

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ROCKLIN APPROVING  
A MODIFICATION TO A TENTATIVE SUBDIVISION MAP

(Vista Oaks / SD-2001-04A, TRE-2001-30A)

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. Tentative Subdivision Map (SD-2001-04, TREE-2001-30) was approved via City Council Resolution 2006-351 on November 14, 2006 and allows the subdivision of 93.2 acres generally located at the southerly terminus of China Garden Road into 100 residential lots and 4 open space parcels. This modification proposed 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 In addition, are revisions to old or outdated conditions.

B. An Environmental Impact Report (EIR) prepared for the project was certified via City Council Resolution No. 2006-349. An Addendum to the EIR has been prepared and certified for this modification via City Council Resolution                     .

C. Upon approval of this Resolution modifying the conditions of approval for the Vista Oaks Tentative Subdivision Map by the City Council hereby rescinds and supersedes in its entirety City Council Resolution 2006-351.

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 Vista Oaks tentative subdivision map (SD-2001-04, TRE-2001-30) as depicted in Exhibits A & B, attached hereto and by this reference incorporated herein, is hereby approved, subject to the modified conditions listed below. The approved Exhibits A & B shall govern the design and construction of the project. Any condition directly addressing an element incorporated into Exhibits A & B shall be controlling and shall modify Exhibits A & B. All other plans, specifications, details, and information contained within Exhibit A shall be specifically applicable to the project and shall be construed as if directly stated within the conditions for approval. Unless otherwise expressly stated, the applicant / developer shall be 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. The agency and / or City department(s) responsible for ensuring implementation of each condition is indicated in parenthesis with each condition.

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. (PCWA, ENGINEERING)
- 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. (SPMUD, ENGINEERING)

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 the City and SPMUD prior to approval of the sewer plan for the project. (ENGINEERING)

- 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). (APPLICABLE UTILITY, ENGINEERING)
- 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. (ENGINEERING)
- e. Prior to recordation of final map, the project shall be included in the appropriate City financing districts as needed to most efficiently provide for public maintenance of public landscaping, improvements such as sound walls, and provision of new or enhanced services such as street lighting. (FINANCE, ENGINEERING, PUBLIC WORKS)

It is anticipated that the following will be necessary:

Annexation into: CFD No. 1, Lighting & Landscaping District No. 2, CFD No. 5.

De-annexation from: Lighting & Landscape District No. 1

## 2. Schools

- a. Financing: The following conditions shall be satisfied to mitigate the impact of the proposed development on school facilities (ROCKLIN UNIFIED SCHOOL DISTRICT, BUILDING):
  - 1) At the time of issuance of a building permit, the developer 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 applicant 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.

## 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 (PCWA). (PCWA, FIRE, ENGINEERING)
- b. Proposed street names shall be reviewed and approved by the Rocklin Fire Chief. (ENGINEERING, FIRE)
- c. Fire Department access into open space areas shall be provided in the general locations indicated on Exhibit A. (FIRE)
- d. An Open Space Management and Fuel Modification Plan shall be prepared by the subdivider and approved by the City of Rocklin prior to recording of any final maps for the project. The Open Space Management and Fuel Modification Plan shall provide for but not be limited to the following (ENGINEERING, PUBLIC WORKS, FIRE) (VII-1.):
  - 1) Identification of thirty (30') foot wide fuel modification (fuel break) zones in all open space areas where adjacent to residential parcels (on and off site), taking into account Elderberry bushes and their surrounding none disturbance areas, to reduce fire hazards.
  - 2) Thinning and removal of vegetation in the open space areas to create and maintain the fuel modification zones. Said thinning shall consist of pruning all tree branches to approximately six (6') feet above grade and trimming grasses and shrubs to maintain them at not more than approximately six (6") inches in height.

#### 4. Improvements/Improvement Plans

Project improvements shall be designed, constructed and / or installed as shown on the approved improvement plans, in compliance with applicable city standards including but not limited to the City's Standard Specifications then in effect. The project improvement plans shall be subject to and / or provide for the following (ENGINEERING, PLANNING):

- a. Improvement plans shall be valid for a period of two years from date of approval by the City Engineer. 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. (ENGINEERING)
- 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, 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 a 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, for Phases II or III, including the posting of a bond or bonds for unfinished work. (ENGINEERING)
- c. A detailed grading and drainage plan prepared by a registered civil engineer, in substantial compliance with the approved project exhibit(s). The grading and drainage plan shall include the following:
  - 1) All storm drainage run-off from site shall be collected into a City standard sand and oil trap manhole (or an equal as approved by the City Engineer) prior to discharge of storm run-off offsite.
  - 2) Individual lot drainage including features such as lined drainage swales.
  - 3) All 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.
  - 4) Prior to the commencement of grading operations, and if the project site will not balance with respect to grading, the contractor shall identify the site where any excess earthen material shall be deposited. If the deposit site is

within the City of Rocklin, the contractor shall submit a report issued by a technical engineer to verify that the exported materials are suitable for the intended fill and show proof of all approved grading plans. Haul routes to be used shall be specified. If the site requires importing of earthen material, then prior to the commencement of grading operations, the contractor shall identify the site where the imported earthen material is coming from and the contractor shall submit a report issued by a technical engineer to verify that the imported materials are suitable for the intended fill and show proof of all approved grading plans. Haul routes to be used shall be specified.

- 5) Prior to any grading or construction activities, the applicant shall comply with the provisions of Attachment 4 in the City's Storm water Permit to the satisfaction of the City Engineer. These provisions shall also be applicable to the limited graded lots on Phase 1 of the Vista Oaks project site. (4.4MM-3b)
- 6) Construction related and permanent Best Management Practices (BMPs) and Best Available Technologies (BATs) shall be incorporated into the final project design and / or noted on the Improvement Plans as appropriate 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. Storm water runoff BMPs selected from the Storm Water Quality Task Force, the Bay Area Storm Water Management Agencies Association Start at the Source – Design Guide Manual, or equally effective measures shall be identified prior to final design approval and shall be incorporated into project design and / or noted on the Improvement Plans as appropriate.

To maximize effectiveness, the selected BMPs shall be based on finalized site-specific hydrologic conditions, with consideration for the types and locations of development. Mechanisms to maintain the BMPs shall be identified in on improvement plans. (4.4MM-4a)

d. Prior to any grading or construction activities, the subdivider shall:

- 1) Obtain a General Construction Activity Storm Water Permit as a part of the National Pollutant Discharge Elimination System (NPDES) permit process from the Regional Water Quality Control Board. (ENGINEERING) (4.4MM-3a)
- 2) Submit verification from the U.S. Army Corp of Engineers and the California Department of Fish and Game that the project meets all regulations and that the subdivider has obtained all required permits relating to wetlands and waterways relevant to the construction and / or map phase proposed. (ENGINEERING)

e. The following subdivision improvements shall be designed, 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. (\*All curbs shall be vertical curbs and not rolled curbs)
- 2) Deleted.
- 3) The following on-site special improvements, timing of construction shall be as noted in Condition 12. Phasing, below:

- i. A property line noise barrier measuring 9-feet above the nearest adjacent travel lane of I-80 for a total height of approximately 14-feet from finished grade shall be required for the Phase I area along the south side of the I-80 right-of-way (ROW) (north side of China Garden Road) in front of the first row of lots facing I-80 in order to meet the lower limit exterior noise level of 60 dB L<sub>dn</sub>.

The barrier shall connect with the existing 14-foot noise barrier to the east and shall extend southwesterly along the project site's boundary with I-80 and along the easterly boundary of Parcel B terminating approximately 300 feet to the west of lot #23 to prevent sound flanking as shown on Exhibits A & B.

The barrier wall shall be designed and built to closely match that existing sound wall. If revisions are made to the grading plans for Phase I, then the noise analysis must be similarly revised and appropriate changes made to the sound wall design. (4.9MM-2)(ENGINEERING, PLANNING)

- ii. A property line noise barrier measuring 3-feet above the nearest adjacent travel lane of I-80 for a total height of approximately 8-feet from adjacent finished grade shall be required for the Phase I area along the south side of the I-80 right-of-way (ROW) (north side of China Garden Road) to allow the park site, Parcel E, to meet the lower limit exterior noise level of 69 dB L<sub>dn</sub>.

The 8 feet high wall shall be required to extend west from the terminus of the 14-foot barrier, which is required for the Phase I residential area to a point 100 feet past the western terminus of the Phase I area as indicated on Exhibits A & B. Except for height the sound wall shall be designed and built to match the 14-foot sound wall. If revisions are made to the grading plan for Parcel E, then the noise analysis must be similarly

revised and appropriate changes made to the sound wall design. (4.9MM-2)(ENGINEERING, PLANNING)

- iii. Within the Phase III site, noise barrier walls shall be constructed along the rear lot lines of Lots 70 through 79 between the rear yard (outdoor activity area) and I-80. The noise barrier walls shall wrap around 2 feet onto the side lot lines on Lots 70 and 79 before terminating. On Lot 100 the noise barrier wall shall begin at the front yard set back line on the lot's westerly property line and extend north, turn and run along the length of the northern property line and wrap around 2 feet onto the easterly property line before terminating (as shown on Exhibit B). The noise barrier walls shall be made of double sided split faced block with a grey granite color. The wall shall be topped with a decorative concrete cap. Noise barrier walls shall be constructed to a height of 6 feet above each building pad elevation. There shall be no openings in the walls. If revisions are made to the grading plan for Phase III, then the noise analysis must be similarly revised and appropriate changes made to the sound wall design. (4.9MM-2)(ENGINEERING, PLANNING)
- iv. Along any property line where any residential lot abuts an open space area, except where masonry sound walls are required for noise attenuation, the following fencing shall be required to be installed (ENGINEERING, PLANNING):
  - (a) Within 25-feet of the public right-of-way a 30-inch high masonry wall constructed of double sided split faced block with a grey granite color with a decorative concrete cap.
  - (b) More than 25-feet from the public right-of-way 30-inch high masonry wall constructed double sided split faced block with a grey granite color with a decorative concrete cap. The masonry wall shall be topped with a decorative tubular steel or wrought iron style fence constructed of medium gauge, or better, steel or aluminum powder-coated black or dark bronze approximately 42-inches in height for a total fence height of 6-feet.
  - (c) Where open space parcels extend between or next to residential lots to accommodate fire access to open space areas (between Lots 3 & 4, 10 & 11, 21 & 22, and south of Lot # 70) a solid six-foot-high redwood fence with metal fence posts. Matching wooden gate(s) with locks and permanent identification signage shall be installed where the fire access transitions from an easement across the adjacent lot(s) to the open space parcel. (ENGINEERING, FIRE)



- v. A six-foot-high masonry wall shall be constructed along the common property line between Lots 22 & 23 and Parcel E (the park site). The wall shall be constructed of a grey granite color double sided split faced block with a decorative concrete cap and pop out decorative pilasters constructed of the same materials at each end. (ENGINEERING, PLANNING)
- vi. Decorative tubular metal fencing approximately 3'-6" high installed– with a continuous 6-inch wide concrete strip below the fence for weed control to be installed at the back of sidewalk where open space areas are adjacent to streets. Said fencing shall be powder coated black or bronze and constructed of medium gauge, or better, steel or aluminum. Gates / opening shall be located at the access points to the trail system as indicated on Exhibit A and as required by the Public Works Director for maintenance access. (ENGINEERING, PUBLIC WORKS, PLANNING)
- vii. Deleted
- viii. Deleted
- ix. Electricity, water, sewer, phone, and conduit lines shall be stubbed out for Parcel E to accommodate future park improvements on the site. (ENGINEERING, COMMUNITY SERVICES & FACILITIES)
- x. An off-road trail system through Parcels A & E, as shown on Exhibit A, with an all-weather surface suitable for bicycling and pedestrians including striping and appropriate signage to City standards. Collapsible or removable bollards or other acceptable means to restrict public vehicular access to the trail system shall be implemented where the trail system connects to all public streets and rights-of-way.

The portion of the trail connecting China Garden Road to Monument Springs Drive shall be constructed of concrete to support a 46,000-pound vehicle, provide for an 11-foot minimum width, and provide for turn radii of a minimum of 43-foot at the center line. (ENGINEERING, FIRE, PUBLIC WORKS)
- xi. An emergency access / pedestrian bridge linking Phases I & II, bridge design to provide for but not be limited to the following (ENGINEERING, FIRE, PUBLIC WORKS):
  - (a) Be passable during a minimum of a 10-year storm event.
  - (b) Provide for a minimum 12-foot wide deck.
  - (c) Be designed to carry a minimum load of 46,000 lb.

- (d) Provide for a 20-foot wide minimum "non-angulated" approach.
  - (e) Provide for approach turn radii of a minimum of 43-foot at the center line.
  - (f) Bridge deck and piers shall be treated with a marine coating.
  - (g) Bridge railings shall be 54-inches high tubular metal powder coated black or bronze and constructed of medium gauge, or better, steel or aluminum. Spacing between vertical posts shall be consistent with swimming pool fencing standards. Railing sections shall be designed to be able to manually pivot parallel to the flow of water during storm events which inundate the bridge deck.
  - (h) Collapsible or removable bollards shall be installed at either end of the bridge to prevent public vehicular access.
  - (i) Other standards as may be required by the City Engineer.
- xii. Implement the approved Open Space Management and Fuel Modification Plan. (VII-1.) (ENGINEERING, FIRE, PUBLIC WORKS)
- xiii. The trailhead parking and roundabout on Parcel E as indicated on Exhibit A. (ENGINEERING, FIRE, PUBLIC WORKS)
- xiv. The sewer line connection between Phase I and Phase II shall be constructed with and hung from the emergency access bridge across Secret Ravine Creek to minimize impacts to salmon. It is recognized that a sewer lift station may be required to accommodate this design. (ENGINEERING)
- 4) The following off-site improvements, timing of construction shall be as noted in Condition 12. Phasing, below unless otherwise indicated:
- i. If not already built the project shall be required to obtain rights of way and construct Monument Springs Drive, including the bridge, from China Garden Road to the project site, prior to prior to issuance of the 58th building permit in either Phases II or III collectively, as shown on Exhibit A. Said Monument Springs Drive extension shall consist of 2 – travel lanes and shoulders and shall be located as indicated on the Granite Lake Estates subdivision (SD-2000-02) and Highlands Parcel A subdivision (SD-2003-05) approvals. (ENGINEERING, PLANNING, BUILDING)
  - ii. A four-foot-wide meandering concrete sidewalk shall be constructed along China Garden Road, from the northerly edge of the project's China Garden Road frontage to the northerly most intersection of China Garden Road and Rustic Hill Drive. The final design and material shall be to the satisfaction of the Public Works Director and the City Engineer. (ENGINEERING, PLANNING)

- iii. The subdivider shall have cooperated in 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.
- f. Landscape and irrigation plans shall be included with the project improvement plans and shall comply with the following: (ENGINEERING, PUBLIC WORKS, PLANNING)
- 1) Landscaping to be installed in the following areas:
    - i. In the landscape strip between China Garden Road and the freeway sound wall.
    - ii. Deleted
  - 2) The landscaping plan shall be prepared by a landscape architect and shall include:
    - i. A legend of the common and botanical names of specific plant materials to be used. The legend should indicate the size of plant materials. Shrubs shall be a minimum five-(5) gallon and trees a minimum of 15 gallon.
    - ii. A section diagram of proposed tree staking.
    - iii. An irrigation plan including an automatic irrigation system. The plan shall include drip irrigation wherever possible.
    - iv. Use of granite or moss rock boulders along the planting areas.
    - v. Certification by the landscape architect that the landscape plans meets the requirements of the Water Conservation and Landscaping Act. Government Code §65591, et seq.
    - vi. Certification by the landscape architect that the soil within the landscape area is suitable for the proposed landscaping and / or specify required soil treatments and amendments needed to ensure the health and vigor of landscape planting.
    - vii. Evergreen climbing vines to grow on the southerly side of the freeway sound walls.

- viii. Landscaping in the open space areas adjacent to the public rights-of-way shall provide for a mix of drought tolerant trees, shrubs, and groundcovers substantially similar to the landscaping along the edge of open space areas in the adjacent Highlands Phase 3 & 4 project.
- 3) All landscaping improvements shall be constructed and/or installed prior to submitting the final map for filing with the City Council, unless the subdivider executes the City's standard form subdivision landscaping agreement and provides the financial security and insurance coverage required by the subdivision landscaping agreement, prior to or concurrent with submitting the final map.
  - 4) The subdivider shall maintain the landscaping and irrigation systems for two years from the date the landscaping is accepted by the City, without reimbursement. The subdivider shall apply for and obtain an encroachment permit to do any maintenance in the public right-of-way until such time as the City takes over maintenance of the landscaping.
- g. 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; provided, that street rights-of-way shall be offered by means of an irrevocable offer of dedication (IOD). (ENGINEERING)
- h. Improvement plans shall contain provisions for dust control, revegetation of disturbed areas, and erosion control. If an application for a grading permit is made prior to execution of a subdivision improvement agreement, it shall include an erosion control plan and shall be accompanied by financial security to ensure implementation of the plan. (ENGINEERING)
- i. Prior to commencement of grading, the subdivider shall submit a dust control plan for approval by the City and the Placer County Air Pollution Control District. This plan shall identify adequate dust control measures and shall provide for but not be limited to the following (4.8MM-2a) (ENGINEERING, PLACER COUNTY AIR POLLUTION CONTROL DISTRICT):
- 1) A pre-construction meeting prior to any grading activities to discuss the construction emission / dust control plan with employees and / or contractors. The Placer County Air Pollution Control District is to be invited.
  - 2) The subdivider shall suspend all grading operations when fugitive dusts exceed District Rule 228 Fugitive Dust limitations.
  - 3) The subdivider shall provide for a representative, certified by the California Air Resources Board (CARB) to perform Visible Emissions Evaluations (VEE), to routinely evaluate compliance to Rule 228, Fugitive Dust.

- 4) It is to be noted that fugitive dust is not to exceed 40% opacity and not go beyond the property boundary at any time.
  - 5) If lime or other drying agents are utilized to dry out wet grading areas, they shall be controlled as not to exceed District Rule 228 Fugitive Dust Limitations.
  - 6) An enforcement plan established in coordination with the Placer County Air Pollution Control District to weekly evaluate project-related on- and off-road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180-2194. An Environmental Coordinator, CARB-certified to perform Visible Emissions Evaluations (VEE), shall routinely evaluate project related off-road and heavy duty on-road equipment emissions for compliance with this requirement. (4.8MM-2d)
- j. Prior to any grading or construction activities including issuance of improvement plans, the improvement plans shall clearly indicate that if shallow ground water exists at the time of proposed grading, subdrainage shall be installed in advance of the grading operations to de-water soils within the depth of influence of grading to the extent reasonable. A qualified geologist and/or geotechnical engineer shall estimate the configuration and design of the subdrain systems during exposure of field conditions at the time of or immediately before construction. The contractor may also recommend an alternative which may be mutually agreed upon by the City Engineer and Public Works Director. (4.5MM-4) (ENGINEERING)
- k. Prior to any grading or construction activities including issuance of improvement plans, the developer shall submit a design-level soil investigation for the relevant construction phase for the review and approval of the City Engineer and Chief Building Official that evaluates soil and rock conditions, particularly the potential for expansive soils. The professional engineer that prepared the soil investigation shall recommend appropriate roadway construction and foundation techniques and other best practices that are to be implemented by the project during construction. These techniques and practices shall address expansive soils or other geological concerns requiring remediation, including but not limited to (4.5MM-5) (ENGINEERING):
- Recommendations for building pad and footing construction;
  - Use of soil stabilizers or other additives; and
  - Recommendations for surface drainage.
- l. Improvement plans shall contain provisions to ensure that (4.5MM-1) (ENGINEERING):
- 1) Fill placed on slopes steeper than a 6:1 slope gradient (horizontal to vertical), shall be provided with a base key at the toe of the fill slope. The base key shall

extend approximately two feet (vertically) into firm material. Fill slopes constructed on the site are expected to be stable if they are constructed on gradients no steeper than 2:1 (horizontal to vertical) and are provided with a base key.

- 2) Cut slopes in surficial soil or stream deposits shall not exceed a 2:1 gradient. Cut slopes in underlying rock may be stable at gradients up to 1.5:1 depending on the degree of cementation, groundwater seepage, and the orientation of fractures.
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- m. If construction is proposed by the developer during the breeding season (February 1 -September 1) of special-status migratory bird species, the project applicant, in consultation with the City of Rocklin and California Department of Fish & Game, shall conduct a pre-construction migratory bird survey of the relevant project construction site during the same calendar year that construction is planned to begin. The survey shall be conducted by a qualified biologist in order to identify active nests of any special-status bird species on the project sites. The results of the survey shall be submitted to the Community Development Department. If active nests are not found during the pre-construction survey, further mitigation is not required. If active nests are found, an adequately sized temporary non-disturbance buffer zone shall be determined based on California Department of Fish & Game consultation, shall be established around the active nest. Intensive new disturbances (e.g., heavy equipment activities associated with construction) that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between February 1 and September 1. Any trees containing nests that must be removed as a result of project implementation shall be removed during the non-breeding season (September to January). (4.6MM-2a) (ENGINEERING, PLANNING)
  - n. Prior to any grading or construction activities, including issuance of improvement plans, the project applicant, in consultation with the City of Rocklin and California Department of Fish & Game, shall conduct a pre-construction breeding-season survey (approximately February 1 through September 1) of the project site during the same calendar year that construction is planned to begin. 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.

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.

A report shall be submitted to the City of Rocklin following the completion of the survey that includes, at the minimum, the following information:

- A description of methodology including dates of field visits;
- The names of survey personnel with resume;
- 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, further mitigation would not be required. However, should any raptor species be found nesting on the project site, the following mitigation measures shall be implemented (4.6MM-13a) (ENGINEERING, PLANNING):

- 1) Construction activities shall avoid any identified raptor nest sites 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 would be determined by a qualified raptor biologist in consultation with the City of Rocklin and California Department of Fish & Game. Highly visible temporary construction fencing shall be installed delineate the buffer zone. (4.6MM-13b)
  - 2) If the nest of any legally-protected raptor species is located in a tree designated for removal, the removal shall be deferred until after August 30<sup>th</sup>, or until the adults and young are no longer dependent on the nest site, as determined by a qualified biologist. (4.6MM-13c)
- o. Prior to any grading or construction activities a pre-construction survey for western pond turtle shall be conducted by a qualified biologist, to determine presence or absence of this species in the project site. If construction is planned after April 1st, this survey shall include looking for turtle nests within the construction area. If northwestern pond turtles are not found within the project site, no further mitigation is required. If juvenile or adult turtles are found within the proposed construction area, the individuals shall be moved out of the construction site with technical assistance from California Department of Fish & Game. If a nest is found within the construction area, construction shall not take place within 30 meters (100 feet) of the nest until the turtles have hatched.

If a turtle is observed on the site, work shall cease in the area until the turtle can be moved to a safe location consistent with California Department of Fish & Game regulations. The survey shall be valid for 28 days; if construction does not start within 28 days of the survey, or if construction activities within 50 feet of a wetland area stop for more than 28 days, a new survey shall be conducted. (4.6MM-2c) (ENGINEERING, PLANNING)

- p. Prior to any grading or construction activities including issuance of improvement plans, but no longer than 28 days before, a pre-construction protocol-level survey for western spadefoot toad shall be conducted by a qualified biologist, to determine presence or absence of this species on the project sites. The survey shall be conducted in accordance with all applicable California Department of Fish & Game guidelines. If western spadefoot toads are not found within the project site, no further mitigation is required. If juvenile or adult spadefoot toads are found within the proposed construction area, the individuals shall be moved out of the construction site with technical assistance from California Department of Fish & Game. If spadefoot toad eggs are found within the construction area, construction shall not take place within 30 meters (100 feet) of the nest until the toads have hatched. (ENGINEERING, PLANNING)

If a spadefoot toad is observed on the site, work shall cease in the area until the frog can be moved to a safe location consistent with California Department of Fish & Game regulations. The survey shall be valid for 28 days; if construction does not start within 28 days of the survey, or if construction activities stop for more than 28 days, a new survey shall be conducted. (4.6MM-2e) (ENGINEERING, PLANNING)

- q. Prior to any grading or construction activities for Phases I and / or II including issuance of improvement plans for Phases I and / or II, the proposed emergency access bridge connecting Phases I and II of the project and related construction plans shall be designed to comply with the following consistent with the Policies of the Southeast Rocklin Circulation Element (ENGINEERING, PLANNING):
- 1) The bridge shall be designed to allow the year-round passage of steelhead and Chinook salmon and so that it traverses the creek in a manner that does not in any way impede its current normal (non-storm event) flow. (4.6MM-4a)
  - 2) The width of a creek crossing construction zone within the riparian corridor shall be limited to a maximum of 100 feet. Construction outside of this corridor will be allowed only if design constraints require a zone greater than 100 feet and must be authorized by the City Engineer.
  - 3) Prior to any construction activities in the creek or related riparian areas the precise location of the creek crossing construction zone (corridor) shall be flagged to allow easy identification. Use of heavy equipment shall be restricted to this designated corridor. (4.6MM-4b)
  - 4) Prior to issuance of improvement plans for the emergency access bridge the applicant / subdivider shall provide photographs that clearly document the streambed and bank contours within the creek crossing construction zone. These photographs shall be submitted to and kept on file at the Rocklin Community Development Department. Following construction creek bed and bank contours shall be restored, as near as possible, to pre-project conditions.



- 5) Topsoil removed by grading to construct the emergency access bridge and approaches shall be reserved and for revegetation and recontouring efforts within the reek crossing construction zone.
- r. Prior to issuance of Improvement Plans, the subdivider shall apply for and obtain all permits and approvals relevant to the particular construction phase from the Army Corps of Engineers and the California Department of Fish and Game as required by those agencies or provide written verification from the applicable agency that no permits are required. The subdivider shall comply with the terms and conditions of all such permits. (4.6MM-8a, 4.6MM-8b, & 4.6MM-8c)  
(ENGINEERING)
  - s. Prior to any grading or construction activities, including issuance of improvement plans, the subdivider shall provide for no net loss of vernal pool habitat by either (4.6MM-10) (ENGINEERING, PLANNING):
    - 1) Documenting that the project design avoids all vernal pool habitats on the project site.
    - 2) Submitting written verification from the Army Corps of Engineers / United States Fish and Wildlife Service that the loss of on-site vernal pool habitat has been approved and mitigated through the Section 404 / Section 7 Consultation permit process.
  - t. Prior to any grading or construction activities including issuance of improvement plans, pre-construction protocol-level surveys shall be conducted by a qualified biologist on the portions of the project site planned for development, in order to identify the presence of any of the following special-status plant species: Boggs Lake hedge-hyssop (*Gratiola heterosepala*), Sacramento Orcutt grass (*Orcuttia viscida*), Slender Orcutt grass (*Orcuttia tenuis*). Pre-construction protocol-level surveys shall be conducted during the appropriate blooming period (March-October) for all plant species to adequately ensure recognition of potentially-occurring species. Because the blooming period of all potentially-occurring plant species covers a wide range, a minimum of three focused rare plant surveys timed approximately one month apart are recommended from April through June to cover the peak blooming period. The results of the surveys shall be submitted to California Department of Fish & Game and the City of Rocklin for review.

If, as a result of the survey(s), special-status plant species are determined not to occur on the sites, further action shall not be required. If special-status plant species are detected on either site, locations of these occurrences shall be mapped with GPS and consultation with California Department of Fish & Game shall be initiated, and a mitigation plan shall be prepared based on the

consultation. The plan shall detail the various mitigation approaches to ensure no net loss of plant species. (4.6MM-11) (ENGINEERING, PLANNING)

- u. Prior to any grading or construction activities, including issuance of improvement plans, the subdivider shall provide for no net loss of elderberry shrubs by either (4.6MM-12a & 4.6MM-12c):
  - 1) Documenting that the project design avoids all elderberry shrubs on the relevant construction phase.
  - 2) Submitting written verification that the necessary take permit for Valley Elderberry Longhorn Beetle (VELB) has been obtained from the United States Fish and Wildlife Service through the Section 404 / Section 7 Consultation permit process. All necessary steps required to comply with the take permit including avoidance and replacement of elderberry shrubs consistent with United States Fish and Wildlife Service guidelines must be incorporated into the project improvement plans.
  - 3) Should on site replacement of elderberry shrubs be required the subdivider / developer shall enter into an agreement with the City of Rocklin, prior to final map approval, to ensure that the expenses and liabilities associated with the establishment and maintenance of a Valley Elderberry Longhorn Beetle (VELB) preserve on the project site will be the responsibility of the subdivider / developer and not the City of Rocklin until such time as the terms of the take permit issued by the United States Fish and Wildlife Service have been satisfied. (City Attorney)
- v. Prior to any grading or construction activities protective fencing shall be placed around all elderberry shrubs not scheduled for removal to create a 100-foot buffer protection zone around each shrub or as otherwise indicated in consultation with a qualified biologist and in consultation with the United States Fish and Wildlife Service. All construction activities and equipment shall remain outside of the specified buffer protection zone throughout the construction period. Where it is not feasible to provide the specified protection zone the subdivider shall consult with the United States Fish and Wildlife Service to determine alternative measures to reduce impacts of construction activities to the elderberry shrubs and documentation of said consultation provided to the City. All construction activities shall be monitored by a qualified biologist to verify compliance with the above. The qualified biologist shall provide documentation of compliance to the City. (4.6MM-12b) (ENGINEERING, PLANNING)
- w. Prior to any grading or construction activities, including issuance of improvement plans for any phase of the project within 350 feet of the freeway the subdivider shall provide verification that a qualified archeologist has been retained, prepared

a data recovery program for historic site PA-89-32 in consultation with the Community Development Director and will implement the data recovery program for historic site PA-89-32 prior to any grading or construction activities in that area. (4-10MM-1a) (ENGINEERING, PLANNING)

- x. Prior to any grading or construction activities, including issuance of improvement plans for any phase of the project the subdivider shall provided verification that a qualified paleontologist has been retained to monitor construction activities and provide written reports to the City. The paleontologist shall be on site at all times work is occurring during the grading and trenching phases of the project in order to observe and assess the potential for discovering paleontological resources. If after the grading and trenching phase the potential of discovering paleontological resources appears to be minimal as determined by the qualified paleontologist, periodic monitoring may be made thereafter. (4.10MM-2a) (ENGINEERING, PLANNING)
- y. Prior to any on or off- site grading or construction activities, including issuance of improvement plans, for any phase of the project the subdivider shall provide a Storm Water Management plan for the relevant construction phase for preventing noncompliant storm water runoff at all times but especially during the rainy seasons for inclusion in the improvement plans. The plan would also need to cover the time period of the project after the subdivision improvements are installed and construction of the houses commences on disturbed soils. The Storm Water Management plan shall be prepared by a qualified storm water management professional. (ENGINEERING)
- z. Prior to any on or off- site grading or construction activities, including issuance of improvement plans for any phase of the project, the subdivider shall provide verification to the City Engineer that a qualified storm water management professional has been retained and is available to monitor construction activities and provide written reports to the City. This notification shall include name(s) and 24-hour contact information. The storm water management professional shall be present on site at all times necessary when work is occurring during the grading, trenching, and building construction phases (if homes to be built by subdivider) of the project in order to observe, assess, and direct on site storm water management. The storm water management professional shall also monitor the work site on a regular basis even when no construction activities are occurring to ensure that installed water quality and Best Management Practice devices or improvements are installed and functioning properly. The storm water management professional shall monitor the site prior to, during, and after any storm events. (ENGINEERING)
- aa. Prior to on or off- site any grading or construction activities, including issuance of improvement plans for any phase of the project, the subdivider shall provide

funding for a qualified storm water management professional to be retained by the City to monitor the project's on and off-site construction activities for compliance with the National Pollutant Discharge Elimination System (NPDES) Permitting Program and provide written reports to the City as directed by the City Engineer. The subdivider shall pay a deposit based on the City Engineer's best estimate of the monitoring time required by the project and the cost to retain a storm water management professional prior to any grading or construction activity including issuance of improvement plans. For budgeting purposes this is estimated to be 6 hours per week in the wet season and 3 hours per week in the dry season. Additional costs over and above the estimate shall be billed to the subdivider on a time and materials basis payable to the City prior to acceptance of project improvements. (ENGINEERING)

- bb. The improvement plans shall clearly reflect and include all modifications and revisions to subdivision design as required by Condition Number 8, Subdivision Design.
- cc. The following shall be included in the project notes on the improvement plans:

*Water Quality*

- 1) Project construction shall be restricted within 100 feet of Secret Ravine Creek or the Aguilar Road tributary to the dry months of the year (i.e., May through October). (4.4MM-4b)
- 2) Work shall be scheduled to minimize construction activities in "high-risk" areas and the amount of active disturbed soil areas, during the rainy season (October 15 through May 1). "High-risk areas" include those areas within 50 feet of the USGS water courses, 100-year floodplains, regulated wetlands, and where slopes exceed 16 percent. Unless specifically authorized by the City Engineer or his designees during the rainy season, the developer shall not schedule construction activities in the "high-risk areas" or schedule to have more area of active disturbed soil area than can be managed in conformance with the regulations of the City of Rocklin, the Water Quality Control Board, or any other agency having jurisdiction in this area. (4.4MM-3c)

*Air Quality*

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

- 7) All construction equipment shall be maintained in clean condition.
- 8) All exposed surfaces shall be revegetated as quickly as feasible.
- 9) Stockpiles of sand, soil, and other similar materials shall be covered and the beds of trucks hauling these materials to or from the site shall be covered to minimize the generation of airborne particles as required by the City Engineer.
- 10) 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.
- 11) Construction equipment shall be properly maintained and tuned.
- 12) Low emission mobile construction equipment shall be utilized where possible.
- 13) Open burning of removed vegetation shall be prohibited. Vegetative material shall be chipped or delivered to waste or energy facilities. (4.8MM-2g)
- 14) Construction equipment exhaust emissions shall not exceed District Rule 202 Visible Emission limitations. (4.8MM-2b)
- 15) Idling time on the project site shall be limited to five (5) minutes for all diesel power equipment. (4.8MM-2e)
- 16) The California Air Resources Board (CARB) diesel fuel shall be used for all diesel-powered equipment. (4.8MM-2f)
- 17) The prime contractor shall submit to the District 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 for an aggregate of 40 or more hours for the construction project. The project representative shall provide the District with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman. The project shall provide a plan for approval by the District demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project wide fleet-average of 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average. The District should be contacted for average fleet emission data. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products alternative fuels, engine retrofit technology, after-treatment products, and / or other options as they become available. As a resource, the Placer County Air Pollution Control District suggest contractors can access the Sacramento Metropolitan Air Quality Management District's web site, at <http://www.airquality.org/deqa/Constructionmitigationcalculator.xls>, to determine if their off-road fleet meets the requirements listed in this measure. (4.8MM-2c)

*Archeological and Paleontological Resources*

- 18) Heavy equipment operators shall be briefed by the project paleontologist to gain awareness of visual identification techniques in order to identify potential paleontological resources. (4.10MM2b)
- 19) If any paleontological resources are discovered during construction activities, all work shall be halted in the vicinity of the find and the project paleontologist shall be consulted and the City's Community Development Director shall be notified. Upon determining the significance of the resource, the consulting paleontologist, in coordination with the City, shall determine the appropriate actions to be taken, which may include excavation. (4.10MM2c)
- 20) If during construction outside of the areas designated as CA-PLA-515/H, Highlands #2, or AF-31-67-H, the project applicant, any successor in interest, or any agents or contractors of the applicant 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 an appropriate Native American representative, including but not limited to the United Auburn Indian Community, shall be immediately notified per Southeast Rocklin Circulation Element Policy 47. 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 a 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 obtain 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 Native American Representative(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 applicant 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, a 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. (4-10MM-4a)

- 21) Should human remains be found, then the Coroner's office shall be immediately contacted and all work halted until final disposition is made by the Coroner. Should the remains be determined to be of Native American descent, then the Native American Heritage Commission shall be consulted to determine the appropriate disposition of such remains. (4-10MM-4b)

*Noise*

- 22) Mufflers shall be installed on all equipment with high engine noise potential. The equipment shall be turned off when not in use. (4.9MM-1a)
- 23) Equipment warm up areas, water tanks, and equipment storage areas shall be located in areas as far away from existing residences as is feasible. (4.9MM-1a)
- 24) The project 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 City Engineer or Building Official. (4.9MM-1b)

*Geotechnical, Blasting*

- 25) If blasting activities are to occur in conjunction with the improvements, 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 on-site blasting activities. The permit application shall include a description of the work to be accomplished and a statement of the necessity for blasting as opposed to other methods considered including avoidance of hard rock areas and safety measures to be implemented such as use of blast blankets. The contractor shall coordinate any blasting activities with police and fire departments to insure proper site access and 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 in which blasting will occur in order to limit noise and traffic inconvenience. A note to this effect shall be included on the project's Improvement Plans. (4.9MM-1b & 4.5MM-7)

*Biological Resources*

- 26) If a horned lizard is observed on the site, work shall cease in the area until the lizard can be moved to a safe location consistent with California Department of Fish & Game regulations. (4.6MM-2b)
- 27) If a yellow-legged frog is observed on the site during the construction phase, work shall cease in the area until the frog can be moved to a safe location

consistent with California Department of Fish & Game regulations. (4.6MM-2d)

5. Special Provisions

- a. To comply with Rocklin Municipal Code chapter 15.16 (Flood Hazard), the final map shall provide for the following (ENGINEERING):
  - 1) Delineation of the 100-year floodplain elevation(s);
  - 2) Identification of a finish floor elevation of each lot at two (2) feet above the 100-year floodplain elevation;
  - 3) Recordation of a flood zone easement across the area of the 100-year floodplain boundary or fifty (50) feet from center line; whichever is greater.
- b. Prior to or concurrent with the recording of final maps for each phase of the project, the following provisions shall be recorded by separate instrument to be implemented with the issuance of building permits for development of each lot created by this subdivision (ENGINEERING):
  - 1) Grading and construction on individual lots in the Phase I area, Lots 1 – 23, as indicated on the tentative subdivision map shall comply with the provisions of the Vista Oaks Design Guidelines, DR-2002-21, adopted per City Council Resolution Number 2006-352.
  - 2) All residential lots in the Vista Oaks subdivision as indicated on Exhibit A are subject to Rocklin Municipal Code section 15.04.120.C.2. requiring a fire sprinkler system in each home.
- c. Prior to recording of a final map for any phase of the project the subdivider shall provide evidence that the following have been satisfied (ENGINEERING):
  - 1) The project shall implement an offsite mitigation program, coordinated through the Placer County Air Pollution Control District, to offset the project's long-term ozone precursor emissions. The project offsite mitigation program must be approved by Placer County Air Pollution Control District. The project's offsite mitigation program provides monetary incentives to sources of air pollutant emissions within the projects' air basin that are not required by law to reduce emissions. Therefore, the emissions reductions are real, quantifiable and implement provisions of the 1994 State Implementation Plan. The offsite mitigation program reduces emissions within the air basin that would not otherwise be eliminated.



In lieu of the applicant implementing their own offsite mitigation program, the applicant can choose to participate in the Placer County Air Pollution Control District Offsite Mitigation Program by paying an equivalent amount of money into the District program. The actual amount of emission reduction needed through the Offsite mitigation Program would be calculated when the project's average daily emissions have been determined. (4.8MM-5a) (ENGINEERING, PLACER COUNTY AIR POLLUTION CONTROL DISTRICT)

- d. 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.

6. Improvements in the Public Right-of-Way

The applicant shall obtain an encroachment permit for all improvements within the public right-of-way. Applicant 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 public right-of-way as improvement security to ensure the faithful performance of all duties and obligations required of applicant 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. (PUBLIC WORKS, ENGINEERING)

7. Deleted

8. Subdivision Design

Prior to issuance of improvement plans and / or recording of a final map for any phase of the Vista Oaks subdivision the project design shall be revised as follows (ENGINEERING):

- a. Emergency fire access routes, a minimum of 6-feet wide, shall be provided to the open space areas at the end of all cul-de-sacs (between Lots 3 & 4, 10 & 11, 21 & 22, and south of Lot # 70) by extending the open space parcels between the parcels to the front setback line. An access easement shall be recorded over the portions of the open space fire access routes that are located within the front yards of single-family residential lots. The easements shall specify that no trees, fencing, or permanent structures may be installed within the easement area. Said access points shall provide for six-foot-high redwood or cedar solid wooden gates located at the front setback line from the street right-of-way. Gates shall be locking and shall be identified by "Fire Access Signs" bolted to the gates. (VII-1.). (ENGINEERING, FIRE)
- b. Extend the rear or easterly property lines of Lots 95 through 99 east 22 feet to the boundary with the adjacent Highlands Units 3 & 4 development (APN 454-060-020 and 454-060-032).
- c. Prior to submission of improvement plans or a final map for Phase I the project design shall be modified to eliminate Parcel B (formerly proposed for a City freeway sign) to the satisfaction of the Community Development Director.

9. Oak Tree Removal and Mitigation

- a. Prior to any grading or construction activities, or the issuance of improvement plans, for any portion of the subdivision, an inventory of all existing trees in the construction phase in question shall be provided along with a schedule of removal of those trees shown on the improvement plan to be removed with that phase shall be submitted for review. (PLANNING, ENGINEERING)
- b. Prior to any grading or construction activities, or the issuance of improvement plans, for any portion of the subdivision, the subdivider shall retain a certified arborist to review the design of the subdivision improvements for the construction phase in question and recommend measures to protect the trees, which are designated to remain, both during construction and afterwards. The protection measures shall include but are not limited to appropriate fencing around those trees to remain. The protection measures shall be incorporated into the subdivision improvement plans or grading permit for any portion of the subdivision prior to approval. (ENGINEERING, PLANNING)

- c. Prior to any grading or construction activities, or the issuance of improvement plans, for any portion of the subdivision, the subdivider shall provide verification that a certified arborist has been retained and prepared an inspection plan for the construction phase in question providing for the periodic inspection of the site during grading and construction and the necessary tree and root trimming to accommodate construction of roads, trails, and the emergency access bridge. Said arborist will implement the inspection plan and provide written verification to the City Engineer that the approved protection measures are properly implemented. (4.6MM-4a)(ENGINEERING)
- d. Prior to recording a final map for any phase of the project the project arborist shall prepare a final list of all oak trees removed within the relevant construction phase(s) that are six inches in diameter or greater, including total number and inches of trees removed. Prior to recording the final map, the subdivider shall mitigate for the removal of all oak trees within that relevant construction phase that are six inches in diameter or greater, in compliance with the provisions of the City of Rocklin Tree Ordinance (Chapter 17.77 of the Rocklin Municipal Code (Ordinance 676), including planting replacement of trees and / or payment of in-lieu fees. If adequate locations cannot be found to replace all removed oak trees, then the remaining mitigation requirement shall be met through payment into the existing City of Rocklin Tree Preservation Fund at the rate and formula specified in the City of Rocklin Municipal Code. (4.6MM-6a) (4.6MM-6b) (ENGINEERING, PLANNING)
- e. If planting of replacement is trees is proposed to mitigate for the removal of oak trees a tree planting plan and related five-year irrigation system shall be included with the improvement plans for that portion of the subdivision prior to issuance. The plan shall specify monitoring requirements including required inspections for at least a five-year period to ensure that the trees are established and able to survive on their own. The replacement trees shall be a minimum of 15-gallons in size and of oak species native to the Rocklin area as listed in Appendix A of the City of Rocklin Oak Tree Preservation Guidelines. Replacement trees shall be planted within open space parcels A, C, and D as deemed feasible by a certified arborist or landscape architect. (4.6MM-6a) (PLANNING, ENGINEERING)

#### 10. Parks

- a. In lieu of paying the City's Neighborhood Park fees, Parcel E shall be improved and dedicated to the City as a park site.

Prior to recording any phase or portion of this tentative subdivision map, the subdivider shall execute the City's standard form turn key park improvement agreement requiring the subdivider to improve and dedicate, in fee, within a time established by the City, the park site with recreational equipment, facilities, and

landscaping to the satisfaction of the Director of Community Services and Facilities. The agreement shall also provide for but not be limited to the following (Engineering, Community Services and Facilities):

- 1) The site shall be free of any physical condition or any title encumbrance to the land that would prevent their use as park sites.
- 2) The subdivider shall provide a verified delineation to the City for review and determination as to whether wetlands exist on the property. To the extent that there are wetlands on the parcel, the developer shall provide verification that they have complied with all federal and state permits for removal of any wetlands prior to dedication to the City.
- 3) The subdivider is responsible for installation of full street frontage improvement to City Standards (i.e., curb, gutter, and sidewalk, etc.) adjacent to and in the park site when China Garden Road is constructed. At the option of the City, sidewalks may be deferred and incorporated into the park development.

11. Riparian Area and Creek Protection

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 (ENGINEERING, CITY ATTORNEY):

*Parcels A, C, D, & E*

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 or mitigation vegetation, deposit of any type of debris, lawn clippings, chemicals, or trash, and the building of any structures, including fencing except a tubular steel fence to be located 10-feet behind the back of curb or sidewalk as applicable where the parcel abuts a street; provided, that native vegetation may be removed as necessary for flood control and protection pursuant to a permit issued by the California Department of Fish and Game.

12. Phasing

The project may be developed in up to three phases as indicated on Exhibit A subject to the following (ENGINEERING, PLANNING):

- a. The following shall be completed with the development of any phase of the Vista Oaks project:

4.e.3)xiii. Implement the approved Open Space Management and Fuel Modification Plan prior to recording of a final map for any phase of the project or acceptance of the open space parcels by the City. (VII-1.) Prior to recording a final map for any phase, the owner of the Parcel A open space area, as indicated on the tentative subdivision map, shall enter into an agreement with the City of Rocklin to maintain the Fuel Modification Zone adjacent to each phase of development until such time as Parcel A is dedicated to the City. The contract shall specify that in the event that the property owner fails to fulfill the maintenance obligation the City may place a lien on the land and perform the required work.

b. The following improvements as described in these conditions of approval and noted below shall be completed with the development of Phase I as shown on Exhibit A:

- 4.e.3)i. (14-foot noise wall for homes);
- 4.e.3)ii. (8-foot noise wall for park);
- 4.e.3)iv. (residential / open space interface fencing);
- 4.e.3)v. (masonry wall between residential lots and park);
- 4.e.3)vii. (remove billboards);
- 4.e.3)x. (stub utilities to Parcel E park site);
- 4.e.3)xi. (Construct trail system through Parcel A), and connect to end of Monument Springs Road in the Rocklin Highlands;
- 4.e.3)xii. (Construct emergency access bridge);
- 4.e.3)xiv. (construct trail head parking and turn around);
- 4.e.4)ii (Construct four-foot meandering sidewalk along China Garden Road);

c. The following improvements as described in the below noted conditions of approval shall be completed with the development of Phase II as shown on Exhibit A:

- 4.e.3)iv. (construct residential / open space interface fencing);
- 4.e.3)vi. (construct tubular steel fence along open space frontages);
- 4.e.3)x. (construct trail system through Parcel A), and connect to end of China Garden Road;
- 4.e.3)xii. (construct emergency access bridge);
- 4.e.4)i. (extend Monument Springs Drive across Secret Ravine Creek to Highlands 3 & 4 subdivision prior to issuance of the 58th building permit in either Phases II or III collectively);

- d. The following improvements as described in the below noted conditions of approval shall be completed with the development of Phase III as shown on Exhibit A:

- 4.e.3)iii. (build rear yard sound walls);
- 4.e.3)iv. (residential / open space interface fencing);
- 4.e.3)vi. (construct tubular steel fence along open space frontages);
- 4.e.4)i. (extend Monument Springs Drive across Secret Ravine Creek to Highlands 3 & 4 subdivision prior to issuance of the 58th building permit in either Phases II or III collectively);

13. Monitoring

Prior to any grading or construction activities including issuance of improvement plans, for any phase of the project the subdivider shall deposit with the City of Rocklin the current fee 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, including additional deposits on subsequent phase final maps. (ENGINEERING)

14. 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)

15. Validity

Pursuant to AB1561, the approval shall expire on May 14, 2023.

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

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

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Bill Halldin, Mayor

ATTEST:

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Hope Ithurburn, City Clerk

EXHIBIT A

Available at the Community Development Department, Planning Division