

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF ROCKLIN APPROVING A MODIFICATION TO A TENTATIVE SUBDIVISION MAP
AND OAK TREE PRESERVATION PLAN PERMIT

(Granite Lake Estates/SD-2000-02A and TRE-2000-33A)

The City Council of the City of Rocklin does resolve as follows:

Section 1. The City Council of the City of Rocklin finds and determines that:

A. Granite Lakes Estates a 119-lot subdivision in southeast Rocklin was approved on May 28, 2002 via City Council Resolution 2002-166. A substantial compliance modification of the project subsequently eliminated 6 lots reducing the total to 113. To date 48 lots have been developed and built out and 65 lots remain undeveloped. This modification proposes changes to the conditions of approval intended to facilitate the construction of the Monument Springs bridge and roadway extensions by allowing construction of additional homes prior to completion of the bridge and roadway improvements in support of the creation of a Community Facilities Finance District and issuance of Bond Opportunities for Land Development (BOLD) bonds. In addition, there are some revisions to old or outdated conditions.

B. An environmental impact report (EIR) for this project was certified via City Council Resolution 2002-165 on May 28th, 2002. An Addendum to the EIR has been prepared and certification for this modification via City Council Resolution _____.

C. Upon approval of this Resolution modifying the conditions of approval for the Granite Lake Estates Tentative Subdivision Map by the City Council will rescind and supersede in its entirety City Council Resolution 2002-166.

D. The City Council has considered the effect of the approval of this subdivision on the housing needs of the region, and has balanced those needs against the public service needs of its residents and available fiscal and environmental resources.

E. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the zoning classification on the property.

F. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the objectives, policies, general land uses and programs in the City of Rocklin's General Plan.

G. The site is physically suitable for the proposed type and density of development.

H. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage, nor will they substantially and avoidably injure fish or wildlife or their habitat.

I. The design of the subdivision and type of improvements will not cause serious public health problems.

J. The design of the subdivision and type of improvements will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

K. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

Section 2. The tentative subdivision map (SD-2000-02) and Oak Tree Preservation Plan Permit (TRE-2000-33) as depicted in Exhibit(s) A attached hereto and by this reference incorporated herein, are hereby approved, subject to the modified conditions listed below. Unless otherwise expressly stated, the subdivider applicant is solely responsible for satisfying each condition, and each of these conditions must be satisfied prior to or concurrently with the submittal of the final map with the City Engineer for the purpose of filing with the City Council.

A. Notice to Applicant of Fees & Exaction Appeal Period

The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code §66020(d), these conditions constitute written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions.

The applicant is hereby notified that the 90-day protest period, commencing from the date of approval of the project, has begun. If the applicant fails to file a protest regarding any of the fees, dedication requirements, reservation requirements or other exaction contained in this notice, complying with all the requirements of Government Code §66020, the applicant will be legally barred from later challenging such exactions.

B. Conditions

1. Utilities.

- a. Water – Water service shall be provided to the subdivision from Placer County Water Agency (PCWA) in compliance with all applicable PCWA

standards and requirements. PCWA shall verify ability to serve the subdivision by signing off on the subdivision improvement plans. All necessary easements shall be shown and offered (or Irrevocable Offer of Dedication provided) on or with the final map. All necessary improvements shall be included on the subdivision improvement plans.

- b. Sewer – Sewer service shall be provided to the subdivision from South Placer Municipal Utility District (SPMUD) in compliance with all applicable SPMUD standards and requirements. SPMUD shall verify ability to serve the subdivision by signing off on the subdivision improvement plans. All necessary easements shall be shown and offered (or Irrevocable Offer of Dedication provided) on or with the final map. All improvements shall be included on the subdivision improvement plans.

Copies of any required permits from federal, state, and local agencies having jurisdiction over wetland/riparian areas, which may be impacted by the placement of the sewer system within the plan area, shall be submitted to SPMUD prior to approval of the sewer plan for the project.

- 1) Sewer access shall be maintained to the SPMUD trunk sewer line and maintenance access road traversing the northwest portion of the project site. The easement shall not be blocked by cross fences, structures, or other lot improvements.
- 2) Construction of the proposed paved bicycle/pedestrian trail shall be coordinated with SPMUD. Any damage to the sewer caused as a result of grading or construction operations for this project will be the responsibility of the subdivider/ owner/contractor and corrected at their expense.

- c. Internet, Telephone, Gas, and Electricity – Internet, telephone, gas and electrical service shall be provided to the subdivision from Consolidated Communications / Pacific Bell, Wave Broadband or other local provider, and Pacific Gas & Electric (PG&E).
- d. Postal Service – Mailbox locations shall be determined by the local postmaster. A letter from the local postmaster verifying all requirements have been met shall be filed with the City Engineer.
- e. No suspended utility lines other than those incorporated into the Monument Springs Bridge design will be permitted across the creek. Compliance with this requirement shall be confirmed by the City Engineer during review of Improvement Plans.

2. Schools.

- a. Financing: The following conditions shall be satisfied to mitigate the impact of the proposed development on school facilities:
 - 1) At the time of issuance of a building permit, the subdivider shall pay to the Rocklin Unified School District all fees required under Education Code section 17620 and Government Code Section 65995, to the satisfaction of the Rocklin Unified School District.
 - 2) The above condition shall be waived by the City Council if the subdivider and the District reach agreement to mitigate the impacts on the school facilities caused by the proposed development and jointly request in writing that the condition be waived.
- b. Bus Stops: Improvement plans shall include school bus stops at the locations identified by the Rocklin Unified School District.

3. Fire Service.

- a. Improvement plans shall show the location and size of fire hydrants and water mains in conformance with the standards and requirements of the Rocklin Fire Chief and Placer County Water Agency.
- b. An emergency access for fighting wildland fire shall be provided for each phase of the final map. Temporary easements if required shall remain in place until such time as one of the two projects (Quarry Ridge and Granite Lakes Estates) is developed and the adjacent project has graded a parallel public roadway (replacement for the emergency easement) within the subdivision to the satisfaction of the Fire Chief. The temporary access easements, as determined by the Fire Chief, shall be located as follows:
 - 1) For emergency fire access along Lots 41 through 55 the subdivider will dedicate a temporary 10-foot emergency fire access easement. The proposed easement will run from Lot 55 (the point where the easterly boundary of the project site and the existing Boardman Canal meet on Lot 55) to the far southwest corner of the project site (Lot 41). The 10-foot easement will connect to an existing 30-foot Roadway and P.U.E. (per799/292). This existing 30-foot road and P.U.E. will then connect to Road 5 as shown on sheet 1 of 8 of Exhibit A.

- 2) For emergency fire access along the project's easterly boundary the subdivider will dedicate a temporary 10-foot emergency fire access easement. The proposed easement will run parallel to the easterly property line across the back of Lots 62, 64, 65, 70, 71, 72, and 80.
- c. An open space management plan shall be prepared by the project subdivider and approved by the Director of Public Works and Fire Chief prior to recording of any final maps for the project. The Open Space Management Plan shall include a Fuels Modification Plan, which addresses the following:
 - Removed brush and trees (under 6-inches diameter at breast height) within all fuel breaks should be chipped.
 - All undeveloped lots shall be subject to the City's Weed Abatement Program and follow established guidelines for fuel modifications.
 - Access points should be developed for open space areas, and the fuel break should have emergency vehicle access through the entire area.
 - d. Proposed street names shall be reviewed and approved by the Rocklin Fire Chief.
 - e. The subdivision shall be annexed into Rocklin Community Facilities District No. 1.
4. Drainage and Flood Control.
- a. A master drainage plan shall be prepared and submitted prior to or concurrently with the subdivision improvement plans. The plan shall contain the following:
 - 1) The large quarry shall be designed as a detention basin. Runoff water shall be detained in the detention basin (existing large quarry) consistent with the Nonstructural Policy Recommendations in the Dry Creek Plan and PCFCWCD determinations to allow for settling of sediment and heavy runoff particulates (i.e., naturally occurring metals).
 - 2) Individual lot drainage, with individual lot drainage features, such as lined drainage swales, being included in the improvement plans;

- 3) Location and specifications of on-site detention basin(s).
- b. All necessary drainage easements shall be shown and offered for dedication (or Irrevocable Offer of Dedication provided) on or with the final map.
 - c. A Detention Basin Maintenance Plan shall be prepared and implemented as indicated in Condition 13(b)(6) under Homeowners Association Items and Responsibilities.
 - d. The subdivider shall enter into a written agreement with the City of Rocklin not to protest or oppose the establishment or formation of an improvement, assessment or similar district or area of benefit, or the levy or imposition of any assessment, fee, lien, tax or other levy, whether or not in connection with a district or area of benefit, for the purpose of flood and drainage control in the City of Rocklin. The agreement shall also indemnify the City against claims arising from subdivider's construction of improvements or development of the subdivision and shall be recorded and binding on successors in interest of subdivider.
 - e. The final map shall comply with Rocklin Municipal Code chapter 15.16 (Flood Hazard), including the following:
 - 1) Delineation of the 100-year floodplain elevation;
 - 2) Identification of finish floor elevation of each lot at two (2) feet above the 100-year floodplain elevation;
 - 3) Notation that any building constructed on any lot may require flood zone development approval from the City Engineer;
 - 4) Recordation of flood zone easement across the area of the 100-year floodplain boundary or fifty (50) feet from center line; whichever is greater.
 - f. Subdivider shall prepare a storm water pollutant protection plan (SWPPP) for review and approval by the State Regional Water Quality Control Board as part of the project's drainage improvement plans.
 - g. Appropriate Best Management Practices (BMPs) and Best Available Technologies (BATs) shall be incorporated into the final project design to reduce urban pollutants in runoff, consistent with goals and standards established under federal and State non-point source discharge regulations (NPDES permit) and Basin Plan water quality objectives.

Stormwater runoff BMPs selected from the Storm Water Quality Task Force (California Storm Water Best Management Practices Handbook, 1993), the Bay Area Stormwater Management Agencies Association Design Guidance Manual, or equally effective measures shall be identified prior to final design approval. To maximize effectiveness, the selected BMPs shall be based on finalized site-specific hydrologic conditions, with consideration for the types and locations of development. Typical BMPs that could be used at the Proposed Project include, but are not limited to, the following:

- Minimize sources of concentrated flow by maximizing use of natural drainages to decelerate flows, collect pollutants and suspended sediment;
- Establish vegetation in stormwater drainages to achieve optimal balance of conveyance and water quality protection characteristics;
- Placement of velocity dissipaters, rip-rap, and/or other appropriate measures to slow runoff, promote deposition of waterborne particles, and reduce the erosive potential of storm flows;
- Prompt application of soil protection and slope stabilization practices to all disturbed areas; and
- Utilization of the proposed stormwater system's detention basins collect and temporarily detain stormwater so that sediment can settle prior to being discharged into the waterways.
- Creation of storage basins consisting of depressed areas, usually lined, that are sized to hold storm runoff and settle out material (the facility usually has a type of outlet device that is above the bottom of the basin or a small rip rapped berm over which the treated water can flow);
- Creation of a below-ground storage basin consisting of vertical or horizontal corrugated metal or HDPE pipes sized to allow the volume of water required to be treated to percolate into the ground;
- Use of fossil filters consisting of small filters that are placed like troughs around the inside top drain inlets or at ditch outlets.
- Creation of underground stormwater interceptors, which are underground tanks, similar to septic tanks, that are designed to allow material to settle out and also can have a grease trap to separate oil and petroleum products, prior to discharge; and

- Use of rock-lined ditches, which are surface ditches that are lined with rock, with or without filter material, with the rock lining material designed to allow water to filter into the ground.
 - h. Provisions for the maintenance and periodic inspection of permanent drainage facilities outside of the public right-of-way by the Granite Lakes Estates Homeowners Association will be provided for in the Covenants, Conditions, and Restrictions (CC&Rs) as noted in Condition 13(b)(7) under Homeowners Association Issues and Responsibilities.
 - i. Ongoing water quality and sediment monitoring and remediation, if necessary, are addressed in Conditions 13(b)(8, 9, &10) under Homeowner Association Issues and Responsibilities.
 - j. Oil and grit separators shall be provided at the last outfall before storm water is released to the creek. The design and location of the separators shall be to the satisfaction of the City Engineer.
 - k. Prior to recording of the final map and conveyance of the open space parcels (other than Parcel J) to the Homeowners Association, the subdivider shall be required to retain a qualified professional to conduct a more detailed evaluation of the existing pond/dam's stability, and complete any necessary improvements to the satisfaction of the City Engineer.
 - l. Storm drainage inlets shall be stamped with City Engineer approved wording indicating that dumping of waste is prohibited and identifying that the inlets drain into the creek system.
5. Grading.
- a. A master grading plan shall be included with the subdivision improvement plans.
 - b. Individual lot grading shall be in accordance with Exhibit A and the provisions of the Granite Lakes Estates Grading Design Guidelines adopted per City Council Resolution Number 2002-167.
6. Improvements/Improvement Plans.
- a. The following subdivision improvements shall be designed and constructed and/or installed:

- 1) All on-site standard subdivision improvements, including streets, curbs, gutters, sidewalks, drainage improvements, utility improvements (including cable television trenching), street lights, and fire hydrants.
- 2) Deleted.
- 3) The following on-site special improvements:
 - i) The subdivider, prior to grading, shall provide safety measures, such as fencing and warning signs around the quarries to prevent unauthorized access. Final plans shall provide for the construction of an 8-foot high wrought iron style fence that meets pool fencing criteria (i.e., openings of no more than four inches (4") apart) and a self-latching access gate around each quarry to the satisfaction of the Community Development Director. Access provisions shall be provided for the Director of Public Works and the Rocklin Fire Department.
 - ii) The subdivider shall encase the Boardman Canal as required by, and in compliance with the standards established by the Placer County Water Agency (PCWA). If the PCWA does not require the encasement of this portion of the canal, the subdivider shall construct a fence a minimum of 6 feet high, consisting of black vinyl coated chain link fencing along the north westerly side of the Boardman Canal for the length of the property, to the satisfaction of the Community Development Director, Fire Chief, and PCWA.
 - iii) The subdivider shall design and construct a 10-foot wide paved bicycle and pedestrian trail with two-foot wide shoulders constructed of decomposed granite or other acceptable material (unless narrower shoulders are necessary at specific locations to avoid impacts to trees or other resources as determined by the City Engineer), through the Open Space Lot J and dedicate said trail to the City upon completion of all of the trail facilities. Trail construction shall be completed as part of Phase I improvements. Construction of the bicycle and pedestrian trail access to be adjacent to the southern boundary of Lot

13 as shown on the Tentative Subdivision Map. Temporary access on Greenbrae Road shall be provided to the access point of the trail. The trail should contain center line striping and signage as determined necessary by the City Engineer.

- iv) The proposed Residential Street cross sections consisting of a 46-foot-wide right-of-way for standard streets and 42' wide right-of-way for cul-de-sacs with sidewalk on one side only shall incorporate the use of vertical curbs rather than a rolled curb design on the side without sidewalk.
- v) Appropriate traffic calming features such as circles, narrowings, and stop signs (where warranted) shall be installed at locations determined most appropriate by the City Engineer as part of the Improvement Plan process. Landscaping of these features shall be provided to the satisfaction of the Community Development Director. Likely locations for these types of features include but are not limited to, the second intersection of Monument Springs Drive and Greenbrae Road, the intersection of Monument Springs Drive and Road 5, and on Monument Springs Drive between the two cul-de-sacs on either side of Open Space Parcels C and D.
- vi) Emergency access for the project shall be provided as indicated on Exhibit A on the page entitled Temporary Emergency Access, and shall only be modified with the approval of the Fire Chief and other circumstances noted in Condition B(3)(b).

4) The following off-site improvements:

Monument Springs Drive

- i) The subdivider shall have initiated the formation of a Bond Opportunities for Land Development (BOLD) Community Facilities District (CFD) consistent with policies and procedures for Land Secured Financings adopted pursuant to Resolution No. 2005-112 for purposes of financing construction of the Monument Springs bridge, roadway extension, and other eligible improvements prior to commencement of any site work for the subdivision.

- ii) Prior to the earlier of issuance of the 78th building permit, or reaching a 4:1 loan to value ratio as defined by the California Municipal Finance Authority and the City of Rocklin, landowner shall provide evidence of a contract for, and shall initiate construction to extend Monument Springs Drive from the northern boundary of the subdivision, across the parcel to the north of the Project site commonly known as the "Bell property," to connect the Property to the existing terminus of Monument Springs Drive as shown on Exhibit A. This extension of Monument Springs Drive shall include design and construction of a bridge over Secret Ravine Creek. The completion of which shall be guaranteed by a performance bond in the amount and with terms acceptable to the City.
- iii) The Monument Springs Drive extension through the Bell property shall contain at minimum, two travel lanes and sidewalk on the east side.

Bridge Design and Construction

- iv) The design of the Monument Springs bridge shall be generally consistent with Sheet 8 of 8 in Exhibit A.
- v) The project subdivider shall minimize impacts to mature riparian trees, while still meeting the easement and engineering requirements of siting the crossing.
- vi) The design angle of all crossings along Secret Ravine Creek shall minimize riparian disturbances while maintaining proper and safe street design.
- vii) The subdivider shall obtain any required Streambed Alteration Agreement from the CDFW and replace any damaged riparian vegetation as recommended by the CDFW. If CDFW informs the project applicant and /or any developers that a Streambed Alteration Agreement is not required, the project applicant and/or any developers shall comply with the proposed mitigation measures, minimization and avoidance measures, and other environmentally protective terms set forth in the June 29, 2018, "1602 Streamed Alteration Agreement Application Package" for Granite Lake Estates

submitted to CDFW, as prepared by Madrone Ecological Consulting

- viii) The subdivider shall design and implement a siltation and erosion control program for stream crossing areas prior to construction to the satisfaction of the City Engineer. The Public Works inspector shall monitor ongoing construction activities to assure compliance.
- ix) Runoff from the bridge deck shall not be allowed to drain directly into the creek. The bridge shall be designed to avoid road gradients down to the bridge crossing that allow road drainage onto the bridge. The bridge shall be designed to include a side gutter or other similar feature to collect runoff from the deck to drain into the stream bank vegetation so that sediments can be filtered before reaching the stream.
- x) The bridge shall be designed to have a minimum of three-(3) feet clearance above the 100-year flood surface elevation.
- xi) The subdivider shall work with SPMUD and the City of Rocklin to incorporate a sewer crossing within the Monument Springs Bridge.

5) Deleted

i)

6) The following off-site improvements within the City of Rocklin:

i) Deleted.

ii) The subdivider shall improve the frontage of the parcel assigned as APN 046-030-051 (Meinzer). At minimum the improvements shall consist of curb and gutter.

- b. Improvement plans for all subdivision improvements shall conform with the City's Standard Specifications then in effect, and shall be submitted to and reviewed and approved by the City Engineer. Approval by the City Engineer shall be valid for a period of two years. If substantial work has not been commenced within that time, or if the work is not diligently pursued to completion thereafter, the City Engineer may require the improvement plans to be resubmitted and/or modified to reflect changes in the standard specifications or other circumstances.

- c. shall be constructed and/or installed prior to submitting the final map with the City Engineer for the purpose of filing with the City Council, unless, at the discretion of the City Council, the subdivider executes the City's standard form subdivision improvement agreement and provides the financial security and insurance coverage required by the agreement, prior to or concurrent with submitting the final map with the City Engineer. The construction of the Monument Springs bridge and roadway improvements shall be included in any subdivision improvement agreement(s), or in a separate agreement approved concurrently, including the posting of a bond or bonds for unfinished work.
- d. Improvement plans shall contain provisions for dust control, revegetation of disturbed areas, and erosion control, in conformance with the requirements of the City Engineer. If an application for a grading permit is made prior to execution of a subdivision improvement agreement, it shall include an erosion control plan approved by the City Engineer and shall be accompanied by financial security to ensure implementation of the plan.
- e. All rights-of-way and easements associated with the subdivision improvements shall be offered on, or by separate instrument concurrently with, the final subdivision map.
- f. The following shall be included in the project notes of the improvement plans to the satisfaction of the City Engineer:

Air Quality

- 1) Delete
- 2) Traffic speeds on all unpaved road surfaces shall be posted at 25 m.p.h. or less.
- 3) All grading operations shall be suspended when wind speeds exceed 25 m.p.h.
- 4) All adjacent paved streets shall be swept during construction.
- 5) All trucks leaving the site shall be washed off to eliminate dust and debris.
- 6) All construction equipment shall be maintained in clean condition.

- 7) All exposed surfaces shall be revegetated as quickly as feasible.
- 8) If fill dirt is brought to the construction site, tarps or soil stabilizers shall be placed on the dirt piles to minimize dust problems.
- 9) Water or dust palliatives shall be applied on all exposed earth surfaces as necessary to control dust. Construction contracts shall include dust control treatment as frequently as necessary to minimize dust.
- 10) Construction equipment shall be properly maintained and in good operating condition.
- 11) Construction equipment exhaust emissions shall not exceed District Rule 202 "Visible Emission" limitations.
- 12) No open burning of any kind shall be allowed.
- 13) Construction equipment operators shall shut off equipment when not in use to avoid unnecessary idling. As a general rule, vehicle idling should be kept below 5 minutes.
- 14) The prime contractor shall submit to the Placer County Air Pollution Control District (PCAPCD) a comprehensive inventory (i.e. make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used an aggregate of 40 or more hours for the construction project. District personnel, with assistance from the California Air Resources Board, may conduct as necessary initial Visible Emission Evaluations of all heavy-duty equipment on the inventory list.
- 15) Construction Contracts shall stipulate that all equipment with horsepower ratings of 350 or greater, including scrapers, used during project grading shall meet the CARB's Tier 3 emissions standards or cleaner.
- 16) Contractors shall use new low emission technologies to control ozone precursor emissions as they become available and feasible.

Noise

- 17) All heavy construction equipment and all stationary noise sources (such as diesel generators) shall have manufacturer installed mufflers.
- 18) Equipment warm up areas, water tanks, and equipment storage areas shall be located in areas as far away from existing residences as is feasible.
- 19) The subdivider/contractor shall comply with the City of Rocklin Construction Noise Compatibility Guidelines, including restricting construction-related noise generating activities within or near residential areas to between 7:00 a.m. and 7:00 p.m. on weekdays and between 8:00 a.m. and 7:00 p.m. on weekends to the satisfaction of the Public Works Director and/or Building Official.

Archaeological Resources

- 20) If, during construction outside of the areas designated as CA-PLA-668 and CA-PLA-671, the project subdivider, any successor in interest, or any agents or contractors of the subdivider or successor discovers a cultural resource that could qualify as either an historical resource or a unique archaeological resource, work shall immediately stop within 100 feet of the find, and both the City of Rocklin and the United Auburn Indian Community of the Auburn Rancheria ("Indian Community") shall be immediately notified. Work within the area surrounding the find (i.e., an area created by a 100-foot radius emanating from the location of the find) shall remain suspended while a qualified archaeologist, retained at the subdivider's expense, conducts an onsite evaluation, develops an opinion as to whether the resource qualifies as either an historical resource or an unique archaeological resource, and makes recommendations regarding the possible implementation of avoidance measures or other appropriate mitigation measures. Based on such recommendations, as well as any input obtained from the Indian Community within 72 hours (excluding weekends and State and federal holidays) of its receipt of notice regarding the find, the City shall determine what mitigation is appropriate. At a minimum, any Native American artifacts shall be respectfully treated and offered to the Indian Community for permanent storage or donation, at the Indian Community's discretion, and any Native American sites, such as grinding rocks, shall be respectfully treated and preserved intact.

In considering whether to impose any more stringent mitigation measures, the City shall consider the potential cost to the subdivider and any implications that additional mitigation may have for project design and feasibility. Where a discovered cultural resource is neither a Native American artifact, a Native American site, an historical resource, nor a unique archaeological resource, the City shall not require any additional mitigation, consistent with the policies set forth in Public Resources Code sections 21083.2 and 21084.1.

21) If, during construction outside of the areas designated as CA-PLA-668 and CA-PLA-671, the subdivider, any successor in interest, or any agents or contractors of the project subdivider or successor discovers any human remains, the following steps should be taken:

i) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

(a) The project subdivider or its successor in interest contacts the Placer County Coroner so that Coroner can determine whether any investigation of the cause of death is required, and

(b) If the Coroner determines the remains to be Native American:

(1) The Coroner shall contact the Native American Heritage Commission within 24 hours (excluding weekends and State and federal holidays).

(2) After hearing from the Coroner, the project subdivider or its successor in interest shall immediately notify the City of Rocklin and the United Auburn Indian Community of the Auburn Rancheria ("Indian Community") of the Coroner's determination, and shall provide the Indian Community the opportunity, within 72 hours (excluding weekends and State and federal holidays) thereafter, to identify the most likely descendant.

(3) The Native American Heritage Commission shall identify the person or persons it believes

to be the most likely descended from the deceased Native American.

- (4) The most likely descendent, as identified by either the Native American Heritage Commission or the Indian Community, may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
- (ii) Subject to the terms of paragraph (iii) below, where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
 - (a) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours (excluding weekends and State and federal holidays) after being notified by the Commission.
 - (b) The Indian Community is unable to identify a most likely descendent, or the most likely descendant identified by the Indian Community failed to make a recommendation within 72 hours (excluding weekends and State and federal holidays) after the project subdivider or its successor notified the Indian Community of the discovery of human remains; or
 - (c) The landowner or its authorized representative rejects the recommendation of the descendant identified by the Commission, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.
- iii) In the event that the Coroner determines that the remains are Native American in origin, and the Native American Heritage Commission and the Indian Community agree that the remains are of a person associated with the historic United Auburn Indian Community, the project subdivider or its successor, if permitted by state law, shall provide the remains

and any associated grave goods to the Indian Community with the understanding that the Indian Community will provide for burial with appropriate dignity at an appropriate location that will not be subject to future disturbance.

Geotechnical, Blasting, and Hazardous Materials

- 22) The recommendations presented in the geotechnical reports prepared by Raney Geotechnical (Geotechnical Investigation – Granite Lakes Estates, Greenbrae Road, Rocklin, California, December 17, 1999) and Brown & Mills Inc. Geotechnical Investigation (Report, Proposed Roadway Bridge, Monument Springs Drive, Rocklin, California, July 15, 1999), shall be followed to ensure that site preparation and construction methods are completed in accordance with the physical parameters of the project site.
- 23) If blasting activities are to occur in conjunction with site development, the contractor shall conduct the blasting activities in compliance with State and local regulations. The contractor shall obtain a blasting permit from the City of Rocklin prior to commencing any blasting activities. Information submitted in order to obtain a blasting permit includes a description of the work to be accomplished and a statement of necessity for blasting as opposed to other methods considered, including avoidance of hard rock areas and safety measures to be implemented such as the use of blast blankets. The contractor shall coordinate any blasting activities with police and fire departments to ensure proper site access control, traffic control, and public notification including the media, nearby residents, and businesses, as determined appropriate by the Rocklin Police Department. Blasting specifications and plans shall include a schedule that outlines the time frame that blasting will occur to limit noise and traffic inconveniences.
- 24) If evidence of soil contamination, such as stained soil, or other evidence of hazardous materials is encountered during construction activities, work shall cease until an environmental professional, retained at the subdivider's expense, has evaluated the situation and identified necessary and appropriate follow-up actions. As part of this process, the City shall ensure that any necessary investigation or remediation activities conducted in the project area are coordinated with the Placer County Division

of Environmental Health and, if needed, other appropriate state agencies.

- 25) If, during construction, groundwater is encountered and dewatering is necessary, the water shall be analyzed by an environmental professional, retained at the subdivider's expense, to determine if the water contains elevated levels of contaminants that could present a risk to construction workers and to identify appropriate disposal methods prior to removal. Work shall not continue until results of the water analyses have been reported and the Placer County Division of Environmental Health has been informed and provided guidance.

Monument Springs Drive Extension/Bridge Construction – Work within the Creek Areas

- 26) Construction work within the creek shall generally be confined to the time periods identified by the CDFG through the 1603 Streambed Alteration Agreement (typically April 15 through October 15), in order to minimize erosion and impacts on the October-November spawning run and April-May out-migration of Chinook salmon.
- 27) Once the precise location of any creek crossing is determined, the construction zone (corridor) shall be flagged to allow easy identification. Heavy equipment shall be operated only within this designated corridor.
- 28) Delete
- 29) Delete
- 30) Delete
- 31) Deleted
- 32) All protective paint coatings to the bridge materials shall be applied before construction and all hardware shall be galvanized. If painting is required, precautionary measures shall be taken.
- 33) If deck panels are made "composite" with the girders, fill joints with high, early-strength concrete. The underside of the joints must be securely blocked off to avoid concrete dripping into the stream below. Similarly, when joints are filled with bituminous

(non-composite deck panels) for removable structures, ensure the lower part of the joints is well sealed with non-toxic filler.

- 34) Vegetation within the road clearing shall be retained to the extent practicable to prevent erosion and minimize disturbance to fish habitat.

7. Improvements in the Public Right-of-way

The subdivider shall obtain an encroachment permit for all improvements within the City of Rocklin right-of-way. Subdivider shall post a performance bond and labor and materials payment bond (or other equivalent financial security) in the amount of 100% of the cost of the improvements to be constructed in the City right-of-way as improvement security to ensure the faithful performance of all duties and obligations required of subdivider in the construction of the improvements. Such improvement security shall be in a form acceptable to the City Attorney. Such security shall be either a corporate surety bond, a letter of credit, or other instrument of credit issued by a banking institution subject to regulation by the State or Federal government and pledging that the funds necessary to carry out this Agreement are on deposit and guaranteed for payment, or a cash deposit made either directly with the City or deposited with a recognized escrow agent for the benefit of the City.

8. Landscaping.

- a. Landscaping shall be installed in all public areas associated with traffic calming features required by the City Engineer and incorporated into the Improvement Plans. Final landscaping plans shall be prepared by the subdivider and approved by the Community Development Director and Public Works Director. The approved landscape plans shall be included in the improvement plans submitted to the City Engineer for approval. The landscaping plans shall comply with the following:
 - 1) The landscaping plan shall be prepared by a landscape architect.
 - 2) The plan shall be certified by the landscape architect that (a) topsoil within the landscape area is suitable for the proposed landscaping, and (b) that the landscape plan meets the requirements of the Water Conservation in Landscaping Act. Government Code §65591 et seq.
 - 3) The plan shall include an automatic irrigation system.

- b. All improvements shall be constructed and/or installed prior to submitting the final map with the City Engineer for the purpose of filing with the City Council, unless the subdivider executes the City's standard form landscaping improvement agreement and provides the financial security and insurance coverage required by the agreement, prior to or concurrent with submitting the final map with the City Engineer.
- c. The subdivision shall be annexed into Rocklin Community Facilities District No.5 to provide for public maintenance of the landscaping and lighting located within the public right-of-way. The subdivider shall maintain the landscaping and irrigation systems for two years from the date the landscaping is accepted by the City, without reimbursement from the District. Subdivider shall apply for and obtain an encroachment permit from the City Engineer to do the maintenance prior to the landscaping being accepted by the City.

9. Trees.

- a. Prior to the issuance of any grading permit for any portion of the subdivision, an inventory of all existing trees in the subdivision and a schedule of removal of those trees shown on the tentative map to be removed shall be submitted to and approved by the Director of Community Development.
- b. Mitigation for all oak trees authorized to be removed within the City of Rocklin shall be per the City of Rocklin Oak Tree Ordinance and may include a combination of replacement plantings or payment of in lieu fees.

If fees were utilized as mitigation for all tree removal the estimated fees would be \$549,158.40

- c. Deleted
- d. The subdivider shall retain a certified arborist to review the design of the subdivision improvements and recommend measures to protect the trees, which are designated to remain, both during construction and afterwards. These measures shall be incorporated into, or filed prior to or concurrently with the subdivision improvement plans, for review and approval of the City Engineer. The protection measures shall include appropriate fencing around those trees to remain. The protection measures shall be approved prior to the issuance of a grading permit for all or any portion of the subdivision.

- e. The subdivider shall retain a certified arborist to prepare and implement an inspection plan providing for the periodic inspection of the site during grading and construction, and verification to the City Engineer that the approved protection measures are properly implemented.

10. Parks.

- a. Park fees shall be paid as required by Rocklin Municipal Code Chapter 17.71 and Chapter 16.28. The amount of the fee per single family unit is \$1,985.

11. Hillside and Bluff Protection.

- a. An open space and conservation easement (as described in Government Code section 51070, et seq.) shall be recorded over that portion of the subdivision described as follows for purposes of hillside and bluff protection:

Lots 41 through 57 except the area contained within 130 linear feet from the front property line of each of those lots.

The easement shall be in substantial compliance with the City's form Grant of Open Space and Conservation Easement, and shall prohibit among other things, grading, removal of native vegetation except for fire prevention purposes, deposit of any type of debris, lawn clippings, chemicals or trash, and the building of any structures, including fencing, except that fencing described along the Boardman Canal in Condition 6(a)(3)(ii) is permitted.

- b. The final map shall show a primary structure setback line located parallel to and 20 feet from the boundary of the open space and conservation easement.

12. Riparian Area and Creek Protection.

- a. An open space and conservation easement (as described in Government Code section 51070, et seq.) shall be recorded over that portion of the subdivision described as follows for purposes of riparian area and creek protection:

Open Space Lots A, B, C, D, E, F, G, H, K and the parcel that will be created containing the small quarry. These sites will be open space parcels held in common ownership by the Homeowners Association.

The easement shall be in substantial compliance with the City's form Grant Of Open Space And Conservation Easement, and shall prohibit, among other things, grading, removal of native vegetation, deposit of any type of debris, lawn clippings, chemicals, or trash, and the building of any structures, including fencing; provided, that native vegetation may be removed as necessary for fire prevention. Native vegetation removed for flood control and protection shall also be permitted pursuant to a permit issued by the California Department of Fish and Game.

- b. The open space area shall be permanently marked in the field with 4" x 4" concrete posts or other suitable and permanent markers.

13. Home Owners Association Items and Responsibilities.

Open Space -- Common Areas -- Maintenance

- a. The following portions of the subdivision are proposed to be common areas:

Open Space Lots A, B, C, D, E, F, G, H, K and the parcel that will be created containing the small quarry.

- b. Subdivider shall provide for the maintenance of the common area through formation of a homeowner's association. The documents creating the homeowner's association shall meet the following requirements:

- 1) Assignment to the homeowner's association responsibility for maintenance of riparian areas, water quality in ponded waters, wetlands, detention basins, mosquito control, and other common areas and structures.
- 2) The Homeowners Association will also be required to retain a qualified professional to monitor and correct any degradation of the downstream slope that may occur during the life of the existing pond/dam.
- 3) Assignment to the Homeowner's Association responsibility to monitor and report to the City of Rocklin on activities and violations of any of these conditions, easement restrictions, or any other ordinance, rule or regulation of the City occurring within the common area.

- 4) Statement that the City may, at its option, cause the maintenance of the common areas to be performed and assess (lien) the cost to the homeowner's association in the event the common area is not maintained in accordance with the approved plans. (RMC §17.60.040)
- 5) Implementation of the Open Space Management Plan referred to in Condition 3(c) must be carried out on an ongoing basis by the Homeowner's Association within all open space parcels that are not dedicated to the City.

Detention and Drainage Facilities Maintenance

- 6) A detention basin maintenance plan shall be developed by the subdivider and submitted to and approved by the City Engineer. The plan shall include a program for the operation and maintenance of the drainage facilities to ensure that flooding impacts are not experienced because of a lack of maintenance. Financial obligations for implementation of the program by the Homeowners Association shall be identified as part of the program.
- 7) Provisions for the maintenance and periodic inspection of permanent drainage facilities outside of the public right-of-way by the Homeowners Association will be provided for in the Covenants, Conditions, and Restrictions (CC&Rs). These provisions would include periodic inspection, cleaning, and the replacement of filter materials, as necessary to retain the integrity of the BMP. Homeowners Association Maintenance activities shall be conducted to the satisfaction of the Director of Public Works.

Water Quality and Sediment Monitoring and Remediation

- 8) The Homeowners Association shall contract with a qualified professional to conduct annual water quality testing at the detention basin, pond, and at locations upstream and downstream of the project site to ensure consistency with standards set by the RWQCB, to the satisfaction of the Public Works Director, and to further ensure that water coming into Secret Ravine Creek from the project site will result in no net adverse change in water quality in Secret Ravine Creek. Costs associated with the water quality testing shall be funded by the Homeowners Association. The Covenants, Conditions, and Restrictions (CC&Rs) for the project shall:

- i) provide for the collection of an assessment from property owners sufficient to fund this testing in perpetuity,
 - ii) require the Homeowners Association to furnish annual reports of the water quality tests to the City's Public Works Director,
 - iii) expressly include an obligation that water coming into Secret Ravine Creek from the project site will not, by itself, result in any net adverse change in water quality in Secret Ravine Creek, and
 - iv) provide the City with the legal right to seek an injunction against the Homeowners Association in the event that the water quality tests are not performed or the 'no net adverse change in water quality standard' is not satisfied.
 - v) provide the City with the legal right to enter Homeowners Association owned property for the purpose of water quality testing by the City.
 - vi) provide that the City may, at its option, cause the required water quality and sediment testing/monitoring to be performed and assess (lien) the Homeowner's Association for all costs associated with these activities in the event that the testing/monitoring is not being completed in accordance with the conditions of approval and mitigation monitoring plan for the project.
- 9) If the results of the water quality testing indicate stormwater discharges from the project site are contributing to water quality degradation in Secret Ravine Creek, as determined by the Director of Public Works, the Homeowners Association shall contract with a qualified professional to develop and implement a remediation plan to ensure no net change in water quality due to water entering Secret Ravine Creek from the project site. Plan actions could include, but would not be limited to: procedures for managing known or potential changes in water quality (e.g., additional physical or administrative source controls); and/or remediation.
- 10) In addition to the water quality testing described above, information regarding the depth to sediment in detention facilities and the onsite pond shall be provided every two years or other time frame approved by the Director of Public Works. This requirement will begin the first year that grading construction commences.

If it is determined (through consultation with the Director of Public Works) that sediment needs to be removed from the pond and/or detention facilities to ensure adequate stormwater capacity is available, the contractor shall implement appropriate BMPs to protect terrestrial and aquatic resources and water quality to the satisfaction of the Public Works Director. Sediments removed shall be tested for contaminants and disposed of according to laws and regulations in effect at that time. All costs associated with sediment monitoring, removal, and disposal shall be paid by the Homeowner's Association.

- 12) The Homeowners Association shall retain a qualified professional to monitor and correct any degradation of the downstream slope that may occur during the life of the existing dam.
- 13) Unless already addressed by the subdivider or the contractor for the project through implementation of Condition 14(e), the Homeowners Association shall be responsible for retention of a qualified biologist to monitor wetland areas in the southern portion of the project site during at least one growing season after the Boardman Canal is piped to determine if the wetland areas lose value and function due to the removal of this potential water source. If necessary the Homeowners Association shall also be responsible for any wetland replacement that may be required by the USCOE.

- c. The documents creating the homeowner's association shall be structured so that the obligations and duties of the HOA imposed by these conditions are irrevocable and binding upon the HOA in perpetuity. The formation document shall be reviewed and approved by the City Attorney for compliance with the conditions of approval stated in this Resolution.

14. Biological Resources/Wetlands Preservation.

The following shall be incorporated in the project Improvement Plans:

- a. The subdivider shall mitigate impacts to ensure the avoidance of any net loss of seasonal wetlands and jurisdictional waters of the United States, or the bed, channel, or bank of any stream. Such avoidance may be achieved by implementing and complying with the provisions of the Clean Water Act, as administered by the U.S. Army Corps of Engineers, under Section 404 of the Clean Water Act, and under Sections 1600 – 1607 of the California Fish and Game Code, as administered by the California Department of Fish and Wildlife (CDFW), which includes

obtaining all required permits from the U.S. Army Corps of Engineers and entering into a Streambed Alteration Agreement with CDFG and complying with all terms and conditions of those permits and agreements.

If CDFW informs the project applicant and /or any developers that a Streambed Alteration Agreement is not required, the project applicant and/or any developers shall comply with the proposed mitigation measures, minimization and avoidance measures, and other environmentally protective terms set forth in the June 29, 2018, "1602 Streamed Alteration Agreement Application Package" for Granite Lake Estates submitted to CDFW, as prepared by Madrone Ecological Consulting.

- b. The subdivider shall mitigate impacts to elderberry shrubs hosting the Valley Elderberry Longhorn Beetle (VELB) by avoiding any net loss of such shrubs. Such avoidance may be achieved by entering into a formal consultation with the US Fish and Wildlife Services (USFWS), by obtaining the necessary take permit for VELB, and by taking all necessary steps required to comply with the take permit issued by USFWS for avoidance and replacement of elderberry shrubs consistent with USFWS guidelines.

Subdivider shall submit to the Community Development Director and the City Engineer verification from the USFWS that the project meets all regulations and that the subdivider has obtained all required permits relating to elderberry shrubs hosting the Valley Elderberry Longhorn Beetle (VELB).

- c. The subdivider shall develop a revegetation plan (in consultation with CDFG) which shall compensate for riparian acreage eliminated by stream crossing construction. This plan will require approval by the CDFG and shall be implemented by a qualified revegetation contractor.
- d. Delete
- e. The subdivider, contractor, and/or Homeowners Association shall retain a qualified biologist to monitor wetland areas in the southern portion of the project site during at least one growing season after the Boardman Canal is piped to determine if the wetland areas lose value and function due to the removal of this potential water source. Monitoring reports shall be submitted to the City of Rocklin Community Development Department and the USCOE. If necessary the wetland areas shall be replaced consistent with the USCOE requirements.

- f. The subdivider, in consultation with the City of Rocklin and CDFG, shall conduct a one-time pre-construction raptor breeding-season (approximately February 1 through September 1) survey of the project site during the same calendar year that construction is planned to begin. The survey is to be conducted at some time within the timeframe described above.

If phased construction procedures are planned for the Proposed Project, the results of the above survey shall be valid only for the season when it is conducted.

The survey shall be conducted by a qualified raptor biologist to determine if any birds-of-prey are nesting on or directly adjacent to the Proposed Project site.

A description of methodology including dates of field visits, the names of survey personnel with resumes, and a list of references cited and persons contacted. A map showing the location(s) of any raptor nests observed on the project site.

If the above survey does not identify any nesting raptor species on the project site, no further mitigation would be required. However, should any raptor species be found nesting on the project site, the following mitigation measure shall be implemented.

The subdivider, in consultation with the City of Rocklin and CDFG, shall avoid all birds-of-prey nest sites located in the project site during the breeding season while the nest is occupied with adults and/or eggs or young. The occupied nest shall be monitored by a qualified raptor biologist to determine when the nest is no longer used. Avoidance shall include the establishment of a nondisturbance buffer zone around the nest site. The size of the buffer zone will be determined in consultation with the City and CDFG. Highly visible temporary construction fencing shall delineate the buffer zone.

- g. If a legally-protected species nest is located in a tree designated for removal, the removal shall be deferred until after September 1st, or until the adults and young are no longer dependent on the nest site as determined by a qualified biologist.

15. Archaeological Resources.

- a. The project subdivider shall preserve within CA-PLA-668 a large grinding stone ("site") identified by a representative of the Indian Community as

being worthy of preservation, and shall record a deed restriction for that site, in the name of the Indian Community, requiring the preservation of the site. This deed restriction shall run with the land, and shall bind all successors in interest.

- b. In the event that project construction activities commence on some portions of the Granite Lake Estates property prior to completion of data recovery activities mandated by the 1997 Data Recovery Plan, the project subdivider shall erect a fence around CA-PLA-668 to ensure that construction activities do not harm CA-PLA-668 prior to completion of mandated data recovery activities.
- c. The project subdivider or its successor shall notify the Tribal Historic Preservation Committee of the Indian Community 30 days prior to the construction of the proposed roadway through CA-PLA-668.

16. Phasing.

Multiple final maps may be filed subject to the following criteria:

- a. The existing access easement across the project site to the parcel located across the Boardman Canal (known as APN 046-030-054) and adjacent to the southeast corner of the Granite Lakes Estates project site, shall be maintained until such time as access to the parcel is provided via a public street.
- b. As noted in Condition 6(a)(3)(iii) construction of bicycle/pedestrian trail along Secret Ravine Creek shall be completed as part of Phase I improvements.

17. Notice of Design Guidelines and Other Items Recorded by Separate Instrument.

- a. A notice shall be included in the subdivision's CC&Rs, and recorded by separate instrument with the final map(s), stating that:

Individual lot grading shall be in accordance with the provisions of the Granite Lakes Estates Grading Design Guidelines adopted per City Council Resolution Number 2002-167.

These grading guidelines are available from the City of Rocklin Department of Community Development.

- b. Other items to be recorded by separate instrument with the final map(s) include:

- 1) A document prepared by or on behalf of the subdivider for the education of all residents within the project addressing the following air quality concerns:
 - i) Open burning, wood burning, and air pollution: problems and solutions.
 - ii) Transportation Control Measures: ride sharing, mass transit availability/schedules, computerized ride-matching services, and other measures designed to reduce both the use of single-occupancy vehicles and vehicle miles traveled.
- 2) Notice that the construction of the extension of Monument Springs Drive and construction of a bridge over Secret Ravine Creek shall be commenced prior to the issuance of the 78th building permit for the project.

18. Monitoring.

Prior to recording of the first final map or any grading on the property, the subdivider shall deposit with the City of Rocklin fees for mitigation monitoring as established by Council Resolution at the time of filing to pay for the City's time and material cost to administer the Mitigation Monitoring Program. The Community Development Director shall determine if and when additional deposits must be paid for administering the Mitigation Monitoring Program on each subsequent final map. These amounts shall be paid prior to recording subsequent final maps on this project.

19. Special Conditions.

- a. The subdivision shall be annexed into City of Rocklin Community Facilities District No. 5, or other appropriate financing district, to fund the maintenance of the City owned facilities including but not limited to, the open space and bicycle and pedestrian trail.
- b. Landowner and City shall enter into a Reimbursement and Acquisition Agreement for the construction of the Monument Spring Bridge and roadway extension. The landowner and City will cooperate in the formation of a Bond Opportunities for Land Development (BOLD) Community Facilities District (CFD) for purposes of financing construction of the Monument Springs Bridge and roadway extension. City acknowledges that it holds approximately \$198,000.00 in an account,

collected from Highlands 2 & 3, and allocated \$1,500,000.00 in the Capital Improvement Plan (CIP) to be used for the road extension and bridge construction. The funds held by the City will be advanced as the initial funding and progress payments toward bridge construction pursuant to the Reimbursement and Acquisition Agreement between the City and landowner / subdivider.

- c. Construction traffic for the Granite Lake Estates project shall be prohibited from using Aguilar Road between China Garden Road and Greenbrae Road.

20. Indemnification and Duty to Defend

Within 15 days of approval of this entitlement by the City, the subdivider shall execute an Indemnity Agreement, approved by the City Attorney's Office, to indemnify defend, reimburse, and hold harmless the City of Rocklin and its agents, officers and employees from any claim, action, or proceeding against the City of Rocklin to set aside, void or annul an approval of the entitlement by the City Planning Commission or City Council, which action is brought. The City will promptly notify the applicant of any such claim, action or proceeding, and the City will cooperate in the defense of the claim, action or proceeding. Unless waived by the City, no further processing, permitting, implementation, plan checking or inspection related to the subdivision or parcel map shall be performed by the City if the Indemnity Agreement has not been fully executed. (CITY ATTORNEY)

21. Effective Date.

Pursuant to AB1561, the approval shall expire on January 11, 2023.

PASSED AND ADOPTED this 10th day of May, 2022, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Bill Halldin, Mayor

ATTEST:

Hope Ithurnburn, City Clerk

EXHIBIT A

(Maps, etc.)