



**COUNTY OF PLACER**  
**Community Development/Resource Agency**

Michael J. Johnson, AICP  
Agency Director

**PLANNING  
SERVICES DIVISION**

EJ Ivaldi, Deputy Director

**HEARING DATE:** November 13, 2014  
**ITEM NO:** 2  
**TIME:** 10:20 am

**TO:** Placer County Planning Commission  
**FROM:** Development Review Committee  
**DATE:** November 6, 2014  
**SUBJECT:** THE BOULDERS SUBDIVISION – TSE RESIDENCE  
SUBDIVISION MAP/CONDITIONAL USE PERMIT MODIFICATION (PSM20130233)  
CATEGORICAL EXEMPTION  
SUPERVISORIAL DISTRICT 4 (UHLER)

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**COMMUNITY PLAN AREA:** Granite Bay Community Plan

**COMMUNITY PLAN DESIGNATION:** Rural Estate 4.6- 20 acre minimum

**ZONING:** RA-B-X 20 acre minimum PD = 44 (Residential Agriculture, combining a minimum building site size of 20 acres, combining Planned Residential Development of .44 dwelling units per acre)

**ASSESSOR'S PARCEL NUMBER:** 036-180-069-000

**STAFF PLANNER:** E.J. Ivaldi, Deputy Director

**LOCATION:** The property is located at 5758 Avenida Robles in the Boulders Subdivision (Los Lagos Unit 5), in the Granite Bay area.

**APPLICANT:** Nick G. Alexander, on behalf of Dr. Kelvin Tse and Dr. Cindy Tse

**PROPOSAL:**

The applicant, Nick G. Alexander, on behalf of Dr. Kelvin Tse and Dr. Cindy Tse, is requesting approval of a Subdivision Map/Conditional Use Permit Modification of the Boulders Subdivision (Los Lagos Unit No. 5) in order to allow 1) open fencing to be installed ten (10) feet from the westerly property line (Moss Lane), where twenty-five (25) feet is currently required, and 2) to allow an existing entry feature with six foot high walls to be located within the 35 foot front setback and partially within a private road and public utility easement (Avenida Robles), on Lot 11.

**CEQA COMPLIANCE:**

This project is categorically exempt from environmental review pursuant to provisions of Section 15303 of the California Environmental Quality Act Guidelines and Section 18.36.050 of the Placer County Environmental Review Ordinance [Class 3 (E), New construction or conversion of small structures]. The Planning Commission will be required to make a finding to this effect and a recommended finding for this purpose is included at the end of this report.

**PUBLIC NOTICES AND REFERRAL FOR COMMENTS:**

At the October 23, 2014 Planning Commission hearing this item was continued to the above mentioned date and time. For the October 23, 2014 Planning Commission hearing public notices were mailed to property owners of record within 300 feet of the project site. A public hearing notice was also published in the *Sacramento Bee* newspaper. Community Development Resource Agency staff, the Department of Environmental Health, the Air Pollution Control District, and the Placer County Transportation Planning Agency were transmitted copies of the project plans and application for review and comment. All County comments have been addressed and conditions have been incorporated into the staff report. Other appropriate public interest groups and citizens, including the property owner, were sent copies of the Public Hearing Notice.

**SITE CHARACTERISTICS:**

The Boulders Subdivision (Los Lagos Unit No. 5) is a 17-lot Planned Residential Development situated on ±46 acres on the west side of Auburn-Folsom Road, north of its intersection with Moss Lane. The subdivision is characterized by rock outcroppings, oak woodlands, open space lots and wetland preservation easements. Lot 11 comprises 2.043 acres and is located at the end of a cul-de-sac (5758 Avenida Robles). Avenida Robles is a 40-foot wide private road that provides access for 8 lots within the Subdivision. The subject property is developed with a single family residence, swimming pool, and accessory structures. There is a Wetlands Protection Easement (W.P.E.) that encompasses the northern portion of the site, as well as a meandering drainage easement that is centered approximately within the W.P.E. that terminates at the easterly property line at approximately 30 feet from the edge of the private road and Public Utility Easement (P.U.E.). Additionally, the subject property is affected by a 12.5 foot Multi-Purpose Easement (M.P.E.) that is located adjacent to the private road & P.U.E.

**EXISTING LAND USE AND ZONING:**

Location	Zoning	General Plan/Community Plan	Existing Conditions & Improvements
Site	RA-B-X 20 acre min. PD=0.44 (Residential Agriculture, combining a minimum building site size of 20 acres, combining Planned Residential Development of .44 dwelling units per acre)	Rural Estate 4.6 - 20 acre	Single-family Residence
North	Same as Project Site	Same as Project Site	Single-family Residence
South	Same as Project Site	Same as Project Site	Single-family Residence, Open Space Lot JJ
East	Same as Project Site	Same as Project Site	Single-family Residence
West	RA-B-X 4.6 acre min. (Residential Agriculture, combining a minimum building site size of 4.6 acres)	Same as Project Site	Rural Residential Lots

**PROJECT DESCRIPTION:**

The applicant requests approval of a Subdivision Map/Conditional Use Permit Modification (SUB276/CUP-1496) in order to allow a six-foot high, black tube, metal fence to be installed ten (10) feet from the westerly property line (Moss Lane) on Lot 11. The proposed fence would run from the south property line to the north and end at the Wetland Preservation Easement boundary (Site Plan, Attachment A). The approved Conditions of Approval for the Boulders Subdivision (Condition #3) currently allows split-rail fencing at a setback of twenty-five (25) feet from property line. The

unauthorized solid wood fence that exists on the westerly property line and adjacent to Lot JJ is proposed to be removed.

In addition, the applicant is requesting to modify the Subdivision Map/Conditional Use Permit to allow an existing entry feature on Lot 11 to be located within the 35 foot front setback and partially within a private road and public utility easement. The entry feature is located at the driveway entrance at the end of the cul-de-sac on Avenida Robles, and includes six-foot high, stucco walls with pilasters, lighting, and a mailbox. A maximum three foot solid fence within a front setback is allowed per County Code.

**BACKGROUND:**

In July 2012, County staff conducted a site visit at 5758 Avenida Robles in response to a public inquiry about purported tree removal and grading within a wetland area. County staff confirmed that unauthorized grading and tree removal within a Wetland Preservation Easement (WPE) had occurred on the subject property and notified the property owners in a letter dated July 19, 2012 (Attachment B). The property owners contacted the County within the specified 10-day time period and indicated that they would take corrective action and begin restoration of the WPE and replace the split rail fencing that was removed.

In November 2012, the property owners applied for a building permit to construct a swimming pool. The pool contractor soon afterwards began construction of the swimming pool.

In February 2013, the County was notified by surrounding property owners about additional tree removal/cutting activities occurring along Moss Lane and that solid wood fencing was being installed along the westerly property line of Lot 11. Staff conducted a second site visit and confirmed that trees had been cut without prior County approval and that solid wood fencing was being installed on the property line and adjacent to Open Space Lot JJ. In addition, Staff noticed that the previous grading violation within the WPE had not been corrected, and about a dozen redwood trees had been planted within the WPE and along the Moss Lane frontage. A second notice of violation of County Code was sent to the property owners on March 14, 2013 (Attachment C).

Subsequently, neighbors filed a formal complaint with Placer County Code Enforcement regarding unauthorized activities on the subject property, and a Courtesy Notice was sent to the property owners on April 5, 2013. While County Planning Staff and Code Enforcement pursued corrective action, a civil complaint was later filed against the property owners by the Placer County District Attorney. This complaint resulted in a judgment against the property owner by Judge Alan Pineschi in August 2013. The terms of the stipulated judgment required that the property owners submit a WPE restoration plan and arborist report to the County, and remove the unauthorized solid wood fence.

In response, the property owners have taken corrective action to bring the property into conformance with the Subdivision's approved conditions of approval and County Code. A wetland restoration plan was submitted to the County and approved by the Development Review Committee on August 20, 2014, a grading permit was issued for restoration of the WPE with an extension through June 2015, and Arborist reports have been submitted to the County. The District Attorney's Office and Code Enforcement are monitoring the property owner's efforts to restore the WPE, remove irrigation from the driplines of native oak trees, assess oak tree impacts, and remove the unauthorized solid wood fencing.

This application for a Subdivision Map/Conditional Use Permit Modification is intended to correct the remaining items, including the replacement of the unauthorized solid wood fence with an open fence ten feet off the property line (Moss Lane), and allowing an existing entry feature that was constructed within the 35 foot front setback and partially within a private road and public utility easement to remain.

**DISCUSSION OF ISSUES:**

Condition of Approval #3 (Fencing)

The applicant requests approval of a modification to Condition of Approval #3 (The Boulders Subdivision) to allow a six-foot high, black tube, metal fence to be installed ten (10) feet from the westerly property line (Moss Lane). Condition of Approval #3 states:

[...] "Such fencing shall be shown on the Information Sheet recorded concurrently with the Final Map as well as on the project Improvement Plans. The applicant may install permanent 2-rail treated wood or redwood fencing, as depicted on the Tentative Map and approved by the DRC, with upright posts embedded in concrete along the westerly project boundary where they adjoin residential lots on Moss Lane (25' minimum setback, except as to avoid wetland crossing), and shall install same fencing (3' maximum height) along the entire perimeter of Lot J excepting the portion adjoining Open Space areas along Auburn-Folsom Road where open iron fencing may be installed, and the East and South boundaries of the wetlands/historical preservation areas on Lot 17 to be placed within an Open Space lot per Condition #32 [...]

There are three residential lots and two open space lots (Lot HH and Lot JJ) that have frontage along Moss Lane. Lot 1 (located nearest to the intersection of Auburn-Folsom Road and Moss Lane) is accessed from Moss Lane and includes three-rail open fencing that appears to be located on the property line, along with an access driveway. The Open Space Lot includes split-rail fencing (±941 feet along the Moss Lane frontage) located 25 feet from the property line. Lot 12 replaced the original split rail fencing with open iron fencing at the required 25 foot fencing setback. Access to this lot is provided via Avenida Robles.

The applicant's proposal to locate a six-foot high, black tube, metal fence ten (10) feet from the property line (Moss Lane) would not be out of character for the area, given that there are several lots with different fencing at various setbacks. The structural setbacks for this development remain in place so no development can occur within 30 feet of the property line (Moss Lane). The area within the 25 foot fencing setback is heavily vegetated with oak trees and other native vegetation. Relocating the open-style fence 15 feet closer to Moss Lane should not impact the visual character of the area. This fence would also meet the legal requirement for the required pool fencing, whereas, split-rail fencing would not.

Condition of Approval #3 is proposed to be revised to include the following new language in **bold** (See attachment E for complete Condition #3):

[...] Fencing located within Open Space Lots shall be maintained by the homeowners' association, and fencing on residential lots shall be maintained by the homeowner. **"For Lot 11, open type fencing, as approved by the Development Review Committee, is allowed along the Moss Lane frontage with a minimum setback of 10 feet from the property line, with no encroachment into the existing Wetland Preservation Easement."**

#### Existing Driveway Entry Feature (Avenida Robles)

The site plan (Attachment A) submitted shows an existing single-family residence with a driveway entry feature, consisting of two, six foot high, stucco decorative walls with pilasters, lighting and a mailbox (Attachment D). The entry feature is located within a 35 foot front setback, partially located within a 12.5 foot Multi-Purpose Easement, and also encroaches into the private road and public utility easement (Avenida Robles). If the Planning Commission decides to approve this request, the applicant would be required to abandon the public's interest in the aforesaid easements.

The Zoning Ordinance only allows solid fencing to a height of three feet within a front setback. However, when there is a Planned Residential Development, changes to height and setback standards can be processed as a Conditional Use Permit Modification (Section 17.54.090 E). This request would be consistent with several other properties within the Boulders Subdivision which also have entry features and pilasters for mailboxes.

#### **RECOMMENDATION:**

Staff recommends approval of this Subdivision Map/Conditional Use Permit Modification to allow open fencing on Lot 11 to be installed ten (10) feet from the westerly property line (Moss Lane), and to allow an existing entry feature on Lot 11, with six foot high walls to be located within the 35 foot front setback and partially within a private road and utility easement (Avenida Robles), subject to the following findings and recommended conditions of approval (Attachment E and F).

**FINDINGS:**

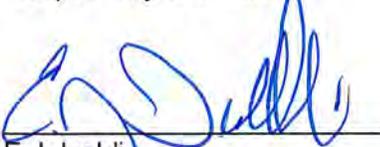
CEQA

The Planning Commission finds that this project is Categorically Exempt from review under CEQA pursuant to Section 15303 of the California Environmental Quality Act Guidelines and Section 18.36.050 of the Placer County Environmental Review Ordinance [Class 3 (E), New construction or conversion of small structures].

Subdivision Map/Conditional Use Permit Modification

1. The Subdivision Map/Conditional Use Permit Modification does not significantly alter the design of the Boulders Subdivision (Los Lagos Unit No. 5) and will not affect the consistency of the subdivision with the Granite Bay Community Plan in that parcels within close proximity of the subject parcel have been granted reduced setbacks for fencing and entry features.
2. The Subdivision Map/Conditional Use Permit Modification does not alter the location or any property line or any right, title or interest in the real property reflected on the recorded map, and would not impose an additional burden on the present fee owner of the subject property.
3. The Subdivision Map/Conditional Use Permit Modification will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which the property is located, and the Subdivision Modification will not be materially detrimental to the neighborhood and surrounding properties.

Respectfully submitted

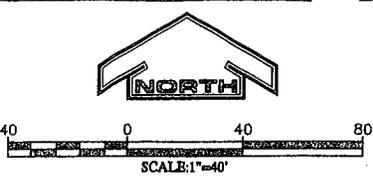


E.J. Ivaldi  
Deputy Planning Director

**ATTACHMENTS:**

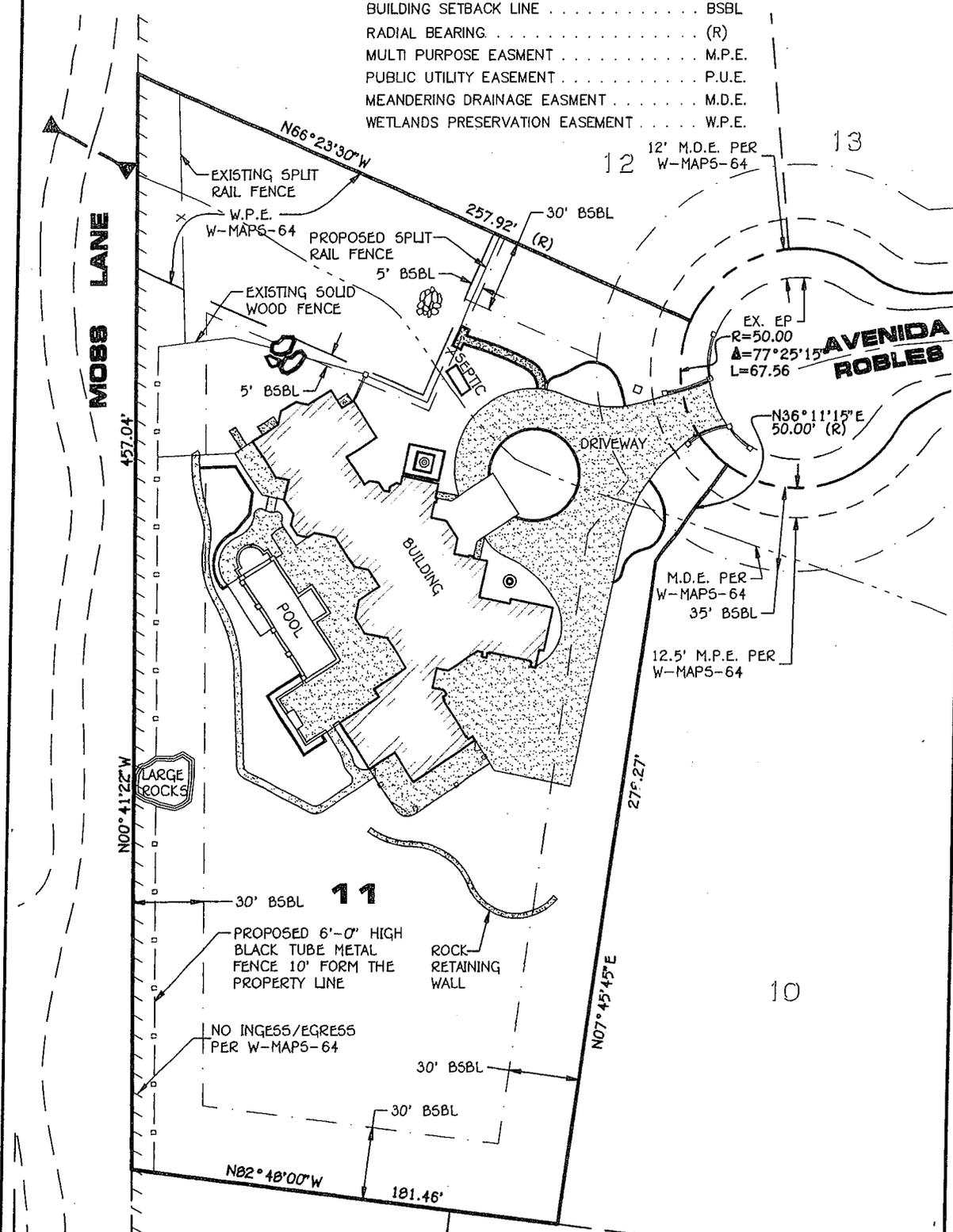
- Attachment A – Lot 11 Site Plan
- Attachment B – July 19, 2012 Letter, Planning Services Division
- Attachment C – March 14, 2013 Letter, Planning Services Division
- Attachment D – Entry Feature Photograph
- Attachment E – Revised Recommended Conditions of Approval (SUB276/CUP-1496)
- Attachment F – Recommended Conditions of Approval (PSM20130233)
- Attachment G – Correspondence

cc: Applicant – Nick Alexander  
Sharron Boswell – Engineering and Surveying Department  
Laura Rath – Environmental Health Services  
Heather Knutson – Facilities Services  
Brad Albertazzi – Placer County Fire/CDF  
Karin Schwab – County Counsel's Office  
Michael Johnson – CDRA Director  
Subject



**LEGEND**

- CENTERLINE . . . . .
- BOUNDARY LINE . . . . .
- RIGHT-OF-WAY LINE . . . . .
- NO INGRESS OR EGRESS . . . . .
- EXISTING FENCE LINE . . . . . X
- PROPOSED FENCE . . . . .
- BUILDING SETBACK LINE . . . . . BSBL
- RADIAL BEARING . . . . . (R)
- MULTI PURPOSE EASEMENT . . . . . M.P.E.
- PUBLIC UTILITY EASEMENT . . . . . P.U.E.
- MEANDERING DRAINAGE EASEMENT . . . . . M.D.E.
- WETLANDS PRESERVATION EASEMENT . . . . . W.P.E.



**B** BURRELL  
CONSULTING  
GROUP, INC.  
1001 Enterprise Way, Suite 100  
Roseville, CA 95678 (916) 783-8898

EXHIBIT FOR:  
**LOS LAGOS UNIT NO. 5 - LOT 11**  
**5747 AVENIDA ROBLES**  
**PLOT PLAN**  
COUNTY OF PLACER CALIFORNIA

DRAWN BY:	CHECKED BY:
MP	JCK
DATE:	3-20-14
REVISED:	
SCALE:	1" = 40'
JOB NO.	1095-00-1130



**COUNTY OF PLACER**  
Community Development Resource Agency

**PLANNING**

Michael J. Johnson, AICP  
Agency Director

Paul Thompson, Deputy  
Planning Director

July 19, 2012

Kelvin & Cindy Tse  
5747 Avenida Robles  
Granite Bay, CA

Subject: **Unauthorized Grading & Tree Removal in Wetland Preservation Easement @ 5747 Avenida Robles (APN: 036-180-069) in Los Lagos Subdivision**

Dear Mr. & Mrs. Tse:

I am sending you this letter because unauthorized grading and tree removal within the Wetland Preservation Easement has taken place on your property. I have attached the original Conditions of Approval for Los Lagos Subdivision Unit #5 and the Building and Lot Requirements for Lot #11.

Specifically, Condition 8(K) indicates that the Wetland Preservation Easements (WPE's) were dedicated to the Homeowners' Association and as outlined in point two of the additional comments (building & lot requirements) that ... "nor shall any grading, vegetation removal or alteration be permitted in these areas". Any request for trimming and/or maintenance activities (or other activities) would require written consent of the Placer County Development Review Committee (DRC) and the request would need to be submitted by the Homeowners' Association (HOA). In addition, the additional comments state that "removal of oak trees 6-inch diameter at breast height is prohibited without prior approval of the Placer County Planning Department (DRC)".

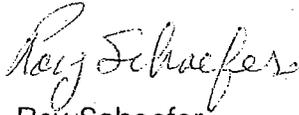
It appears that almost all of the WPE (map of Lot 11 is included with building & lot requirements) adjacent to the northern property boundary has been graded, a 24-inch culvert has been installed and fill dirt has been added to cover the natural drainage swale. As such, the DRC requests that the WPE be restored to its original natural condition and that the fencing be put back in place to comply with the dimensions of the WPE as shown on the Final Map for Lot 11 of Los Lagos Subdivision Unit #5. A second option would be for the HOA (WPE's are under their control & jurisdiction) to submit a request to the County that would propose the unauthorized work that has already been

**ATTACHMENT B**

done. This option would also require environmental review per the California Environmental Quality Control Act (CEQA) and would require an amendment to the Final Map for the subdivision if it was approved by the county. In addition, if approval was granted by the County you would need to submit a separate Grading Permit, the grading plans would need to be prepared by a professional (engineer, hydrologist etc.) and a Drainage Report that includes adequate sizing of the proposed culvert (based on a 10-year event) and includes a design for overland release for a 100-year event.

Please respond to this letter within ten days of receipt. If you have any questions regarding this correspondence or would like to further discuss the application requirements for environmental review or the grading permit, please contact Roy Schaefer at (530) 745-3061 or by email at [rschaefer@placer.ca.gov](mailto:rschaefer@placer.ca.gov).

Sincerely,



Roy Schaefer  
Associate Planner

Attachments: Conditions of Approval for Los Lagos Subdivision Unit #5  
Building and Lot Requirements for Lot #11



**COUNTY OF PLACER**  
**Community Development Resource Agency**

**PLANNING**

Michael J. Johnson, AICP  
Agency Director

Paul Thompson, Deputy  
Planning Director

March 14, 2013

Mr. Kelvin Tse  
5747 Avenida Robles  
Granite Bay, CA 95746

**RE: 5747 Avenida Robles (Los Lagos Subdivision, Unit No. 5 ("The Boulders"))**  
**APN: 036-180-069**

Dear Mr. Tse:

The County provided you written notice in a letter dated July 19, 2012 that unauthorized grading and tree removal has occurred within a wetlands preservation easement (WPE) at 5747 Avenida Robles in Granite Bay. Specifically, a 24" culvert was installed within the WPE, the natural drainage swale was back filled, protected trees were removed and/or cut, and permanent protective fencing was removed from the WPE in violation of the Placer County Code (Article 15.48 Grading, Erosion and Sediment Control) and the Los Lagos Unit No. 5 (SUB 276/CUP 1496) Conditions of Approval and Final Map.

Within 10 days of receipt of the letter, you contacted our office and spoke with Mr. Roy Schaefer, Associate Planner, by telephone and indicated that you would restore the Wetlands Preservation Easement to its natural state, remove the culvert and replace the permanent protective fencing around the WPE.

In February 2013, the County was notified by your neighbors about additional tree removal/cutting activities occurring along Moss Lane adjacent to your property at 5747 Avenida Robles and that solid wood fencing was being installed along the property line. Mr. Schaefer conducted a site visit on February 13, 2013 and confirmed that trees had been cut/removed and that solid wood fencing was being installed along your property line, again contrary to the project's conditions of approval. Additionally, Mr. Schaefer observed that the previous violations within the WPE had not been corrected, in fact, about a dozen redwood trees had since been planted within the WPE. On February 22, 2013, I also conducted a site visit and confirmed that the above-mentioned activities had occurred.

This letter serves as a second notice that work conducted at 5747 Avenida Robles is unauthorized and you are in violation of the Placer County Code (Article 15.48 Grading,

Erosion and Sediment Control) and the Los Lagos Unit #5 (SUB 276/CUP 1496) Conditions of Approval and Final Map, as follows:

**Placer County Code, Article 15.48 Grading, Erosion and Sediment Control**

**15.48.050 Water obstruction.**

No person shall do or permit to be done any grading which may obstruct, impede or interfere with the natural flow of stormwaters, 15.48.060 Grading permit required...This section applies whether such waters are unconfined upon the surface of the land or confined within land depressions or natural drainage ways, unimproved channels or watercourses, or improved ditches, channels or conduits. (Ord. 5056-B, 2000)

**15.48.060 Grading Permit Required.**

A. Except for the specific exemptions listed in Section 15.48.070 of this article (see specific exemptions below),

**15.48.070 Exemptions.**

Unless in conflict with provisions of adopted general and/or specific plans, or provisions applicable to the Tahoe Basin as described in Section 15.48.120 of this article, the following grading may be done without obtaining a permit. Exemption from the requirement of a permit shall not be deemed permission to violate any provision of this article:

A. Minor projects which have cuts or fills, each of which is less than four feet in vertical depth at its deepest point measured from the existing ground surface, and which meet all of the following criteria:

6. Does not obstruct any watercourse, disturb, or negatively impact any drainage way, wetland, stream environment zone, or water body,

7. Does not divert or obstruct overland flow, or negatively affect other adjacent properties,...

**Los Lagos Unit #5 (SUB 276/CUP 1496) Conditions of Approval**

3. ...the following information shall be included in the Improvement Plans and constructed as a part of the project.

Permanent Protective Fencing: Install permanent split-rail (2-rail) fencing (or other such design and materials as may be approved by the DRC) with upright posts embedded in concrete along and around all wetland preservation easement boundaries on Lots 1, 2, 4, 5, 11, & 17, and around all detention facilities to the satisfaction of the DRC. Such fencing shall provide a physical demarcation to future homeowners of the location of protected easement areas as required by other conditions of this project. Such fencing shall be shown on the Information Sheet recorded concurrently with the Final Map as well as on the project Improvement Plans. The applicant may install permanent 2-rail treated wood or redwood fencing, as depicted on the Tentative Map and approved by the DRC, with upright posts embedded in concrete along the westerly project boundary where they adjoin residential lots on Moss Lane (25' minimum setback, except as to avoid wetland crossing), and shall install same fencing (3' maximum height) along the entire perimeter of Lot J excepting the portion adjoining Open Space areas along Auburn-Folsom Road where open iron fencing may be installed, and the East and South boundaries of the wetlands/historical preservation areas on Lot 17 to be placed

within an Open Space lot per Condition #32. Wood post monuments with posts (4' high, 5-1/2" x 6") imbedded in concrete (minimum 15' spacing), or 2-rail fencing shall be installed along all WPE's on residential lots. Open iron fencing (no spires – flattop only) shall be installed along the entire westerly boundary of the General Open Space Lots adjoining residential lots on Auburn-Folsom Road, except where DRC approves solid wood fencing, based on existing vegetation that screens such fencing from view of same roadway. Solid 6' treated wood fencing with animal passages, as approved by DRC, shall be installed along the southerly boundary of the General Open Space Lot adjoining Lots 12 through 16. All fencing shall be to the satisfaction of DRC. Fencing located within Open Space Lots shall be maintained by the homeowners' association, and fencing on residential lots shall be maintained by the homeowner.

8. Provide the following easements/dedications on the Improvement Plans and Final Map to the satisfaction of the DPW and DRC:

K) Dedicate Wetland Preservation Easements (WPE's) on Lots 3, 4, 5, & 11 to the homeowners' association. Said easements shall be for the protection of wetland habitats and shall be established over an area with a minimum of 25' from all delineated wetlands, for those lots indicated on the Tentative Map. Specific provisions of the easement restrictions shall be contained within the project CC&R's as deemed appropriate by DRC.

28. Conditions, Covenants, and Restrictions (CC&R's) shall be prepared and submitted to and approved by the DPW, County Counsel, and other appropriate County Departments and shall contain provisions for:

K) Notification to the future owners of Lots , 3, 4, 5, & 11 and all General Open Space Common areas, that no owner shall place any fill materials, lawn clippings, oil, chemicals, or trash of any kind within the Wetland Preservation Easements or common open space areas nor shall any grading, vegetation removal, or alteration be permitted in these areas, including domestic landscaping and fencing. A provision for the enforcement of this restriction by the homeowners' association shall be provided. Trimming or other maintenance activities is allowed only for the purpose of fire prevention, elimination of diseased growth, or thinning necessary for the maintenance of natural vegetation, and only with the written consent of the DRC.

L) Notification to future homeowners and builders that removal of oak trees 6" dbh or greater and not previously approved for removal by Placer County is prohibited unless prior approval is received by the Placer County Development Review Committee. A provision for the enforcement of this restriction by the homeowners' association shall be provided.

60. Wetland Preservation Easements shall include the 25' setback from delineated wetlands and riparian areas, located on Lot(s) 3, 4, 5, and 11 as depicted on the Tentative Map, and dedicated to the homeowner's association. A minimum 5' setback from all Wetland Preservation Easements shall be labeled as a building setback line on the Final Map and Development Notebook.

The purpose of said easements is for the protection and preservation of on-site wetland habitats. A note shall be provided on the Final Map and Development

*Notebook prohibiting any disturbances within said easements including the placement of fill materials, lawn clippings, oil, chemicals, or trash of any kind within the easements; nor any grading or clearing activities, vegetation removal, or domestic landscaping, including accessory structures, swimming pools, spas, and fencing other than the permanent protective fencing required herein. Trimming or other maintenance activity is allowed only for the benefit of fish, wildlife, and water quality resources, and for the elimination of diseased growth, or thinning as necessary for the maintenance of the natural vegetation and only with the written consent of DRC. A provision for the enforcement of this restriction by the homeowners' association shall be provided. These same restrictions apply to Lot J and the Open Space Lot required by Condition #32.*

**Los Lagos Unit No. 5 Final Map**

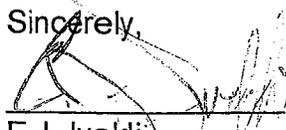
*NOTES (5): "The purpose of the "Wetlands Preservation Easements" is for the protection and preservation of on-site wetland habitats. There shall be no disturbances within said delineated areas other than those approved by Placer County. Prohibited disturbances include the placement of any fill materials, lawn clippings, oil, chemicals, or trash of any kind within the easements; nor any grading or clearing activities, vegetation removal, or domestic landscaping, including accessory structures, swimming pools, spas, and fencing other than permanent protective fencing. Trimming or other maintenance activities are allowed for the benefit of fish, wildlife, and water quality resources, and for the elimination of diseased growth, or thinning as necessary for the maintenance of the natural vegetation, and only with the written consent of the DRC. Enforcement of this restriction shall be by the Homeowners Association."*

To bring resolution of the above-mentioned violations you must submit a revised grading plan to the County that provides for the restoration of the WPE. Please be advised, the previous grading permit (Grading Permit #5034) applied for on June 27, 2012 has not been approved and the CEQA exemption is still pending. Please contact Ted Rel with the Engineering and Surveying Division at 530-745-3110 to discuss the information necessary to complete your submittal. For all other issues raised in this letter you will need to contact Roy Schaefer with the Planning Services Division at 530-645-3061 to seek resolution.

Failure to respond to the appropriate Divisions within ten (10) days from the date of this letter may result in further action by the County in accordance with County Code Section 15.48.690 (A) -- Failure to comply with all orders issued by the Community Development/Resource Agency.

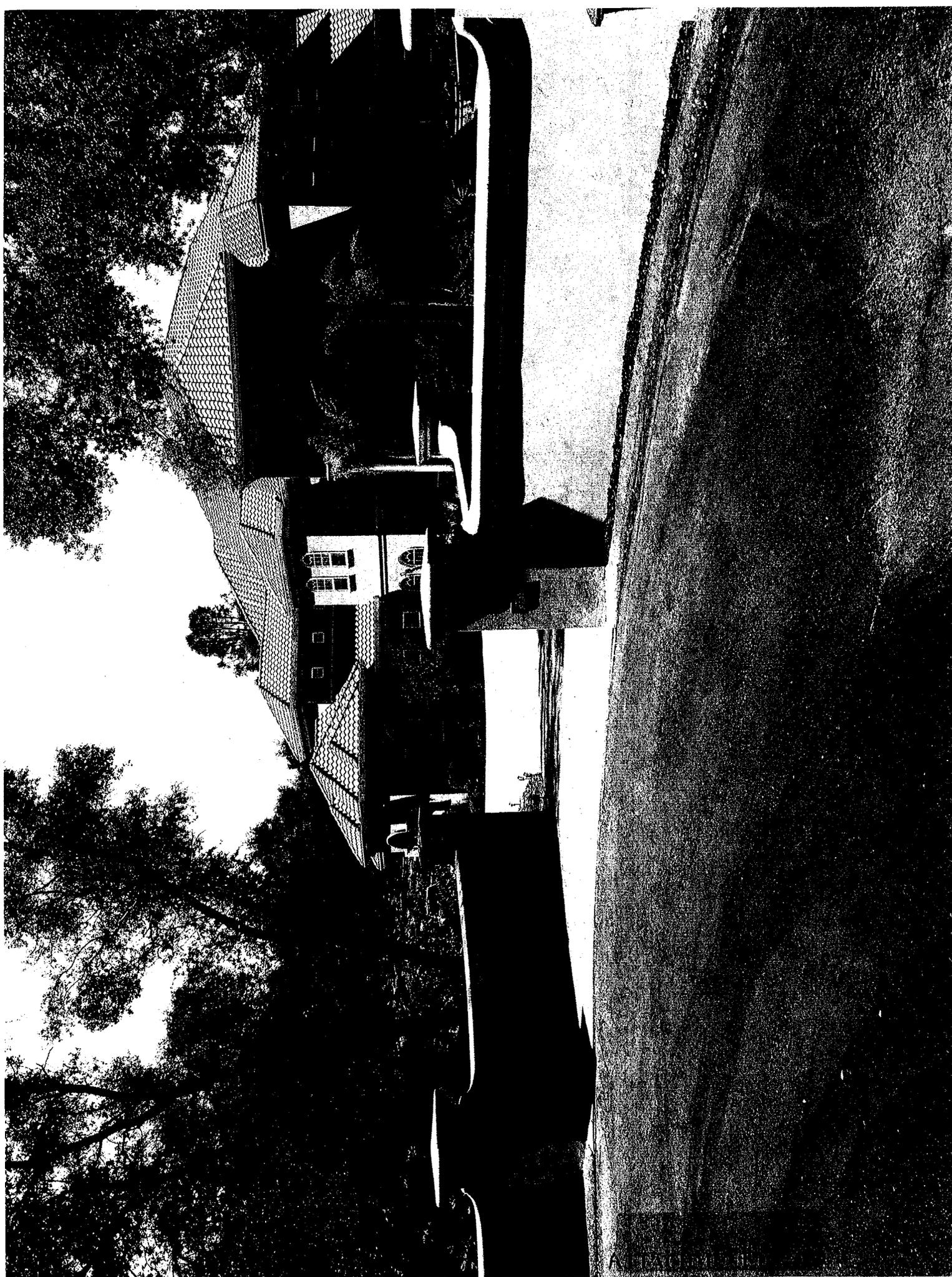
If you should have any questions, please contact me at 530-745-3147.

Sincerely,

  
E.J. Ivaldi  
Supervising Planner

Attachment: Letter from Planning Services Division dated July 19, 2012  
Los Lagos Unit No. 5, Conditions of Approval

cc: Paul Thompson, Planning Services Division  
Roy Schaefer, Planning Services Division  
Rick Eiri, Engineering and Surveying Division  
Ted Rel, Engineering and Sureveying Division  
John Adair, Network Community Management (Los Lagos Unit No. 5 Homeowners Association)





**CONDITIONS OF APPROVAL—TENTATIVE MAP/  
CONDITIONAL USE PERMIT—"LOS LAGOS UNIT #5" (SUB-  
276/CUP-1496)**

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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. The project is a 17-lot (2.41 ac. av. ea.) Planned Development on 46<sup>+</sup>/- acres and is a portion of the "Los Lagos" Planned Development Master Plan. This is not a Vesting Tentative Map.

On July 15, 2004 the Zoning Administrator approved (PCPM 20040142) a modification to allow a maximum height of 45 feet for the residence on Lot #11 of the Los Lagos No. 5.

On November 13, 2014 the Planning Commission approved a Subdivision Map/Conditional Use Permit Modification (PSM 20130233) to allow open fencing on Lot 11 to be installed ten (10) feet from the westerly property line (Moss Lane), and to allow an existing entry feature on Lot 11, with six foot high walls to be located within the 35 foot front setback and partially within a private road and utility easement (Avenida Robles), (Condition #1 and #3 modified.)

2. Prepare and submit to the Department of Public Works (DPW), a Final Subdivision Map which is in substantial conformance to the approved Tentative Map in accordance with Chapter 19 of the Placer County Code; pay all current map check and filing fees.

An Informational Sheet identifying general and specific lot development restrictions, setbacks, easements, tree protection, architectural guidelines, water conservation, etc., as defined within the conditions herein, shall be prepared, filed, and recorded with the subdivision Final Map.

The specific content and form of this information shall be subject to DRC approval and shall, at a minimum, include general notes relating to restrictions applicable to all lots with reference provided which refers to the Development Notebook required elsewhere in these conditions of approval for graphic depictions of each residential lot.

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

3. Prepare and submit Improvement Plans, specifications and cost estimates) (per Section II of the Land Development Manual [LDM]) to the Department of Public Works (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 on-site and adjacent to the project shall be shown on the plans. The applicant shall pay plan check and inspection fees. If the Design/Site Review process and/or DRC review is required as a condition of approval for the

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project, said review process shall be submitted to the DPW prior to the acceptance by the County of site improvements. 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. In addition, the following information shall be included in the Improvement Plans and constructed as a part of the project.

(mm) Permanent Protective Fencing: Install permanent split-rail (2-rail) fencing (or other such design and materials as may be approved by the DRC) with upright posts embedded in concrete along and around all wetland preservation easement boundaries on Lots 1, 2, 4, 5, 11, & 17, and around all detention facilities to the satisfaction of the DRC. Such fencing shall provide a physical demarcation to future homeowners of the location of protected easement areas as required by other conditions of this project. Such fencing shall be shown on the Information Sheet recorded concurrently with the Final Map as well as on the project Improvement Plans. The applicant may install permanent 2-rail treated wood or redwood fencing, as depicted on the Tentative Map and approved by the DRC, with upright posts embedded in concrete along the westerly project boundary where they adjoin residential lots on Moss Lane (25' minimum setback, except as to avoid wetland crossing), and shall install same fencing (3' maximum height) along the entire perimeter of Lot J excepting the portion adjoining Open Space areas along Auburn-Folsom Road where open iron fencing may be installed, and the East and South boundaries of the wetlands/historical preservation areas on Lot 17 to be placed within an Open Space lot per Condition #32. Wood post monuments with posts (4' high, 5-1/2" x 6") imbedded in concrete (minimum 15' spacing), or 2-rail fencing shall be installed along all WPE's on residential lots. Open iron fencing (no spires – flattop only) shall be installed along the entire westerly boundary of the General Open Space Lots adjoining residential lots on Auburn-Folsom Road, except where DRC approves solid wood fencing, based on existing vegetation that screens such fencing from view of same roadway. Solid 6' treated wood fencing with animal passages, as approved by DRC, shall be installed along the southerly boundary of the General Open Space Lot adjoining Lots 12 through 16. All fencing shall be to the satisfaction of DRC. Fencing located within Open Space Lots shall be maintained by the homeowners' association, and fencing on residential lots shall be maintained by the homeowner. For Lot 11, open type fencing, as approved by the Development Review Committee, is allowed along the Moss Lane frontage with a minimum setback of 10 feet from the property line, with no encroachment into the existing Wetland Preservation Easement.

(mm) Temporary Construction Fencing: Install a 5' 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 wetland preservation easements on residential lots that are within 50' of construction activity; 2) At the limits of construction outside the dripline of all trees to be saved within 50' of any grading, road improvements, utilities, or other development activity, or as shown on the Tentative Map; and 3) Adjacent to Lot J and "General Open Space" common areas (including in the vicinity of Lot 17) that are within 50' of any proposed construction.

In addition, a 1' x 2' sign shall be attached to the fencing stating "this tree to be saved", or "Protected Area--Keep Out." 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. Make every effort to save trees where feasible. This

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may include the use of retaining walls, planter islands, pavers, or other techniques commonly associated with tree preservation.

Said fencing shall be shown on the Improvement Plans.

(mm) Equestrian/Pedestrian Trails: The Improvement Plans shall provide details of the location and specifications of all required equestrian/pedestrian trails described herein, for the review and approval of the DRC and Placer County Parks Division. Said trails shall be installed prior to the County's acceptance of the subdivision's improvements.

4. All proposed grading, drainage improvements, vegetation removal and tree removal shall be shown on the Improvement Plans and all work shall conform to provisions of the County Grading Ordinance (Chapter 29, Placer County Code). No grading, clearing, or tree removal shall occur until the Improvement Plans are approved. 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.

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 the project Improvement Plans. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the DPW.

Submit to the DPW a cash deposit in the amount of 110% of an approved engineer's estimate for winterization work prior to improvement plan approval to guarantee protection against erosion and improper grading practices. Upon the completion and acceptance of improvements, any unused portions of said deposit shall be refunded to the project applicant or his 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, and pad elevations and configurations, the plans shall be reviewed by the DRC for a determination of substantial conformance to the approved Tentative Map prior to any further work proceeding. Failure of the DRC to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body.

5. (mm) Prepare and submit with the project Improvement Plans, a drainage report (per Section 5 of the LDM) 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 affects 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, maintenance of wetlands and riparian vegetation, construction management techniques, erosion protection at culvert outfall locations, and street sweeping and oil/grease separators where appropriate.

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6. Show the limits of the 100-year flood plain for all significant drainage courses on the Improvement Plans and Final Map and designate same as a building setback line.
  - A) Show finished house pad elevations two feet above the 100-year flood plain line (or finished floor 3' above) for any affected lots on the Improvement Plans and Final Map. Pad elevations shall be certified by the project engineer on Record Drawings submitted to the DPW following project construction, and by documentation required by the County Surveyor prior to Final Map approval. Benchmark elevations shall be shown on Improvement Plans to the satisfaction of DRC.
  
7. 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 the DPW may require a fire protection district representative's signature on the plans.
  - A) Extend a pressurized water system into the subdivision to County (Section 7 of the LDM) or fire district standards, whichever are greater.
  
8. Provide the following easements/dedications on the Improvement Plans and Final Map to the satisfaction of the DPW and DRC:
  - A) Provide a 40' wide private road and public utility easement (Ref. Chapter 19, Placer County Code) along on-site subdivision roadways, and through General Open Space to Auburn-Folsom Road.
  - B) Dedicate to Placer County one half of a 110' wide highway easement (Ref. Chapter 4, Subchapter 5, Placer County Code) where the project fronts Auburn-Folsom Road, as measured from the centerline of the existing roadway, plan line, or other alignment as approved by the DPW.
  - C) Dedicate public utility easements as required by the serving utilities, excluding wetland preservation easements (WPE).
  - D) Dedicate multipurpose easements 12.5' adjacent to all highway easements, including the Rocklin Road Extension corridor and excluding wetland preservation easements (WPE).
  - E) Dedicate slope easements for cuts and fills outside the highway easement.
  - F) Dedicate drainage easements as appropriate.
  - G) A 20' driveway easement through Lot 3 to benefit of Lot 2, with turnouts and turnarounds as required by DPW.
  - H) A 25' wide driveway access easement across the General Open Space lot between Auburn-Folsom Road and Lot #17.
  - I) Dedicate "no access" strips on Lots(s) 1, 2, 3, 16, & 17 onto Auburn-Folsom Road except where driveway to Lot #17 is approved by DPW and where on-site road connects to Auburn-Folsom Road. Dedicate "No Access" strips on Lots 1, J, 7 & 11 onto Moss Lane, except where driveway to Lot #1 is approved by DPW. Dedicate "No Access" strips on Lots 12, 13, 14, 15, 16 & 17 onto the future Rocklin Road Extension.
  - J) Dedicate to Placer County public equestrian/pedestrian easements within the General Open Space adjacent to the north side of Rocklin Road Extension and west side of Auburn-Folsom Road, along the entire project's frontage, as depicted on the Tentative Map.

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K) Dedicate Wetland Preservation Easements (WPE's) on Lots 3, 4, 5, & 11 to the homeowners' association. Said easements shall be for the protection of wetland habitats and shall be established over an area with a minimum of 25' from all delineated wetlands, for those lots indicated on the Tentative Map. Specific provisions of the easement restrictions shall be contained within the project CC&R's as deemed appropriate by DRC.

9. Dedicate to Placer County a 100' wide highway and public utility easement (Ref. Chapter 4, Subchapter 5, Placer County Code) where the project fronts upon the Rocklin Road Extension plan line, as approved by the 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.
10. Construct subdivision road(s) to a paved width of 26' as depicted on the Tentative Map or to a Rural Minor Standard (Plate 2 LDM). The road(s) and storm drainage shall be maintained by the homeowners' association. All subdivision streets shall be designed to meet 25 miles per hour design speed criteria, as specified in the latest version of the Cal-Trans "Highway Design Manual". The roadway structural section(s) shall be designed for a traffic index of 5.5 (Ref. Section 4, LDM).  
**ADVISORY COMMENT:** The subdivision access road entry gate, turnaround area and internal intersection design shall be examined by DPW during the Improvement Plan review process to insure a safe and efficient project access. Consideration shall be given to existing environmental constraints and proposed access restrictions.
11. A streetlight(s) shall be provided and installed to the satisfaction of the DPW at the intersection of the subdivision access road and Auburn-Folsom Road.  
**ADVISORY COMMENT:** Streetlights shall be of a type, height and design to direct lighting downward shielding to the greatest extent practical light exposure beyond that needed for proper intersection lighting.
12. Construct a public road entrance onto Auburn-Folsom Road to a Plate 27 LDM standard. The design speed of the roadway shall be as specified by the DPW. The improvements shall begin at the outside edge of any future lane(s) as directed by the DPW.
13. Construct a left-turn lane at the project entrance. Traffic striping shall be done by the County striping crew at the applicant's expense. The removal of existing striping and other pavement markings shall be completed by the developer's contractor. The design shall conform to criteria specified in the latest version of the Caltrans "Highway Design Manual" for a design speed of 55 miles per hour, unless an alternative is approved by DPW.
14. Construct driveways to Lots 1 and 17, to the following minimum standards: A) A paved width of 10' with 1' aggregate base shoulders; B) A structural section of 2" AC/6" Class 2 AB; C) Encroachment improvements onto Auburn-Folsom Road (Lot #17 only) and Moss Lane (Lot #1 only) as required by DPW; D) For Lot #17, driveway improvements shall be installed between Auburn-Folsom Road and the lot boundary through the General Open Space; E) Driveway improvements for Lot #2 shall begin at the subdivision street and shall extend southerly beyond Lot

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#3; F) For driveways exceeding 150' in length, turn outs or additional pavement width shall be provided to the satisfaction of the serving fire district and DPW. The owner of Lot #1 shall contribute a "fair share" to the maintenance of Moss Lane for Lot #1 access onto Moss Lane.

15. Proposed road names and alternatives shall be submitted to the local postal authority for written comments and shall be approved by the DPW prior to Improvement Plan approval.
16. During project construction, staking shall be provided pursuant to Section 5-1.07 of the County General Specifications.
  - A) Stake the centerline of the subdivision roads and required driveways for DRC review prior to Improvement Plan approval.
17. Construct one-half of 40' road section where the project fronts Auburn-Folsom Road as measured from the existing centerline thereof or as directed by DPW. Additional widening and/or reconstruction may be required to improve structural deficiencies, accommodate auxiliary lanes, intersection geometrics, bikelanes, or for conformance to existing improvements. The roadway structural section shall be designed for a traffic index of 8.5, but in no case shall said section be less than 3" AC/8" Class 2 AB.
18. Construct/Delineate a Class 2 bikeway along the project's frontage on Auburn-Folsom Road pursuant to the Placer County Bikeways Master Plan. The location, width, alignment and surfacing of the bikeway shall be subject to DPW/DRC review and approval.
19. On lots where subdivision roadway cuts/fills exceed 4' in vertical height or driveway grades would exceed 12% at any reasonable access location, the driveways shall be shown on the Improvement Plans and constructed with subdivision improvements. Said driveways shall have a paved width of no less than 10', a minimum structural section of 2" AC/4" AB and shall extend from the roadway edge not less 50' into the lot, or as deemed appropriate by the DPW.
20. 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.
21. Provide school bus turnout(s) to the satisfaction of the California Highway Patrol and the DPW. A letter shall be provided from the CHP which addresses the turnout as shown on the project Improvement Plans.
22. Submit to DPW for review and approval a geotechnical engineering report produced by a civil engineer experienced and knowledgeable in the practice of soils engineering. The report shall address and make recommendations on the following:
  - A) Road, circulation and parking area design
  - B) Structural foundations
  - C) Grading practices

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- D) Erosion/winterization
- E) Special problems discovered on-site
- F) Slope stability

Once approved by the DPW, one copy each of the final report shall be provided to the DPW and the Building Department for their use. If the soils report indicates the presence of critically expansive or other soils problems which, if not corrected, would lead to structural defects, an investigation of each lot in the subdivision may be required and will be so noted on the final map. 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.

- 23. In the event the County does not accept the Rocklin Road extension dedication referenced in Condition #8. D), said property shall revert to the homeowners' association as part of the adjoining common area open space with the same use restrictions contained in Condition #60.
- 24. The Final Map shall not be considered until a progress schedule has been submitted to and approved by the County in accordance with the Subdivision Agreement. This progress schedule shall be updated and modified by the contractor with the concurrence of the DPW in accordance with the contract specifications prior to the commencement of work.
- 25. 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 Health 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.
- 26. An agreement shall be entered into between the developer and the utility companies specifically listing who performs and finances 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. 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.
- 27. Install cable TV conduit(s) in accordance with company or County specifications, whichever are appropriate.
- 28. Conditions, Covenants, and Restrictions (CC&R's) shall be prepared and submitted to and approved by the DPW, County Counsel, and other appropriate County Departments and shall contain provisions for:
  - A) The applicants shall create a homeowners' association with certain specified duties/responsibilities. Los Lagos #5 shall be annexed into the Master Homeowners' Association for Los Lagos Planned Development and be afforded all the rights and privileges as other phases of this Planned Development, including access to recreation facilities. In the event the project is

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unable to annex into the Master Association, a separate association shall be created for Unit #5 and perform all functions and responsibilities defined herein, including an architectural review committee.

(mm) B) Maintenance of roads, storm drainage facilities, including structural storm water quality enhancement facilities (BMPs) and street lighting by the homeowners' association. A regular street sweeping/vacuuming program shall be maintained by the homeowners' association. Contents of grease and sediment traps shall be removed, handled, transported and disposed of as hazardous waste pursuant to applicable laws.

C) Subscription to weekly refuse collection services from the refuse collection franchise holder by each homeowner /occupant as required by Placer County Code Section 9.24(2) and by the homeowners association for all non-residential structures generating refuse within the development.

D) No storage of boats, trailers, recreational vehicles, campers, or inoperable vehicles within the project except, to the side or rear of a residence, and screened from street view.

(mm) E) Maintenance of common areas, "wetland" preservation easements, fencing, landscaping, and waterways by the homeowners' association.

F) Maintenance of on-site drainage channel(s) by each homeowner, as appropriate, to reduce potential or actual mosquito breeding habitat.

G) Back flow prevention devices shall be provided on domestic water service lines as required by the water supplying entity.

H) No lot may be further divided.

I) The notification to lot owners that construction of driveways that exceed 12% gradient (gravel surface) or 15% (all weather surface) may impair emergency and construction vehicle and equipment access to building sites.

J) County approval for modification of the CC&R's where those items required by these conditions of approval are affected.

K) Notification to the future owners of Lots , 3, 4, 5, & 11 and all General Open Space Common areas, that no owner shall place any fill materials, lawn clippings, oil, chemicals, or trash of any kind within the Wetland Preservation Easements or common open space areas nor shall any grading, vegetation removal, or alteration be permitted in these areas, including domestic landscaping and fencing. A provision for the enforcement of this restriction by the homeowners' association shall be provided. Trimming or other maintenance activities is allowed only for the purpose of fire prevention, elimination of diseased growth, or thinning necessary for the maintenance of natural vegetation, and only with the written consent of the DRC.

L) Notification to future homeowners and builders that removal of oak trees 6" dbh or greater and not previously approved for removal by Placer County is prohibited unless prior approval is received by the Placer County Development Review Committee. A provision for the enforcement of this restriction by the homeowners' association shall be provided.

M) Notification to future homeowners and builders that accessory structures (including swimming pools, spas, etc.) are not permitted within common area open space, nor wetland preservation easement areas.

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N) Notification to future owners and builders that the permanent protective fencing located alongside wetland preservation easements may not be removed or altered without the express written permission of the homeowners' association and the DRC.

O) Notification to the future owners of lots which have the permanent protective fencing installed that no structure shall be located closer than 5' to the permanent protective fencing.

P) Notification to all future owners that an annual monitoring report for VELB Habitat protection is required for a period of five years, and, if corrective actions are recommended by the monitoring entity, it shall be the responsibility of the homeowners' association to implement such mitigation actions.

Q) Notification to lot owners that all lot grading shall be limited to construction of driveways and that reasonably necessary for residential construction. In no case shall grading be allowed outside of setback limits as identified within the County Zoning Ordinance and as specified in these conditions. Notification to all future owners of Lots 2, 3, 4, 5, 11 and 17 that no concrete slab foundations are permitted on these lots except for garages and basements or as specifically approved in writing by the DRC.

R) Notification to all future owners that all outdoor lighting shall be shielded such that direct rays from the lamp are directed downward and do not cross property lines.

S) The restriction of animal husbandry/small livestock farming on all lots.

T) Notification to all lot owners of the requirements to submit all building plans to the Homeowners' Association Architectural Review Committee prior to submittal to Placer County for Building Permits. Building plans shall comply with the architectural guidelines provided in the Development Notebook.

U) Notification to the future owners of affected lots that are located adjacent to common area lots, regarding the provision of an access easement to the homeowners' association for maintaining fencing around the perimeter of such lots. A minimum 24-hour notification to affected homeowners shall be provided prior to any work by the homeowners' association.

V) Notification to all future lot owners that minimum setbacks for all structures including accessory structures (*i.e.*, pools, spas, etc.) shall be as specified in the Los Lagos Development Agreement and shall be shown in the Development Notebook required elsewhere in these conditions. In addition, no solid wood fencing shall be installed within 50' of the General Open Space lots located along Auburn-Folsom Road and Moss Lane.

W) Notification to all future lot owners that construction activities are permitted Monday through Friday, 6 A.M. to 8 P.M., and Saturday 8 A.M. to 6 P.M. only, unless prior approval is received from the homeowner's association and the Director of Planning, based on special circumstances such as adverse weather conditions. 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 installed, can occur other times as well.

X) Notification to future homeowners and builders that all trees identified to be saved that are located within 50' of any construction activity must be fenced at their driplines. Fencing shall consist of 4' high, brightly-colored, synthetic mesh material, or equivalent acceptable to the DRC, and 1'x 2' sign attached to the fence stating "This tree to be saved." No development on the

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site, including grading, will be allowed until this condition is satisfied. Any encroachment into the driplines of trees to be saved must first be approved by the DRC. A provision for the enforcement of this restriction by the homeowners' association shall be provided.

Y) Specific provisions of the restrictions, including access rights, within the Wetland Preservation Easements (WPE) shall be defined with notification provided to all lot owners.

Z) Prohibition against any night lighting within any common area lot, including recreational uses within said lot.

AA) Notification to all future lot owners of a listing of drought tolerant plant materials and information regarding drip irrigation systems designed to conserve water.

BB) Notification to all future lot owners of the tree preservation and maintenance techniques contained within the publication entitled "Living Among the Oaks" by the University of California Cooperative Extension. A copy of this publication shall be distributed by the developer or his agent to all new property/home owners. Irrigation under the driplines of oak trees is prohibited.

29. In addition, for Lots 3, 4, 5, & 11, no structure shall be located closer than 5' from the permanent protective fencing adjacent to the wetlands preservation easement. Said setbacks shall be shown on the Development Notebook.

A) Setbacks apply to all structures, accessory structures, and swimming pools.

30. The structural setbacks for this planned unit development are as specified in the Los Lagos Development Agreement and shown in the Development Notebook.

31. This project is subject to payment of traffic impact fees as (mm) prescribed by the Los Lagos Development Agreement. A fee of \$2,000 per residential lot is payable to DPW prior to Final Map filing.

32. Prior to recordation of the Final Map(s), a revised Tentative Map shall be submitted that removes the Wetland and Historical Preservation Easements areas on Lot #17, and instead includes these areas within the adjoining common area General Open Space lot to be owned and maintained by the homeowners' association. In addition, all General Open Space areas, depicted on the Tentative Map shall be labeled as common area lots.

**ADVISORY COMMENT:** If minor modifications in the northerly project boundary are necessary to rectify surveying discrepancies (whether accomplished by Minor Boundary Line Adjustment or as a function of the Final Map recordation), no modification of the project approvals is necessary unless required by the DRC.

33. Submit to Environmental Health Services a "will-serve" letter from Placer County SMD #2 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.

34. Domestic water quality and quantity shall be subject to approval by the Health Department. The connection of each lot in this project to public domestic water is required.

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35. The domestic water supplying entity shall be in compliance with the requirements of Placer County Code, Section 19.100(e).
36. The owner or occupant of each residence in this project shall subscribe to weekly mandatory refuse collection services from the refuse collection franchise holder as required by Placer County Code, Section 9.24(2). The homeowners' association shall be responsible for refuse collection service to all non-residential facilities within the project on the same basis.
37. Back flow prevention devices shall be provided by the applicant or his contractor on domestic water service lines as required by the Placer County Water Agency (PCWA).
38. Submit to the Environmental Health Services a will-serve letter from the franchised refuse collector.
39. 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.
40. Construction noise emanating from any construction activities for which a Building Permit or Grading Permit is required is prohibited on Sundays and Federal Holidays, and shall only occur:  
A) Monday through Friday, 6:00 A.M. to 8:00 P.M.;  
B) Saturdays, 8:00 A.M. to 6:00 P.M.  
**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 on, can 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.
41. Adequate dust controls to be implemented during all phases of project construction.
42. Any open burning of cleared vegetation shall be done in conformance with Regulation 3 of the APCD Rules and Regulations.
43. Insure that the project conforms to all APCD Rules and Regulations.
44. Ridesharing, vanpooling, and available mass transportation educational material shall be distributed by the applicant or his representative to all new and existing residences within the project boundaries.
45. Educational material regarding wood burning for residential heating shall be distributed to all new and existing residences, within the project boundaries.

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46. Fees shall be paid to Placer County for the development of park and recreation facilities pursuant to Section 19.107, Section 19.343, and/or Section 12.90.2 of the Placer County Code. This fee is to be paid prior to the recordation of the Final Map for use in Recreation Area #10 and is based on the project approval for 17 lots. The amount to be paid shall be twice the fee in effect at the time the Final Map is recorded (for guidance, if the map were recorded today, the fee would be \$2,570 per lot. However, in the event the applicant submits evidence of annexation of this unit into the Master Los Lagos Homeowners' Association, within one (1) year of Final Map recordation, the fee to be paid shall be one-half the fee in effect at Map recordation, and the applicant may request a refund.
47. No lot shall be further divided.
48. Provide will-serve letters from the serving school districts, both elementary and high school, indicating their ability to serve children generated by this subdivision.
49. Provide will-serve letters from the appropriate telephone and utility companies serving the project site.
50. Confer with local postal authorities to determine requirements for cluster mailboxes. If clustering is specified, easements, concrete bases, or other mapped provisions shall be included in the development plans. If clustering or special locations are not required, provide a letter from the Postmaster stating the exemptions.
51. Provide a will-serve letter from the Placer County Sheriff's office indicating their ability to serve this project.
52. No lot shall be divided by a tax district boundary on the Final Map.
53. Provide written evidence that compensatory habitat has been established through the purchase of mitigation credits at a County-qualified wetland mitigation bank. The amount of money required to purchase credits shall be equal to the amount necessary to replace wetland or riparian habitat acreage and resource values including compensation for temporal loss. The total amount of habitat to be replaced is 2,990 square feet of wetland habitat, at a rate of 1:1. Evidence of payment, which describes the amount and type of habitat purchased at the bank site, must be provided to the County prior to issuance of Improvement Plans or Building Permits, which would result in the degradation or loss of the habitat. The amount to be paid shall be the fee in effect at the time the Final Map is recorded or Use Permit is exercised (for guidance, if the Map were recorded today, the fee would be \$49,000 per acre for permanent and seasonal wetlands and/or \$70,000 per acre for vernal pools).
54. Equestrian/pedestrian trails shall be provided by the applicant in conjunction with the project as follows with maintenance provided by the county:

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A) Within the General Open Space common areas along the North side of the Rocklin Road Extension and west side of Auburn-Folsom Road as depicted on the Tentative Map and approved by the DRC.

These trails shall be constructed in conjunction with project improvements and shall be shown on project Improvement Plans. The trails shall be a minimum of 4' wide, rough graded native material with culverts placed appropriately where drainage channels are crossed. Overhanging vegetation shall be trimmed sufficiently to permit safe passage along the trail by equestrians as approved by the Parks Division.

55. Prior to any clearing, grading, or excavation work on site, the applicant shall furnish to the DRC, evidence that the California Department of Fish & Game, the U. S. Army Corps of Engineers, and the U. S. Fish and Wildlife Service have been notified by certified letter regarding the watercourse on the property.

56. No grading activities of any kind may take place within the 100-year floodplain of the stream, except as approved by DRC.

57. Provide the DRC with a tree survey depicting the exact location of all trees within the immediate vicinity of the developed area of the site. The tree survey shall include the sizes (diameter at breast height), species of trees, spot elevations, and approximate driplines. Trees to be saved, removed, (mm) or transplanted shall be shown on the survey, as well as all proposed improvements, including any underground utilities.

58. Stake the centerline of the trails described herein as well as all proposed roads for the review and approval of the DRC prior to approval of the Improvement Plans. All underground utility routes shall also be staked and final approval of the trail location and underground utility corridors shall be at the discretion of the DRC. The purpose of this condition is to protect driplines of trees identified to be saved.

59. Each "Heritage Oak" tree (18" dbh or greater) that is removed with this project shall be replaced with three (3) 24" box trees of a similar species within common area open space lots, as approved by DRC. All tree removal and replacement shall be indicated on the project Improvement Plans with specifications for planting and drip irrigation included. The unauthorized removal or destruction of any such trees shall be cause for the Planning Commission to reconsider any permit entitlement granted by virtue of project Tentative Map approval.

An annual monitoring report shall be submitted to the DRC for a minimum of 5 years from the date of Tentative Map approval. Said reports shall be prepared by a qualified arborist as determined by the DRC. Any corrective action shall be the responsibility of homeowner's association. Prior to Final Map approval, a Letter of Credit or cash deposit in the amount of 150% of the accepted proposal shall be deposited with the Placer County Planning Department to assure performance of the monitoring program. An amount equal to 25% of the monitoring program cost shall be paid to Placer County for administrative and program review costs.

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60. Wetland Preservation Easements shall include the 25' setback from delineated wetlands and riparian areas, located on Lot(s) 3, 4, 5, and 11 as depicted on the Tentative Map, and dedicated to the homeowner's association. A minimum 5' setback from all Wetland Preservation Easements shall be labeled as a building setback line on the Final Map and Development Notebook.

(mm) The purpose of said easements is for the protection and preservation of on-site wetland habitats. A note shall be provided on the Final Map and Development Notebook prohibiting any disturbances within said easements including the placement of fill materials, lawn clippings, oil, chemicals, or trash of any kind within the easements; nor any grading or clearing activities, vegetation removal, or domestic landscaping, including accessory structures, swimming pools, spas, and fencing other than the permanent protective fencing required herein. Trimming or other maintenance activity is allowed only for the benefit of fish, wildlife, and water quality resources, and for the elimination of diseased growth, or thinning as necessary for the maintenance of the natural vegetation and only with the written consent of DRC. A provision for the enforcement of this restriction by the homeowners' association shall be provided. These same restrictions apply to Lot J and the Open Space Lot required by Condition #32.

61. (mm) A Mitigation Monitoring Implementation Program (MMIP) for replacement of the Valley Elderberry Longhorn Beetle habitat, located within Lot J, shall be prepared by a qualified biologist and submitted in conjunction with the project's Improvement Plans/Grading Plans. Construction and monitoring of compensation areas shall comply with the U.S. Fish and Wildlife Service General Compensation Guidelines for the Valley Elderberry Longhorn Beetle, and approved Section 10(a) Permit, or Section 7 Permit.

Installation of all replacement vegetation and/or required irrigation systems must be completed prior to the County's acceptance of the project'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 10 years from the date of installation, or as otherwise required by the USFWS mitigation plan and prepared by a qualified wetlands biologist, shall be submitted to the DRC and U.S. Fish and Wildlife Service for their respective review and approval. Any corrective action shall be the responsibility of the owner.

Prior to the approval of the Improvement Plans, a letter of credit, bond, or cash deposit in the amount of 125% of the accepted proposal shall be deposited with the Placer County Planning Department to assure performance of the monitoring program. An amount equal to the cost for administrative and program review by the County shall be paid to Placer County and deducted from this deposit before the balance is returned to the applicant, or shall be paid by the applicant or homeowners' association on an annual basis.

Violation of any components of the approved MMIP may result in enforcement activities per Placer County Environmental Review Ordinance Section 31.870. An agreement between the applicant and County shall be prepared which meets DRC approval that allows the County use of the deposit to assure performance of the MMIP in the event the homeowners' association reneges..

62. Pursuant to Section 21089 of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified fees are paid within 3 days of the date of public hearing at

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which preliminary action to approve the project was taken. Notwithstanding any other action taken by the County pursuant to this application, failure by the applicant to pay the required fee within the time period stated above shall result in an automatic denial of the application unless prior written authorization for a delay in the payment of the fee is obtained from the Planning Director. (Currently, the fees required are \$880 for projects which have had an Environmental Impact report prepared.)

63. Provide an arborist's report to the DRC prior to the issuance of any Grading Permits for the project. This report shall be prepared by a certified arborist who shall analyze the general health and safety of trees to be saved. Implementation of comments and recommendations submitted by the arborist shall be at the discretion of the DRC.
64. **ADVISORY COMMENT:** Pursuant to Placer County Ordinance #4051-B, \$150 shall be paid to the South Placer Fire District for each dwelling unit in the project prior to the issuance of a Building Permit for said dwelling unit. The actual fee will be that in effect at the time of payment.
65. Any entrance structure or project gateway 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 DPW.
66. Prior to recordation of the Final Map(s), a Development Notebook shall be submitted to the Planning Department staff which shall include plot plans for each lot in the project, depicting all dimensions, easements, setbacks, height limits, and other restrictions which might affect the construction of structures on said lot. No Building Permits may be issued for the project until this Notebook is provided to and accepted by the DRC for format and content requirements.
67. **ADVISORY COMMENT:** This project may be subject to review and approval by the State Dept. of Fish & Game and/or the U. S. Army Corps of Engineers. It is the applicant's responsibility to obtain such approvals if necessary and submit evidence to the County demonstrating compliance (*i.e.*, copy of permits).
68. 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 (mm) and a qualified archaeologist retained to evaluate the deposit. The Placer County Planning Department and Museums Department 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 Development Notebook filed with the Final Map for the Project.

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69. Areas designated as "General Open Space" and Lot J shall be defined and monumented as common area lots to be owned and maintained by the homeowners' association, including the removal of unauthorized debris.

This area shall be left undisturbed and the following covenants, terms, conditions and restrictions shall apply to the area within these lots.

A) No building, fence (except as authorized herein), pool, patio or other structure shall be erected on the property.

B) There shall be no grading, excavation or placement of fill material, dredging or removal of loam, gravel, soil, rock, sand, or other material, nor building of roads nor other change in general topography of the land, other than as shown on the Improvement Plans, excepting the maintenance of specified trails, emergency access lanes, or other public access.

C) There shall be no placement of any lawn clippings, ashes, oil, chemicals, or trash of any kind within the easement.

D) There shall be no landscaping, spraying of pesticides, grubbing, clearing, removal, destruction, or cutting of trees, shrubs, or other vegetation except as may be necessary for (a) the maintenance of trails, fire lanes, or other accesses, (2) the prevention or treatment of disease, or (3) other good husbandry practices approved by the DRC.

E) No advertising of any kind or nature shall be located on or within this area.

F) Additional restrictions as defined by the U.S. Fish & Wildlife Service Section 7 Permit apply.

The purpose of the General Open Space is to provide for native drought-tolerant landscape screening and protected VELB habitat within Lot J.

70. Pursuant to Section 6.4 of the Los Lagos Development Agreement (DAG-001), a minimum of 6.21 acres shall be dedicated to permanent open space use concurrently with or prior to the recordation of the Final Map (17 lots x 0.365 acres/lot = 6.21 acres).

71. This Tentative Map/Conditional Use Permit is approved for 36 months and shall expire on August 10, 2002, unless exercised before that date.

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**RECOMMENDED CONDITIONS OF APPROVAL – SUBDIVISION  
MAP/CONDITIONAL USE PERMIT MODIFICATION "LOT 11 –  
BOULDERS SUBDIVISION (LOS LAGOS UNIT NO. 5 "  
(PSM20130233)**

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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 Subdivision Map/Conditional Use Permit Modification for Lot 11 in the Boulders Subdivision (Los Lagos Unit No. 5) is approved to allow a six-foot high, black tube, open metal fence (No spirals for wildlife protection) to be installed ten (10) feet from the westerly property line (Moss Lane). Also approved, is an existing entry feature on Lot 11 that includes six-foot high, stucco walls with pilasters, lighting, and a mailbox located within the 35 foot front setback and partially within a private road and utility easement (Avenida Robles).
2. The existing solid wood fence located along the westerly property line (Moss Lane) and adjacent to Lot JJ shall be removed upon completion of the open metal fence and no later than 120 days from the date of approval of this Subdivision Map/Conditional Use Permit Modification.
3. A portion of the existing entrance structure on Lot 11 is affected by an existing 12.5' Multi-Purpose Easement (MPE) (ref: Los Lagos Unit No. 5, recorded in Book W of Maps, Page 64). Prior to any Building Permit issuance, the applicant shall process an abandonment of the public's interest in the portion of the easements affected by this project (contact John Weber at DPW (530)745-7564).
4. A portion of the existing entrance structure on Lot 11 is shown to be encroaching into the private road and public utility easement of Avenida Robles (ref: Los Lagos Unit No. 5, recorded in Book W of Maps, Page 64). Within 90 days, the applicant shall remove the encroachment. Alternatively, prior to Building Permit issuance, the applicant shall process an abandonment of the public's interest in the easement, and provide letters of approval from all parties (including but not limited to: the Los Lagos Unit No. 5 Homeowners Association, the serving fire agency, etc.) having interest in the private road easement to the satisfaction of the Development Review Committee (DRC).
5. Lot 11 is affected by an Irrevocable Offer of Dedication (IOD) for a Meandering Drainage Easement (MDE). The applicant shall not impede the natural drainage associated with this public drainage easement, as depicted on Los Lagos Unit No. 5, recorded in Book W of Maps, Page 64.
6. The applicant shall have twenty-four (24) months to exercise this Subdivision Map/Conditional Use Permit Modification. The project shall be considered exercised upon completion of all conditions of approval contained herein. Unless exercised, the approval shall expire on November 13, 2016.

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PAGE 1 OF 1

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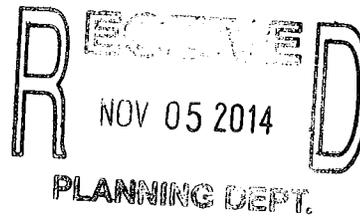
ATTACHMENT F

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November 5, 2014

Placer County Planning Commissioners  
Community Development Resource Center  
3091 County Center Drive  
Auburn, CA 95603

Richard Roccucci-Planning Commissioner, District 1  
Ken Denio-Planning Commissioner, District 2  
Richard Johnson-Planning Commissioner, District 3  
Jeffrey Moss-Planning Commissioner, District 4  
Miner (Mickey) Gray-Planning Commissioner, District 5  
Larry Sevison-Planning Commissioner At-Large East of Sierra Crest  
Wayne Nader-Planning Commissioner At-Large West of Sierra Crest



RE: Tse Major Subdivision Modification (PSM-20130233)  
Moss Lane Homeowners v/s Kelvin and Cynthia Tse (owners of Lot 11 – The Boulders  
Subdivision – Granite Bay, CA)

Gentlemen:

It is our understanding a hearing is scheduled for 11/13/14 at 10:00 A.M. to discuss Kelvin and Cynthia Tse's request for approval for modification of the existing 25 feet set back to a 10 feet set back; I am sending this written opposition since neither my husband Andy or myself are able to attend and it is very important to us that our opposed vote(s) be counted.

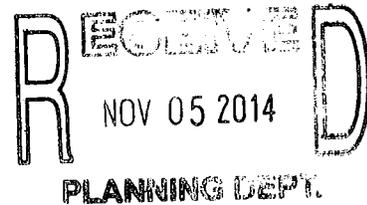
We have submitted previous letters (dated 9/17/13 and 7/18/14) expressing opposition to the Tse's request(s) for variance of the current 25 feet setback that any preliminary title report or policy of title insurance would reveal and in our opinion, a 10 feet set back variance would affect the characteristics of our rural neighborhood, hasten the erosion of Moss Lane itself and possibly set a precedence that might encourage other land owners to ignore various lot approval conditions and request variances after the fact, if other affected homeowners voice opposition.

Using property that doesn't belong to you is wrong whether there's a solid or open fence and we both adamantly vote NO on this request to modify the existing setback requirement on Tse's property; thank you for considering these remarks and our concerns regarding this matter.

Sincerely,

Denice French  
5720 Moss Lane  
Granite Bay, CA 95746  
(916) 652-0767

November 3, 2014



Placer County Planning Commissioners  
Community Development Resource Center  
3091 County Center Drive  
Auburn, CA 95603

RE: Tse Major Subdivision Modification (PSM-2013033) OPPOSITION

Dear Planning Commissioners,

We, the undersigned are residents of the Moss Oaks community, bordering the "Boulders" development along Moss Lane, in Granite Bay. We are vehemently opposed to any change or variance to the original setback and construction restrictions, as stated in the original Lot 11 Building and Lot Requirements, for the Boulders development.

The Conditions of Approval for Unit 5 (The Boulders), was originally drafted after much negotiation between the Moss Oaks residents, the developer of the Boulders and Placer County officials, in order to **guarantee** the preservation of the rural characteristics, "feel" and natural beauty along the Moss Lane boundary. We believe that any change to the setback requirements along Moss Lane will severely damage the natural beauty, characteristics and feel of the entry to our various properties, and will serve to transform the appearance of our entry road, in to one with the appearance of a back alley; rather than the entrance into rural, upscale, multi-acre properties. We also believe a change in the current setback requirements would set a precedent and encourage other property owners along the boundary to follow suit, further damaging the natural appearance and characteristics of our road. This is the precise reason that the original Conditions of Approval and the Lot 11 Building and Lot Requirements both specify a twenty-five foot setback from the property line, with a "*permanent*" two foot tall, split rail fence, demarcating the setback boundary between the two developments while also limiting additional fence height and construction.

We have 18 families in the Moss Oaks development, most of which are *actively* engaged in opposing the request for variance by the Tse's and supporting the restoration of the WPE. We have opposed and fought hard for 2 ½ years; retained an attorney, spent much personal time and endured many delays. We have spent countless hours conducting research, writing letters, meeting with county officials, and have incurred much expense in hopes of restoring the illegal damages done to the Moss Oaks property boundary and WPE by the Tse's, in the face of their absolute defiance of the existing conditions and restrictions spelled out in their Conditions of Approval, Building and Lot Requirements and in their deed, title and CC&R's.

- A variance would not be consistent with the Granite Bay Community Plan, Placer County General Plan and the original intent of the developer of the Boulders to keep the beauty of Moss Lane intact and have as little impact as possible.
- The proposed variance would be an encroachment on the nature and beauty of Moss Lane which was well established before any development of Los Logos Unit 5, the Boulders were ever considered.
- A variance would authorize a setback that is not otherwise allowed in the zone district.

- A variance would also have a negative impact on Lot JJ, the designated Open Space lot which borders the Tse parcel.
- The granting of this variance would constitute a grant of special privilege inconsistent with the limitations upon other property owners in the vicinity; allowing the Tse's a larger useable lot size than the property purchased and there by destroying the overlook of the Moss Oaks Development, for one single landowner.

For all the above mentioned reasons, we request the Placer County Planning Commissioners *deny* the Tse's special privileges and their encroachment of the natural beauty of Moss Lane. For 2 ½ years, the Tse's have ignored the County's rules and regulations, graded and destroyed the Wetland Protective Easement, illegally cut oak trees on their property and on Moss Oaks property. The Placer County District Attorney had to finally become involved for Tse to start complying with the law. We request Tse not be rewarded for their years of illegal activity and defiance.

In order to help restore this damage, we are respectfully urging the commission uphold the original Building and Lot Requirements setback and *deny* any variance or change to the Conditions of Approval or the Building and Lot Requirements requested by the Tse's along the Moss Oaks / Boulders boundary.

Thank you for your consideration.

We the undersigned; Moss Oaks residents.

Najam & Tayyiba Awan  
5500 Moss Lane

Andy & Denise French  
5720 Moss Lane

Dale & Penny Winchester  
5650 Moss Lane

Ivan & Lenore Holt  
5465 Moss Lane

Chantel Decavel  
5330 Moss Lane

Pat Sullivan  
5275 Moss Lane

Uli Bueff  
5330 Moss Lane

Wally Lang  
5277 Old Moss Lane

David & Julie Stringham  
5130 Moss Lane

James & Alison Thomas  
5280 Old Moss Lane

Lavan & Lannette Bates  
5421 Moss Lane

Kirk & Jennifer Hamberg  
5215 Moss Lane

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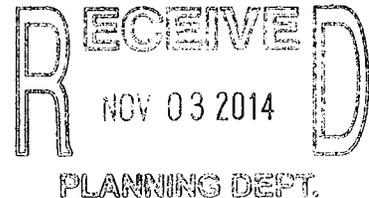


LAW OFFICE OF  
MARCUS J. LO DUCA  
A Professional Corporation

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MARCUS J. LO DUCA

November 3, 2014



Chairman and Members  
Placer County Planning Commission  
3091 County Center Drive  
Auburn, CA 95603

Re: Tse Major Subdivision Modification (PSM-20130233) --  
5758 Avenida Robles, Granite Bay

Members in Session:

This office represents a group of long-time homeowners in the Moss Oaks subdivision that borders the property at 5758 Avenida Robles, owned by Dr. and Mrs. Kelvin Tse ("Tse"). My clients have watched with concern and dismay over the past 2.5 years as the Tse's have blatantly disregarded and violated the conditions of The Boulders subdivision map ("The Boulders Map"), the Federal Clean Water Act, provisions of the California Subdivision Map Act, the Granite Bay Community Plan, and County Code in several areas, creating impacts to my clients' neighborhood and ignoring the rules that the neighbors of the Tse's in The Boulders have had to comply with in the construction of their homes.

Specifically, Dr. and Mrs. Tse have engaged in a deliberate series of actions in clear violation of the approved conditions of The Boulders Subdivision Map by:

1. Illegally filling wetlands in a Wetlands Preservation Easement ("WPE") area during unauthorized grading on their lot;
2. Constructing a solid 6 foot wood fence 10 feet (10') from their rear property line, when The Boulders Map clearly requires twenty five feet (25') and a maximum 6 foot tall, open rail fence;

3. Constructing a front entry 6 foot fence that not only encroaches on the 12.5 foot multi-purpose easement ("MPE") on their property but is double the allowed 3 foot height limit;
4. Cutting down oak trees larger than 6 inches DBH and oak tree limbs over 6 inches wide and removing other native vegetation without County approval;
5. Illegally installing irrigation lines under the drip lines of oak trees to water their landscaping.

In short, the Tse's have blatantly done what they please, pleading a lack of sophistication in such matters or simple ignorance of the clear, recorded restrictions on, and legal rules pertaining to, their property, and now after the fact, seek your approval of their illegal actions.

#### A. Factual Background

There can be no dispute that the conditions of approval for The Boulders Map (attached hereto as Exhibit "A"), approved August 10, 1999, require:

1. A 25 foot setback for two-rail, treated wood or redwood fencing, with upright posts embedded in concrete, along the western boundary of The Boulders adjacent to Moss Lane, including Lot 11, owned by the Tse's (Condition 3);
2. A no access strip to Moss Lane on four lots, including Lot 11 (Condition 8 (I));
3. Notification in the project CC&Rs to the future owner of Lot 11 that no fill, lawn clippings, oil, chemicals, or trash of any kind shall be placed within a WPE (Condition 28 (K));
4. Notification in the CC&Rs to the future owner of lots with permanent protective fencing that no structures shall be constructed closer than 5 feet to the permanent protective fencing on such lots (Condition 28(O));
5. Notification in the CC&Rs that no solid wood fencing shall be installed within 50 feet of Moss Lane (Condition 28 (V));
6. Notification in the CC&Rs to Lot 11 that no structure, including pools, shall be located closer than 5 feet from permanent protective fencing (Condition 29).

Such restrictions are in fact in the CC&Rs set forth for The Boulders, attached hereto as Exhibit "B". (See, e.g., CC&Rs Sections 7.1.2, 7.2.4, 8.17, 8.17.1, 8.17.3, 8.17.4)

Notwithstanding these clear, recorded restrictions in both subdivision map conditions of approval and the recorded CC&Rs, the Tse's chose to simply disregard the rules by which other property owners in The Boulders were required, by your Commission, to comply with, only seeking approval from the County after objections from my clients and a County Zoning Enforcement action has been commenced against them.

In the spring of 2012, an initial complaint was made to the County by residents objecting to the illegal grading and wetland fill by the Tse's. On July 19, 2012, the County sent an initial notification to the Tse's regarding their illegal grading and tree removal within the WPE (a copy of the County's notification letter is attached hereto as Exhibit "C"). As you can see from this County letter, the County required revegetation and restoration of the WPE area. The Tse's ignored that requirement.

The Tse's then (1) removed the permanent fencing along their rear lot line and Lot JJ and around the WPE on their property, (2) cut oak trees greater than 6 inches DBH and oak tree limbs over 6 inches wide without a tree permit, (3) constructed an illegal solid fence 10 feet from the setback to Moss Lane over 150 feet in length, (4) cleared vegetation and cut oak trees greater than 6 inches DBH and oak tree limbs over 6 inches wide outside of their property along Moss Lane, (5) sprayed herbicide on the Moss Oaks subdivision property, (6) utilized an illegal access route for trucks and construction works onto Moss Lane over a recorded "no access" strip so that the Tse's could build their swimming pool and landscaping, and (7) constructed an illegal solid fence along a portion of open space Lot JJ. The Tse's also installed a drain line from their property onto Moss Oaks property and out to Moss Lane, creating drainage impacts, including erosion, along Moss Lane. Formal complaints filed by Moss Oaks residents in March 11, 2013, and May 3, 2013, describe these violations to the County (See Exhibit "D").

#### B. Legal Violations

The blatant violations by the Tse's of conditions of approval, recorded CC&Rs and recorded easements, and their refusal to comply with County staff requests, led to an ongoing County zoning enforcement action against the Tse's (See enclosed March 14, 2013 County letter, and April 5, 2013 County notification, attached hereto as Exhibits "E" and "F"), which turned into a civil complaint filed against the Tse's by the Placer County District Attorney. Such complaint resulted in a judgment against the Tse's issued by Judge Alan Pineschi on August 2, 2013, a copy of which is attached as Exhibit "G". Among the terms of the stipulated judgment were the following:

“A. Defendants agree to submit a complete re-vegetation plan for the restoration of a Wetlands Preservation Easement to the Placer County Development Review Committee (Planning Services Division) (“DRC”) within fourteen (14) days of entry of Judgment. Defendants agree to begin implementation of said plan within thirty (30) days of approval by DRC. Defendants agree to have plan completed to the satisfaction of the DRC within thirty (30) days after beginning implementation.

B. Defendants agree to remove the unlawfully installed 6 six-foot high solid wood fencing along the Moss Lane property boundary and Open Space Lot JJ within thirty (30) days of entry of Judgment. Notwithstanding, if Defendants submit a timely application of a subdivision modification regarding the above reference fence, the removal may be delayed until a final decision is made upon Defendants’ application. If such modification is denied, Defendants agree to remove said fence within fourteen (14) days of such denial.

C. Defendants agree to submit a complete arborist report to the DRC which documents all oak trees 6” dbh or greater that have been cut and/or removed by Defendants either within Defendants’ property boundaries or outside Defendants’ property boundaries along Moss Lane within fourteen (14) days of entry of Judgment.”

The Tse’s were obligated to submit the re-vegetation plan by August 16, 2013 to the County. The Tse’s defied the Court’s order, failing to submit their re-vegetation plan for another 8 months (April 2014). In the meantime, the Tse’s sought an “after the fact” wetlands fill permit from the U.S. Army Corps of Engineers for their illegal fill of wetlands in the WPE in violation of the Federal Clean Water Act. Our understanding is that the Corps informed the Tse’s that no such permit would be issued by the Corps to the Tse’s.

The Tse’s did file their initial application to the County on August 2, 2013. However, the past 14 months have seen nothing short of foot dragging and continued non-compliance with County Code requirements, subdivision map requirements, and a County Superior Court judgment by the Tse’s.

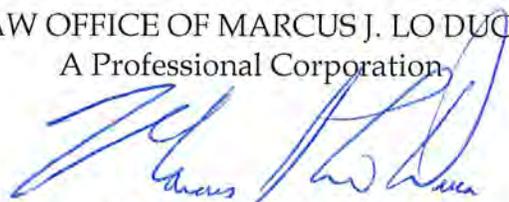
Now, over 2 ½ years after their initial, repeated violations of Federal law, State law, County codes, conditions of approval, and CC&Rs, the Tse’s ask for your after-the-fact approval of their illegal actions.

Rather than rewarding the Tse's for their illegal actions, including violating express requirements approved by your Commission, my clients ask you to deny the Tse's application in full, and uphold not just your prior action in approving The Boulders Map, but to also uphold Federal law, State law, the Granite Bay Community Plan, the County Zoning Ordinance, the County Tree Ordinance, and the efforts of your staff. In short, we ask you to uphold the integrity of the planning and development process in Placer County.

I have practiced land use law for over 28 years, representing clients from the Oregon border to the Mexican border, entitling roughly 300 projects during that time. In my career, if an applicant ever conducted itself in such a manner in building a project as the Tse's have here, the arm of government would have come down very hard, and deservedly so. To do otherwise would set a huge precedent that anyone else in the County could point at to justify blatant violations of laws, rules, codes, conditions and restrictions. The principle that the Tse's illegal actions express is clear: Do whatever you want to, plead ignorance, and seek permission after the fact. That's not what the planning process is supposed to be in Placer County, or anywhere in California. The process needs to have the same rules for everyone, for the sophisticated builder or developer or the individual resident alike. Again, we ask you to uphold the integrity of the planning process, Federal law, the California Subdivision Map Act, the Granite Bay Community Plan, the County Zoning Ordinance, the County Tree Ordinance, and the Superior Court judgment against the Tse's, and deny the Tse's application in its entirety.

Respectfully submitted,

LAW OFFICE OF MARCUS J. LO DUCA  
A Professional Corporation



Marcus J. Lo Duca

MLD/jlf

cc: Clients

Enclosure(s)

A

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**CONDITIONS OF APPROVAL—TENTATIVE MAP/  
CONDITIONAL USE PERMIT—"LOS LAGOS UNIT #5" (SUB-  
276/CUP-1496)**

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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. The project is a 17-lot (2.41 ac. av. ea.) Planned Development on 46<sup>+</sup>/- acres and is a portion of the "Los Lagos" Planned Development Master Plan. This is not a Vesting Tentative Map.
2. Prepare and submit to the Department of Public Works (DPW), a Final Subdivision Map which is in substantial conformance to the approved Tentative Map in accordance with Chapter 19 of the Placer County Code; pay all current map check and filing fees.  
An Informational Sheet identifying general and specific lot development restrictions, setbacks, easements, tree protection, architectural guidelines, water conservation, etc., as defined within the conditions herein, shall be prepared, filed, and recorded with the subdivision Final Map. The specific content and form of this information shall be subject to DRC approval and shall, at a minimum, include general notes relating to restrictions applicable to all lots with reference provided which refers to the Development Notebook required elsewhere in these conditions of approval for graphic depictions of each residential lot.  
**ADVISORY COMMENT:** Conceptual landscape plans submitted prior to project approval may require modification during Improvement Plan process to resolve issues of drainage and traffic safety.
3. Prepare and submit Improvement Plans, specifications and cost estimates) (per Section II of the Land Development Manual [LDM]) to the Department of Public Works (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 on-site and adjacent to the project shall be shown on the plans. The applicant shall pay plan check and inspection fees. 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 submitted to the DPW prior to the acceptance by the County of site improvements. 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. In addition, the following information shall be included in the Improvement Plans and constructed as a part of the project.  
(mm) Permanent Protective Fencing: Install permanent split-rail (2-rail) fencing (or other such design and materials as may be approved by the DRC) with upright posts embedded in concrete along and around all wetland preservation easement boundaries on Lots 1, 2, 4, 5, 11, & 17, and

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around all detention facilities to the satisfaction of the DRC. Such fencing shall provide a physical demarcation to future homeowners of the location of protected easement areas as required by other conditions of this project. Such fencing shall be shown on the Information Sheet recorded concurrently with the Final Map as well as on the project Improvement Plans. The applicant may install permanent 2-rail treated wood or redwood fencing, as depicted on the Tentative Map and approved by the DRC, with upright posts embedded in concrete along the westerly project boundary where they adjoin residential lots on Moss Lane (25' minimum setback, except as to avoid wetland crossing), and shall install same fencing (3' maximum height) along the entire perimeter of Lot J excepting the portion adjoining Open Space areas along Auburn-Folsom Road where open iron fencing may be installed, and the East and South boundaries of the wetlands/historical preservation areas on Lot 17 to be placed within an Open Space lot per Condition #32. Wood post monuments with posts (4' high, 5-1/2" x 6") imbedded in concrete (minimum 15' spacing), or 2-rail fencing shall be installed along all WPE's on residential lots. Open iron fencing (no spires – flattop only) shall be installed along the entire westerly boundary of the General Open Space Lots adjoining residential lots on Auburn-Folsom Road, except where DRC approves solid wood fencing, based on existing vegetation that screens such fencing from view of same roadway. Solid 6' treated wood fencing with animal passages, as approved by DRC, shall be installed along the southerly boundary of the General Open Space Lot adjoining Lots 12 through 16. All fencing shall be to the satisfaction of DRC. Fencing located within Open Space Lots shall be maintained by the homeowners' association, and fencing on residential lots shall be maintained by the homeowner.

(mm) Temporary Construction Fencing: Install a 5' 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 wetland preservation easements on residential lots that are within 50' of construction activity; 2) At the limits of construction outside the dripline of all trees to be saved within 50' of any grading, road improvements, utilities, or other development activity, or as shown on the Tentative Map; and 3) Adjacent to Lot J and "General Open Space" common areas (including in the vicinity of Lot 17) that are within 50' of any proposed construction.

In addition, a 1' x 2' sign shall be attached to the fencing stating "this tree to be saved", or "Protected Area--Keep Out." 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. Make every effort 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 shall be shown on the Improvement Plans.

(mm) Equestrian/Pedestrian Trails: The Improvement Plans shall provide details of the location and specifications of all required equestrian/pedestrian trails described herein, for the review and approval of the DRC and Placer County Parks Division. Said trails shall be installed prior to the County's acceptance of the subdivision's improvements.

4. All proposed grading, drainage improvements, vegetation removal and tree removal shall be shown on the Improvement Plans and all work shall conform to provisions of the County Grading Ordinance (Chapter 29, Placer County Code). No grading, clearing, or tree removal shall occur until the Improvement Plans are approved. 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.

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 the project Improvement Plans. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the DPW.

Submit to the DPW a cash deposit in the amount of 110% of an approved engineer's estimate for winterization work prior to improvement plan approval to guarantee protection against erosion and improper grading practices. Upon the completion and acceptance of improvements, any unused portions of said deposit shall be refunded to the project applicant or his 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, and pad elevations and configurations, the plans shall be reviewed by the DRC for a determination of substantial conformance to the approved Tentative Map prior to any further work proceeding. Failure of the DRC to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body.

5. (mm) Prepare and submit with the project Improvement Plans, a drainage report (per Section 5 of the LDM) 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 affects 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, maintenance of wetlands and riparian vegetation, construction management techniques, erosion protection at culvert outfall locations, and street sweeping and oil/grease separators where appropriate.
6. Show the limits of the 100-year flood plain for all significant drainage courses on the Improvement Plans and Final Map and designate same as a building setback line.
  - A) Show finished house pad elevations two feet above the 100-year flood plain line (or finished floor 3' above) for any affected lots on the Improvement Plans and Final Map. Pad elevations shall be certified by the project engineer on Record Drawings submitted to the DPW following project construction, and by documentation required by the County Surveyor prior to Final Map approval. Benchmark elevations shall be shown on Improvement Plans to the satisfaction of DRC.
7. 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 the DPW may require a fire protection district representative's signature on the plans.
  - A) Extend a pressurized water system into the subdivision to County (Section 7 of the LDM) or fire district standards, whichever are greater.

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8. Provide the following easements/dedications on the Improvement Plans and Final Map to the satisfaction of the DPW and DRC:
- A) Provide a 40' wide private road and public utility easement (Ref. Chapter 19, Placer County Code) along on-site subdivision roadways, and through General Open Space to Auburn-Folsom Road.
  - B) Dedicate to Placer County one half of a 110' wide highway easement (Ref. Chapter 4, Subchapter 5, Placer County Code) where the project fronts Auburn-Folsom Road, as measured from the centerline of the existing roadway, plan line, or other alignment as approved by the DPW.
  - C) Dedicate public utility easements as required by the serving utilities, excluding wetland preservation easements (WPE).
  - D) Dedicate multipurpose easements 12.5' adjacent to all highway easements, including the Rocklin Road Extension corridor and excluding wetland preservation easements (WPE).
  - E) Dedicate slope easements for cuts and fills outside the highway easement.
  - F) Dedicate drainage easements as appropriate.
  - G) A 20' driveway easement through Lot 3 to benefit of Lot 2, with turnouts and turnarounds as required by DPW.
  - H) A 25' wide driveway access easement across the General Open Space lot between Auburn-Folsom Road and Lot #17.
  - I) Dedicate "no access" strips on Lots(s) 1, 2, 3, 16, & 17 onto Auburn-Folsom Road except where driveway to Lot #17 is approved by DPW and where on-site road connects to Auburn-Folsom Road. Dedicate "No Access" strips on Lots 1, J, 7 & 11 onto Moss Lane, except where driveway to Lot #1 is approved by DPW. Dedicate "No Access" strips on Lots 12, 13, 14, 15, 16 & 17 onto the future Rocklin Road Extension.
  - J) Dedicate to Placer County public equestrian/pedestrian easements within the General Open Space adjacent to the north side of Rocklin Road Extension and west side of Auburn-Folsom Road, along the entire project's frontage, as depicted on the Tentative Map.
  - K) Dedicate Wetland Preservation Easements (WPE's) on Lots 3, 4, 5, & 11 to the homeowners' association. Said easements shall be for the protection of wetland habitats and shall be established over an area with a minimum of 25' from all delineated wetlands, for those lots indicated on the Tentative Map. Specific provisions of the easement restrictions shall be contained within the project CC&R's as deemed appropriate by DRC.
9. Dedicate to Placer County a 100' wide highway and public utility easement (Ref. Chapter 4, Subchapter 5, Placer County Code) where the project fronts upon the Rocklin Road Extension plan line, as approved by the 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.
10. Construct subdivision road(s) to a paved width of 26' as depicted on the Tentative Map or to a Rural Minor Standard (Plate 2 LDM). The road(s) and storm drainage shall be maintained by the homeowners' association. All subdivision streets shall be designed to meet 25 miles per hour design speed criteria, as specified in the latest version of the Cal-Trans "Highway Design Manual". The roadway structural section(s) shall be designed for a traffic index of 5.5 (Ref. Section 4, LDM).

**ADVISORY COMMENT:** The subdivision access road entry gate, turnaround area and internal intersection design shall be examined by DPW during the Improvement Plan review process to insure a safe and efficient project access. Consideration shall be given to existing environmental constraints and proposed access restrictions.

11. A streetlight(s) shall be provided and installed to the satisfaction of the DPW at the intersection of the subdivision access road and Auburn-Folsom Road.

**ADVISORY COMMENT:** Streetlights shall be of a type, height and design to direct lighting downward shielding to the greatest extent practical light exposure beyond that needed for proper intersection lighting.

12. Construct a public road entrance onto Auburn-Folsom Road to a Plate 27 LDM standard. The design speed of the roadway shall be as specified by the DPW. The improvements shall begin at the outside edge of any future lane(s) as directed by the DPW.

13. Construct a left-turn lane at the project entrance. Traffic striping shall be done by the County striping crew at the applicant's expense. The removal of existing striping and other pavement markings shall be completed by the developer's contractor. The design shall conform to criteria specified in the latest version of the Caltrans "Highway Design Manual" for a design speed of 55 miles per hour, unless an alternative is approved by DPW.

14. Construct driveways to Lots 1 and 17, to the following minimum standards: A) A paved width of 10' with 1' aggregate base shoulders; B) A structural section of 2" AC/6" Class 2 AB; C) Encroachment improvements onto Auburn-Folsom Road (Lot #17 only) and Moss Lane (Lot #1 only) as required by DPW; D) For Lot #17, driveway improvements shall be installed between Auburn-Folsom Road and the lot boundary through the General Open Space; E) Driveway improvements for Lot #2 shall begin at the subdivision street and shall extend southerly beyond Lot #3; F) For driveways exceeding 150' in length, turn-outs or additional pavement width shall be provided to the satisfaction of the serving fire district and DPW. The owner of Lot #1 shall contribute a "fair share" to the maintenance of Moss Lane for Lot #1 access onto Moss Lane.

15. Proposed road names and alternatives shall be submitted to the local postal authority for written comments and shall be approved by the DPW prior to Improvement Plan approval.

16. During project construction, staking shall be provided pursuant to Section 5-1.07 of the County General Specifications.

A) Stake the centerline of the subdivision roads and required driveways for DRC review prior to Improvement Plan approval.

17. Construct one-half of 40' road section where the project fronts Auburn-Folsom Road as measured from the existing centerline thereof or as directed by DPW. Additional widening and/or reconstruction may be required to improve structural deficiencies, accommodate auxiliary lanes, intersection geometrics, bikelanes, or for conformance to existing improvements. The roadway structural section shall be designed for a traffic index of 8.5, but in no case shall said section be less than 3" AC/8" Class 2 AB.

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18. Construct/Delineate a Class 2 bikeway along the project's frontage on Auburn-Folsom Road pursuant to the Placer County Bikeways Master Plan. The location, width, alignment and surfacing of the bikeway shall be subject to DPW/DRC review and approval.
19. On lots where subdivision roadway cuts/fills exceed 4' in vertical height or driveway grades would exceed 12% at any reasonable access location, the driveways shall be shown on the Improvement Plans and constructed with subdivision improvements. Said driveways shall have a paved width of no less than 10', a minimum structural section of 2" AC/4" AB and shall extend from the roadway edge not less 50' into the lot, or as deemed appropriate by the DPW.
20. 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.
21. Provide school bus turnout(s) to the satisfaction of the California Highway Patrol and the DPW. A letter shall be provided from the CHP which addresses the turnout as shown on the project Improvement Plans.
22. Submit to DPW for review and approval a geotechnical engineering report produced by a civil engineer experienced and knowledgeable in the practice of soils engineering. The report shall address and make recommendations on the following:
  - A) Road, circulation and parking area design
  - B) Structural foundations
  - C) Grading practices
  - D) Erosion/winterization
  - E) Special problems discovered on-site
  - F) Slope stabilityOnce approved by the DPW, one copy each of the final report shall be provided to the DPW and the Building Department for their use. If the soils report indicates the presence of critically expansive or other soils problems which, if not corrected, would lead to structural defects, an investigation of each lot in the subdivision may be required and will be so noted on the final map. 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.
23. In the event the County does not accept the Rocklin Road extension dedication referenced in Condition #8. D), said property shall revert to the homeowners' association as part of the adjoining common area open space with the same use restrictions contained in Condition #60.
24. The Final Map shall not be considered until a progress schedule has been submitted to and approved by the County in accordance with the Subdivision Agreement. This progress schedule shall be updated and modified by the contractor with the concurrence of the DPW in accordance with the contract specifications prior to the commencement of work.

25. 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 Health 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.
26. An agreement shall be entered into between the developer and the utility companies specifically listing who performs and finances 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. 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.
27. Install cable TV conduit(s) in accordance with company or County specifications, whichever are appropriate.
28. Conditions, Covenants, and Restrictions (CC&R's) shall be prepared and submitted to and approved by the DPW, County Counsel, and other appropriate County Departments and shall contain provisions for:
- A) The applicants shall create a homeowners' association with certain specified duties/responsibilities. Los Lagos #5 shall be annexed into the Master Homeowners' Association for Los Lagos Planned Development and be afforded all the rights and privileges as other phases of this Planned Development, including access to recreation facilities. In the event the project is unable to annex into the Master Association, a separate association shall be created for Unit #5 and perform all functions and responsibilities defined herein, including an architectural review committee.
  - (mm) B) Maintenance of roads, storm drainage facilities, including structural storm water quality enhancement facilities (BMPs) and street lighting by the homeowners' association. A regular street sweeping/vacuuming program shall be maintained by the homeowners' association. Contents of grease and sediment traps shall be removed, handled, transported and disposed of as hazardous waste pursuant to applicable laws.
  - C) Subscription to weekly refuse collection services from the refuse collection franchise holder by each homeowner /occupant as required by Placer County Code Section 9.24(2) and by the homeowners association for all non-residential structures generating refuse within the development.
  - D) No storage of boats, trailers, recreational vehicles, campers, or inoperable vehicles within the project except, to the side or rear of a residence, and screened from street view.
  - (mm) E) Maintenance of common areas, "wetland" preservation easements, fencing, landscaping, and waterways by the homeowners' association.
  - F) Maintenance of on-site drainage channel(s) by each homeowner, as appropriate, to reduce potential or actual mosquito breeding habitat.
  - G) Back flow prevention devices shall be provided on domestic water service lines as required by the water supplying entity.
  - H) No lot may be further divided.

I) The notification to lot owners that construction of driveways that exceed 12% gradient (gravel surface) or 15% (all weather surface) may impair emergency and construction vehicle and equipment access to building sites.

J) County approval for modification of the CC&R's where those items required by these conditions of approval are affected.

K) Notification to the future owners of Lots , 3, 4, 5, & 11 and all General Open Space Common areas, that no owner shall place any fill materials, lawn clippings, oil, chemicals, or trash of any kind within the Wetland Preservation Easements or common open space areas nor shall any grading, vegetation removal, or alteration be permitted in these areas, including domestic landscaping and fencing. A provision for the enforcement of this restriction by the homeowners' association shall be provided. Trimming or other maintenance activities is allowed only for the purpose of fire prevention, elimination of diseased growth, or thinning necessary for the maintenance of natural vegetation, and only with the written consent of the DRC.

L) Notification to future homeowners and builders that removal of oak trees 6" dbh or greater and not previously approved for removal by Placer County is prohibited unless prior approval is received by the Placer County Development Review Committee. A provision for the enforcement of this restriction by the homeowners' association shall be provided.

M) Notification to future homeowners and builders that accessory structures (including swimming pools, spas, etc.) are not permitted within common area open space, nor wetland preservation easement areas.

N) Notification to future owners and builders that the permanent protective fencing located alongside wetland preservation easements may not be removed or altered without the express written permission of the homeowners' association and the DRC.

O) Notification to the future owners of lots which have the permanent protective fencing installed that no structure shall be located closer than 5' to the permanent protective fencing.

P) Notification to all future owners that an annual monitoring report for VELB Habitat protection is required for a period of five years, and, if corrective actions are recommended by the monitoring entity, it shall be the responsibility of the homeowners' association to implement such mitigation actions.

Q) Notification to lot owners that all lot grading shall be limited to construction of driveways and that reasonably necessary for residential construction. In no case shall grading be allowed outside of setback limits as identified within the County Zoning Ordinance and as specified in these conditions. Notification to all future owners of Lots 2, 3, 4, 5, 11 and 17 that no concrete slab foundations are permitted on these lots except for garages and basements or as specifically approved in writing by the DRC.

R) Notification to all future owners that all outdoor lighting shall be shielded such that direct rays from the lamp are directed downward and do not cross property lines.

S) The restriction of animal husbandry/small livestock farming on all lots.

T) Notification to all lot owners of the requirements to submit all building plans to the Homeowners' Association Architectural Review Committee prior to submittal to Placer County for Building Permits. Building plans shall comply with the architectural guidelines provided in the Development Notebook.

U) Notification to the future owners of affected lots that are located adjacent to common area lots, regarding the provision of an access easement to the homeowners' association

for maintaining fencing around the perimeter of such lots. A minimum 24-hour notification to affected homeowners shall be provided prior to any work by the homeowners' association.

V) Notification to all future lot owners that minimum setbacks for all structures including accessory structures (*i.e.*, pools, spas, etc.) shall be as specified in the Los Lagos Development Agreement and shall be shown in the Development Notebook required elsewhere in these conditions. In addition, no solid wood fencing shall be installed within 50' of the General Open Space lots located along Auburn-Folsom Road and Moss Lane.

W) Notification to all future lot owners that construction activities are permitted Monday through Friday, 6 A.M. to 8 P.M., and Saturday 8 A.M. to 6 P.M. only, unless prior approval is received from the homeowner's association and the Director of Planning, based on special circumstances such as adverse weather conditions. 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 installed, can occur other times as well.

X) Notification to future homeowners and builders that all trees identified to be saved that are located within 50' of any construction activity must be fenced at their driplines. Fencing shall consist of 4' high, brightly-colored, synthetic mesh material, or equivalent acceptable to the DRC, and 1'x 2' sign attached to the fence stating "This tree to be saved." No development on the site, including grading, will be allowed until this condition is satisfied. Any encroachment into the driplines of trees to be saved must first be approved by the DRC. A provision for the enforcement of this restriction by the homeowners' association shall be provided.

Y) Specific provisions of the restrictions, including access rights, within the Wetland Preservation Easements (WPE) shall be defined with notification provided to all lot owners.

Z) Prohibition against any night lighting within any common area lot, including recreational uses within said lot.

AA) Notification to all future lot owners of a listing of drought tolerant plant materials and information regarding drip irrigation systems designed to conserve water.

BB) Notification to all future lot owners of the tree preservation and maintenance techniques contained within the publication entitled "Living Among the Oaks" by the University of California Cooperative Extension. A copy of this publication shall be distributed by the developer or his agent to all new property/home owners. Irrigation under the driplines of oak trees is prohibited.

29. In addition, for Lots 3, 4, 5, & 11, no structure shall be located closer than 5' from the permanent protective fencing adjacent to the wetlands preservation easement. Said setbacks shall be shown on the Development Notebook.

A) Setbacks apply to all structures, accessory structures, and swimming pools.

30. The structural setbacks for this planned unit development are as specified in the Los Lagos Development Agreement and shown in the Development Notebook.

31. This project is subject to payment of traffic impact fees as (mm) prescribed by the Los Lagos Development Agreement. A fee of \$2,000 per residential lot is payable to DPW prior to Final Map filing.

32. Prior to recordation of the Final Map(s), a revised Tentative Map shall be submitted that removes the Wetland and Historical Preservation Easements areas on Lot #17, and instead includes these areas within the adjoining common area General Open Space lot to be owned and maintained by the homeowners' association. In addition, all General Open Space areas, depicted on the Tentative Map shall be labeled as common area lots.

**ADVISORY COMMENT:** If minor modifications in the northerly project boundary are necessary to rectify surveying discrepancies (whether accomplished by Minor Boundary Line Adjustment or as a function of the Final Map recordation), no modification of the project approvals is necessary unless required by the DRC.

33. Submit to Environmental Health Services a "will-serve" letter from Placer County SMD #2 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.

34. Domestic water quality and quantity shall be subject to approval by the Health Department. The connection of each lot in this project to public domestic water is required.

35. The domestic water supplying entity shall be in compliance with the requirements of Placer County Code, Section 19.100(e).

36. The owner or occupant of each residence in this project shall subscribe to weekly mandatory refuse collection services from the refuse collection franchise holder as required by Placer County Code, Section 9.24(2). The homeowners' association shall be responsible for refuse collection service to all non-residential facilities within the project on the same basis.

37. Back flow prevention devices shall be provided by the applicant or his contractor on domestic water service lines as required by the Placer County Water Agency (PCWA).

38. Submit to the Environmental Health Services a will-serve letter from the franchised refuse collector.

39. 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.

40. Construction noise emanating from any construction activities for which a Building Permit or Grading Permit is required is prohibited on Sundays and Federal Holidays, and shall only occur:

A) Monday through Friday, 6:00 A.M. to 8:00 P.M.;

B) Saturdays, 8:00 A.M. to 6:00 P.M.

**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 on, can 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.

41. Adequate dust controls to be implemented during all phases of project construction.
42. Any open burning of cleared vegetation shall be done in conformance with Regulation 3 of the APCD Rules and Regulations.
43. Insure that the project conforms to all APCD Rules and Regulations.
44. Ridesharing, vanpooling, and available mass transportation educational material shall be distributed by the applicant or his representative to all new and existing residences within the project boundaries.
45. Educational material regarding wood burning for residential heating shall be distributed to all new and existing residences, within the project boundaries.
46. Fees shall be paid to Placer County for the development of park and recreation facilities pursuant to Section 19.107, Section 19.343, and/or Section 12.90.2 of the Placer County Code. This fee is to be paid prior to the recordation of the Final Map for use in Recreation Area #10 and is based on the project approval for 17 lots. The amount to be paid shall be twice the fee in effect at the time the Final Map is recorded (for guidance, if the map were recorded today, the fee would be \$2,570 per lot. However, in the event the applicant submits evidence of annexation of this unit into the Master Los Lagos Homeowners' Association, within one (1) year of Final Map recordation, the fee to be paid shall be one-half the fee in effect at Map recordation, and the applicant may request a refund.
47. No lot shall be further divided.
48. Provide will-serve letters from the serving school districts, both elementary and high school, indicating their ability to serve children generated by this subdivision.
49. Provide will-serve letters from the appropriate telephone and utility companies serving the project site.
50. Confer with local postal authorities to determine requirements for cluster mailboxes. If clustering is specified, easements, concrete bases, or other mapped provisions shall be included in the development plans. If clustering or special locations are not required, provide a letter from the Postmaster stating the exemptions.
51. Provide a will-serve letter from the Placer County Sheriff's office indicating their ability to serve this project.
52. No lot shall be divided by a tax district boundary on the Final Map.
53. Provide written evidence that compensatory habitat has been established through the purchase of mitigation credits at a County-qualified wetland mitigation bank. The amount of money required to purchase credits shall be equal to the amount necessary to replace wetland or

riparian habitat acreage and resource values including compensation for temporal loss. The total amount of habitat to be replaced is 2,990 square feet of wetland habitat, at a rate of 1:1. Evidence of payment, which describes the amount and type of habitat purchased at the bank site, must be provided to the County prior to issuance of Improvement Plans or Building Permits, which would result in the degradation or loss of the habitat. The amount to be paid shall be the fee in effect at the time the Final Map is recorded or Use Permit is exercised (for guidance, if the Map were recorded today, the fee would be \$49,000 per acre for permanent and seasonal wetlands and/or \$70,000 per acre for vernal pools).

54. Equestrian/pedestrian trails shall be provided by the applicant in conjunction with the project as follows with maintenance provided by the county:

A) Within the General Open Space common areas along the North side of the Rocklin Road Extension and west side of Auburn-Folsom Road as depicted on the Tentative Map and approved by the DRC.

These trails shall be constructed in conjunction with project improvements and shall be shown on project Improvement Plans. The trails shall be a minimum of 4' wide, rough graded native material with culverts placed appropriately where drainage channels are crossed. Overhanging vegetation shall be trimmed sufficiently to permit safe passage along the trail by equestrians as approved by the Parks Division.

55. Prior to any clearing, grading, or excavation work on site, the applicant shall furnish to the DRC, evidence that the California Department of Fish & Game, the U. S. Army Corps of Engineers, and the U. S. Fish and Wildlife Service have been notified by certified letter regarding the watercourse on the property.

56. No grading activities of any kind may take place within the 100-year floodplain of the stream, except as approved by DRC.

57. Provide the DRC with a tree survey depicting the exact location of all trees within the immediate vicinity of the developed area of the site. The tree survey shall include the sizes (diameter at breast height), species of trees, spot elevations, and approximate driplines. Trees to be saved, removed, (mm) or transplanted shall be shown on the survey, as well as all proposed improvements, including any underground utilities.

58. Stake the centerline of the trails described herein as well as all proposed roads for the review and approval of the DRC prior to approval of the Improvement Plans. All underground utility routes shall also be staked and final approval of the trail location and underground utility corridors shall be at the discretion of the DRC. The purpose of this condition is to protect driplines of trees identified to be saved.

59. Each "Heritage Oak" tree (18" dbh or greater) that is removed with this project shall be replaced with three (3) 24" box trees of a similar species within common area open space lots, as approved by DRC. All tree removal and replacement shall be indicated on the project Improvement Plans with specifications for planting and drip irrigation included. The unauthorized

removal or destruction of any such trees shall be cause for the Planning Commission to reconsider any permit entitlement granted by virtue of project Tentative Map approval.

An annual monitoring report shall be submitted to the DRC for a minimum of 5 years from the date of Tentative Map approval. Said reports shall be prepared by a qualified arborist as determined by the DRC. Any corrective action shall be the responsibility of homeowner's association. Prior to Final Map approval, a Letter of Credit or cash deposit in the amount of 150% of the accepted proposal shall be deposited with the Placer County Planning Department to assure performance of the monitoring program. An amount equal to 25% of the monitoring program cost shall be paid to Placer County for administrative and program review costs.

60. Wetland Preservation Easements shall include the 25' setback from delineated wetlands and riparian areas, located on Lot(s) 3, 4, 5, and 11 as depicted on the Tentative Map, and dedicated to the homeowner's association. A minimum 5' setback from all Wetland Preservation Easements shall be labeled as a building setback line on the Final Map and Development Notebook.

(mm) The purpose of said easements is for the protection and preservation of on-site wetland habitats. A note shall be provided on the Final Map and Development Notebook prohibiting any disturbances within said easements including the placement of fill materials, lawn clippings, oil, chemicals, or trash of any kind within the easements; nor any grading or clearing activities, vegetation removal, or domestic landscaping, including accessory structures, swimming pools, spas, and fencing other than the permanent protective fencing required herein. Trimming or other maintenance activity is allowed only for the benefit of fish, wildlife, and water quality resources, and for the elimination of diseased growth, or thinning as necessary for the maintenance of the natural vegetation and only with the written consent of DRC. A provision for the enforcement of this restriction by the homeowners' association shall be provided. These same restrictions apply to Lot J and the Open Space Lot required by Condition #32.

61. (mm) A Mitigation Monitoring Implementation Program (MMIP) for replacement of the Valley Elderberry Longhorn Beetle habitat, located within Lot J, shall be prepared by a qualified biologist and submitted in conjunction with the project's Improvement Plans/Grading Plans. Construction and monitoring of compensation areas shall comply with the U.S. Fish and Wildlife Service General Compensation Guidelines for the Valley Elderberry Longhorn Beetle, and approved Section 10(a) Permit, or Section 7 Permit.

Installation of all replacement vegetation and/or required irrigation systems must be completed prior to the County's acceptance of the project'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 10 years from the date of installation, or as otherwise required by the USFWS mitigation plan and prepared by a qualified wetlands biologist, shall be submitted to the DRC and U.S. Fish and Wildlife Service for their respective review and approval. Any corrective action shall be the responsibility of the owner.

Prior to the approval of the Improvement Plans, a letter of credit, bond, or cash deposit in the amount of 125% of the accepted proposal shall be deposited with the Placer County Planning Department to assure performance of the monitoring program. An amount equal to the cost for administrative and program review by the County shall be paid to Placer County and deducted from this deposit before the balance is returned to the applicant, or shall be paid by the applicant or homeowners' association on an annual basis.



Violation of any components of the approved MMIP may result in enforcement activities per Placer County Environmental Review Ordinance Section 31.870. An agreement between the applicant and County shall be prepared which meets DRC approval that allows the County use of the deposit to assure performance of the MMIP in the event the homeowners' association reneges..

62. Pursuant to Section 21089 of the California Public Resources Code and Section 711.4 et. seq. of the California Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified fees are paid within 3 days of the date of public hearing at which preliminary action to approve the project was taken. Notwithstanding any other action taken by the County pursuant to this application, failure by the applicant to pay the required fee within the time period stated above shall result in an automatic denial of the application unless prior written authorization for a delay in the payment of the fee is obtained from the Planning Director. (Currently, the fees required are \$880 for projects which have had an Environmental Impact report prepared.)
63. Provide an arborist's report to the DRC prior to the issuance of any Grading Permits for the project. This report shall be prepared by a certified arborist who shall analyze the general health and safety of trees to be saved. Implementation of comments and recommendations submitted by the arborist shall be at the discretion of the DRC.
64. **ADVISORY COMMENT:** Pursuant to Placer County Ordinance #4051-B, \$150 shall be paid to the South Placer Fire District for each dwelling unit in the project prior to the issuance of a Building Permit for said dwelling unit. The actual fee will be that in effect at the time of payment.
65. Any entrance structure or project gateway 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 DPW.
66. Prior to recordation of the Final Map(s), a Development Notebook shall be submitted to the Planning Department staff which shall include plot plans for each lot in the project, depicting all dimensions, easements, setbacks, height limits, and other restrictions which might affect the construction of structures on said lot. No Building Permits may be issued for the project until this Notebook is provided to and accepted by the DRC for format and content requirements.
67. **ADVISORY COMMENT:** This project may be subject to review and approval by the State Dept. of Fish & Game and/or the U. S. Army Corps of Engineers. It is the applicant's responsibility to obtain such approvals if necessary and submit evidence to the County demonstrating compliance (*i.e.*, copy of permits).
68. 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 (mm) and a qualified archaeologist retained to evaluate the deposit. The Placer County Planning Department and Museums Department 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 Development Notebook filed with the Final Map for the Project.

69. Areas designated as "General Open Space" and Lot J shall be defined and monumented as common area lots to be owned and maintained by the homeowners' association, including the removal of unauthorized debris.

This area shall be left undisturbed and the following covenants, terms, conditions and restrictions shall apply to the area within these lots.

A) No building, fence (except as authorized herein), pool, patio or other structure shall be erected on the property.

B) There shall be no grading, excavation or placement of fill material, dredging or removal of loam, gravel, soil, rock, sand, or other material, nor building of roads nor other change in general topography of the land, other than as shown on the Improvement Plans, excepting the maintenance of specified trails, emergency access lanes, or other public access.

C) There shall be no placement of any lawn clippings, ashes, oil, chemicals, or trash of any kind within the easement.

D) There shall be no landscaping, spraying of pesticides, grubbing, clearing, removal, destruction, or cutting of trees, shrubs, or other vegetation except as may be necessary for (a) the maintenance of trails, fire lanes, or other accesses, (2) the prevention or treatment of disease, or (3) other good husbandry practices approved by the DRC.

E) No advertising of any kind or nature shall be located on or within this area.

F) Additional restrictions as defined by the U.S. Fish & Wildlife Service Section 7 Permit apply.

The purpose of the General Open Space is to provide for native drought-tolerant landscape screening and protected VELB habitat within Lot J.

70. Pursuant to Section 6.4 of the Los Lagos Development Agreement (DAG-001), a minimum of 6.21 acres shall be dedicated to permanent open space use concurrently with or prior to the recordation of the Final Map (17 lots x 0.365 acres/lot = 6.21 acres).

71. This Tentative Map/Conditional Use Permit is approved for 36 months and shall expire on August 10, 2002, unless exercised before that date.

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