer maintenance access easements for the public lift station. (ESD)

d) Dedicate 12.5' multi-purpose easements adjacent to all highway easements. (ESD)

e) Easements as required for installation and maintenance of fuel reduction areas by the property owner. (ESD)

f) Drainage easements as appropriate. (ESD)

g) An Irrevocable Offer of Dedication for easements as required for access to, and protection and maintenance of, storm drainage detention facilities, as well as post-construction water quality enhancement facilities (BMPs). Said facilities shall be privately maintained until such time as the Board of Supervisors accepts the offer of dedication. (MM)(ESD)

h) Provide private easements for existing or relocated water lines, service/distribution facilities, valves, etc., as appropriate. (MM)(ESD)

36. Prior to Improvement Plan approval, submit proof of off-site private and public easements necessary to construct the required improvements and for transmission of utilities from its source to the property. Create sufficient easements to transport water, public sewer, or other utility as required by the ESD. Any off-site public utility easements shall be dedicated to Placer County or to the utility provider. (ESD)

37. Concurrent with or prior to acceptance of the project improvements as complete by the Engineering and Surveying Department, the property owner shall convey the lift station property in fee title to the County of Placer (County) in conformance with the requirements of the County Department of Facility Services (DFS). Any property that will be transferred to the County must be conveyed to the County with clear and marketable title, free of all title defects,

JUNE 2010 BOS

liens, encumbrances, conditions, covenants, restrictions, and other adverse interests of record subject only to those exceptions approved by DFS in writing. Clear and marketable title shall be evidenced by a CLTA standard coverage title insurance policy, which shall be in an amount equal to the value of the property being transferred. Property shall be inspected by DFS prior to transfer and shall be in a physical condition that is acceptable to the County. All actions necessary to convey property to the County, including but not limited to providing clear and marketable title shall be the developer's responsibility and at the developer's sole expense. Transfer of said property to the County shall not occur until the requirements of this condition are fulfilled to the satisfaction of DFS. (ESD)

### **VEGETATION AND OTHER SENSITIVE NATURAL AREAS**

38. Trees identified for removal, and/or trees with disturbance to their driplines, shall be replaced with comparable species on-site on a tree-for-tree basis in an area to be reviewed and approved by the DRC. 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)

39. Prior to any grading or tree removal activities, during the raptor nesting season (March 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 March 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(s) 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 March 1<sup>st</sup> and July 1<sup>st</sup>. Additional follow up surveys may be required by the DRC, based on the recommendations in the raptor study and/or as recommended by the CDFG. Temporary construction fencing and signage as described herein 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 March 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 March 1<sup>st</sup>. A note which includes the wording of this

condition of approval shall be placed on the Improvement Plans. Said plans shall also show all protective fencing for those trees identified for protection within the raptor report. (PD)

## **CULTURAL RESOURCES**

40. 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 qualified 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)

## **FEES**

41. This project will be subject to the payment of traffic impact fees that are in effect in this area (Auburn/Bowman Fee District), 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 ESD prior to issuance of any Building Permits for the project:

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

The current combined estimated fee is \$184,890 for 64 apartment units. The fees were calculated using the information supplied. The actual fees paid will be those in effect at the time the payment occurs. (MM)(ESD)

42. 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 currently is \$440 per multi-family housing unit at final map and \$2,365 at building permit issuance. If there is no final map, the entire fee of \$2,805 is due at building permit issuance.) Credit against this fee obligation, in an amount not to exceed 50%, may be considered by the County for qualifying private recreational improvements. The determination

JUNE 2010 BOS

of qualifying amenities and amount of credit due shall be determined in accordance with County Code Section 15.34.080(E) (PD/DFS)

## ENVIRONMENTAL HEALTH

43. 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.

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)

44. The owner shall subscribe to weekly mandatory refuse collection services from the refuse collection franchise holder. The property owner shall be responsible for refuse collection service to all non-residential facilities within the project on the same basis. (EHS)

45. Prior to approval of a Building Permit for the Public Swimming 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)

46. The outdoor swimming pool hours of operation will be limited to 8:00 am to 8:00 pm (during standard time) and 8:00 am to 9:00 pm (during daylight savings time). The use of amplified sound or music is prohibited between the hours of 9:00 pm and 8:00 am.

47. The property owner shall provide notification to the tenants of the following:

- a) Notification of the outdoor swimming pool limited hours of operation to residents of Miner's Ridge Family Apartments.
- b) The residents of Miner's Ridge Family Apartments be advised that CALSTAR conducts helicopter operations from the California Department of Forestry helicopter pad off of Lincoln Way approximately ½ mile north of Miner's Ridge Family Apartments. On

JUNE 2010 BOS

the average two flights per day are generated from operations and some noticeable noise is associated with these flights. Flight patterns are generally directed out over the American River Canyon.

c) Idling long haul trucks may park on the parcel to the immediate west of the Miner's Ridge Family Apartments. There may be variable noise associated with the truck parking and may occur 24 hours a day. There is a potential for elevated noise from the trucks while they are parked on the site.

48. Prior to submittal of Improvement Plans submit results of soil sampling to EHS for review and approval. Sampling shall be conducted according to a soil sampling plan that reflects the site specific conditions including future plans for the fill material. In areas of the project site where fill is not present, sampling shall be performed in accordance with the State of California Department of Toxic Substances Control August 2002 "Interim Guidance for Sampling Agricultural Fields for School Sites." In areas of the project site where fill is present, a site specific sampling plan shall be developed. This sampling plan shall indicate (at a minimum) the extent of fill on the project site, the depth of the fill materials, the proposed depth of fill materials to be removed, the destination of the fill material and whether new imported fill material will be used at the project site. This sampling plan shall be submitted to EHS for review and approval prior to implementation.

49. If the fill material is to be excavated and removed from the project site, it shall be properly characterized prior to removal from the project site and properly disposed at an appropriate disposal facility.

50. If imported fill material will be used, prior to placement of the fill material on the project site, it shall be sampled in accordance with the State of California Department of Toxic Substances Control "Information Advisory, Clean Imported Fill Material", dated October 2001.

51. If soil sample concentrations exceed residential screening levels or background concentrations for any constituents of concern, this site will be referred to the DTSC Voluntary Cleanup Agreement program for further review and/or assessment.

52. If this project is referred to the DTSC Voluntary Cleanup Agreement program, the project applicant will be required to complete any remedial action required by DTSC and provide EHS with a "No Further Action" or equivalent letter with regard to residual contamination from past uses of the project site. The "No Further Action" or equivalent letter shall be provided to EHS prior to approval of the Improvement Plans.

53. Concrete, asphalt and any other solid waste materials discovered during excavation and removal of fill material shall be properly disposed.

JUNE 2010 BOS

215

54. If at any time during the course of constructing the proposed project, evidence of underground storage tanks, septic tanks and/or individual water wells are encountered or suspected, the applicant shall immediately stop the project activities in the affected area of the site and contact EHS. Project activities in the affected area shall remain stopped until there is resolution of the issue to the satisfaction of EHS.

55. Any water wells associated with prior uses of the property shall be properly destroyed by a licensed well driller, under permit with EHS.

56. Any existing septic systems associated with prior uses of the property shall be properly destroyed under permit with EHS.

57. The drilling of individual water wells on any lot within the project area is prohibited.

58. The discharge of fuels, oils or other petroleum products, chemicals, detergents, cleaners or similar chemicals to the surface of the ground or to drainage ways on or adjacent to the site is prohibited.

#### **AIR POLLUTION**

59. Minimize idling time to 5 minutes for all diesel-power equipment/vehicle.

60. Use low sulfur fuel for diesel-powered equipment/vehicles during construction.

#### **MISCELLANEOUS CONDITIONS**

61. No Lot shall be divided by a tax district boundary. (PD)

62. In the event of any lawsuit arising out of or relating to the processing and/or approval of the Project, the applicant and/or property owner 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 Miner's Ridge Family Apartments (the Project). The property owner 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 not otherwise paid by the petitioner in such action. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any

JUNE 2010 BOS

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 and/or property owner shall execute an agreement in a form approved by County Counsel incorporating the provisions of this condition. (cc)

## DEVELOPMENT STANDARDS

63. The structural setbacks for this project are those established in the RM (Residential Multi-family) zone, or as required by CalFire, whichever is more restrictive) as follows:

- a) Front – 20 feet
- b) Side – 15 feet total, 5 feet minimum – one story; 7 ½ feet minimum – two stories 10'
- c) Rear – 10 feet - one story; 20 feet – two stories.
- d) Accessory structures/pools/spas per Zoning Ordinance Section 10.082 B (5).

64. The maximum building height for this project is 30'. (PD)

## MITIGATION MONITORING

65. 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. Said plan shall provide for a minimum of 43 native oak trees to be planted by the project developer within the project site and any other areas determined appropriate 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.

Installation of all trees and irrigation systems must be completed prior to the issuance of the final Certificate of Occupancy. 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 property owner. Access rights for monitoring and maintenance, if necessary, shall be made available.

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 issuance of a

JUNE 2010 BOS

Grading Permit. 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 three 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. (MMIP) (PD)

## **AFFORDABLE HOUSING**

66. The applicant shall construct 15% of the dwelling units (10 units) within the boundaries of the project, which are to be affordable to very low, low and moderate income households. Forty percent of the inclusionary units (4 units) shall be affordable to very low-income households and 60% of the inclusionary units (6 units) shall be affordable to low or moderate-income households.

An affordable housing covenant, or equivalent, restricting 15% of the units to Very low, Low and Moderate income households prepared in accordance with Ordinance 15.65, shall be recorded prior to the issuance of a Building Permit.

## **EXERCISE OF PERMIT**

67. The applicant shall have 36 months to exercise this Conditional Use Permit. Unless exercised, this approval shall expire on , 2013. (PD)