

TO: Planning Commission
MEETING DATE: June 13, 2022
FROM: Christy Consolini, Planning Consultant
SUBJECT: Tentative Map/Annexation/Rezone/Variance Application, Broadmeadows Estates, (Golden Hills Estates, Unit No. 4), Northeast corner of Golden Hills Drive and Broadmeadows Drive, David Mabrey and Frank Trujillo (APN 040-030-060 and 040-232-001[Portions])

RECOMMENDATION:

Planning Commission review the vesting tentative subdivision map, annexation, rezone, and variance application, find that the application is incomplete because the Initial Study/Negative Declaration is incomplete, and deny the appeal.

Staff recommends the applicant submit the previously requested and required data to ensure an adequate and complete CEQA document, appropriate maps, and sufficient data to make an informed decision as findings in relation to public welfare, safety, and compliance with the General Plan and Code cannot be made. Alternatively, the applicant could withdraw the Panner Creek Subdivision application, allowing Broadmeadows Estates to be processed independently, and resubmit Panner Creek Estates when adequate hydrologic impact analysis and storm drain systems are proposed.

BACKGROUND:

Two units of the Golden Hills Estates Subdivision are currently proposed by Trafalgar Homes: the Broadmeadows Estates Subdivision, which was Unit 4 of the Golden Hills Estates Subdivision, and Panner Creek Estates Subdivision, which was Unit 3 of the Golden Hills Estates Subdivision (Figure 1). The Tentative Parcel Map (TPM) and Subdivision agreement for the Golden Hills Estates Subdivision, approved in 2002, has since expired and the two subdivision proposals are treated as new projects. Since they were part of the same previously analyzed Golden Hills Estates subdivision, and are being proposed concurrently, the CEQA documentation must address both projects to avoid “piecemealing” and the potential to report impacts inaccurately if analyzed separately.

The Broadmeadows Estates Project is partially located partially within the City of Sutter Creek and substantially located outside the City limit at the northeast corner of Golden Hills Drive and Broadmeadows Drive, as shown on the location map, Figure 1. There are no flood zones on the site, but steep slopes are cited for needing a 20-foot front setback variance, rather than a 25-foot front setback on lots 4 through 10, rather than the required 25’ setback. The applicant indicates that a 20-foot setback variance was allowed for the existing residential units on the south side of Broadmeadows Drive. This variance is requested because of the limited pad depth on the sites due to required rear slopes

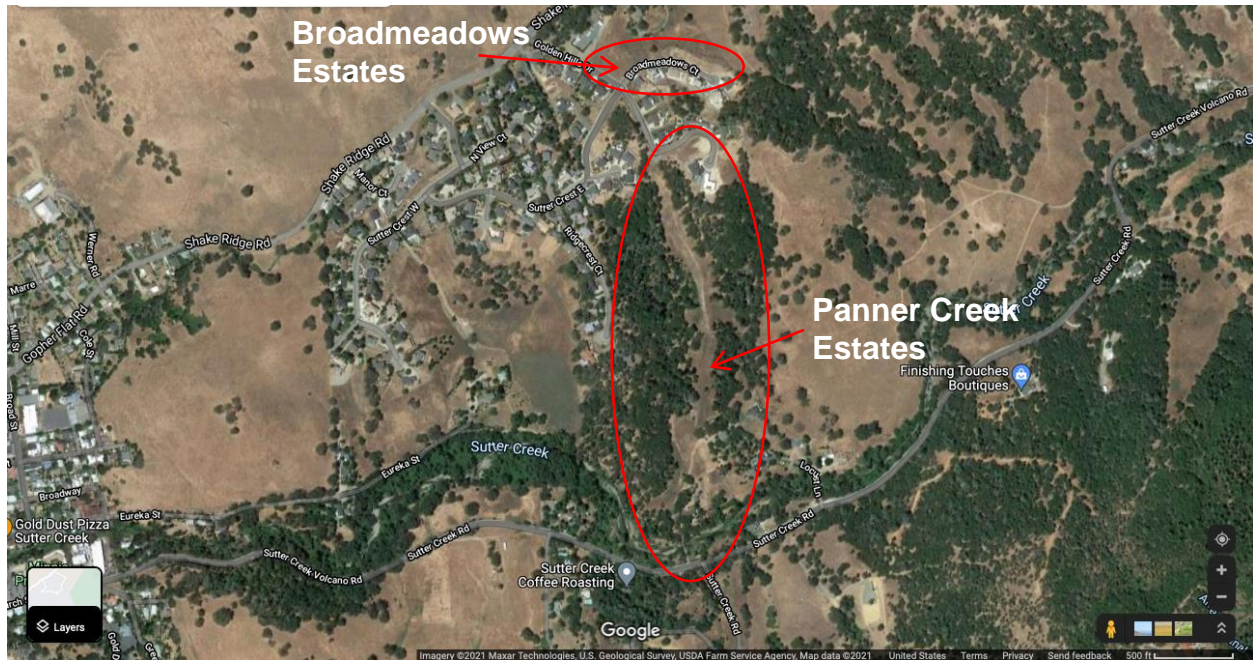
Property owners David Mabry and Frank Trujillo, and subdivider Stan Gamble of Trafalgar Homes, through their representative Bruce Baracco, prepared an application for a Tentative Parcel Map to divide a portion of parcel 040-232-001 (0.67 acre), located within the City limit and a portion of parcel 040-030-06 (2.19 acres), located outside the City limit into ten parcels (Project) (See Figure 3);

- Parcel 1 – 0.23 acre (10,000 square feet)
- Parcel 2 – 0.34 acre (14,676 square feet)
- Parcel 3 – 0.33 acre (14,353 square feet)
- Parcel 4 – 0.33 acre (14,554 square feet)
- Parcel 5 – 0.24 acre (10,443 square feet)
- Parcel 6 – 0.22 acre (9,511 square feet)
- Parcel 7 – 0.25 acre (10,920 square feet)
- Parcel 8 – 0.24 acre (10,288 square feet)
- Parcel 9 – 0.29 acre (12,473 square feet)
- Parcel 10 – 0.41 acre (17,669 square feet)

The portion of parcel 040-232-001 located in the City limit is designated as RSF and zoned R-1. The portion of the project outside the City limit on parcel 040-030-060 is designated RL on the Sutter Creek

Land Use Diagram, R-S on the County land use map, and zoned R1A. The applicant seeks to amend the General Plan Land Use Diagram to designate the area currently located outside the City limit as RSF, and prezone the portion of the project outside the City limit as R-1. Through the appeal (Exhibit A), the applicant seeks to separate the Broadmeadows Estates application from the Panner Creek Estates application, which are required to be analyzed together under CEQA.

Figure 1. Location



Broadmeadows Estates Subdivision TPM #182

Location	South of Gopher Flat Road and east of Golden Hills Drive adjacent to Golden Hills Estates Unit 2 (See Figures 1 and 2)
Acres	2.86
Parcels	APN 040-232-01: 0.67 acres within the existing City Limits 2.19 acres from APN: 040-030-06: 2.19 acres outside the City Limits
Proposed Units	10 (See Figure 3)
General Plan	Lots 1, 2, 3, and 4 within City limits: RSF Residential Single Family Portions of Lots 1 through 10, within the County: RL Residential Low Density Portions outside City limit require annexation and General Plan land use designation change from RL to RSF.
Zoning	Lots 1, 2, 3, and 4 within City limits: R-1 Portions of lots 1 through 10, within the County: RE Portions outside City limit require annexation and rezone from RE to R-1.
Existing	Golden Hills Drive and Broadmeadows Drive improved with curb and gutter, storm drainage, water, sewer, communications and energy utilities. Lots 5-10 are rough graded.
Proposed	<ul style="list-style-type: none"> • 10 lots: 9,311 square feet to 17,589 square feet in size • Four-foot sidewalk, one streetlight at the end of the cul-de-sac, two storm manholes, and a 12-inch diameter storm drainage line along the north side of Broadmeadows Drive. • Removal of concrete blocks and debris on Lots 5 and 6. • Remove and cap the existing well and pump on Lot 5 under permit from the Amador County Environmental Health Department. • Remove the existing soil mound within Lots 2, 3, and 4 and the boulders on Lot 2. • Removal of one 30-inch Blue oak tree on Lot 5 and replace with one new Blue oak tree on each lot (10 total) at the completion of construction on each lot.

	<ul style="list-style-type: none"> • The 15-foot public utility easement (PUE) on the north side of Broadmeadows Drive is reserved for the new drainage line and any additional underground utilities should they be required in the future. • CFD Formation
<p>Drainage Improvements</p>	<p>New drainage line will connect to the existing drop inlet between Lots 7 and 8 and then connect to the existing storm drainage system that was constructed as part of Golden Hills Estates, Unit No. 2. The existing drainage pipe that extends from the drop inlet between Lots 7 and 8 and drains north to the Mabry Parcel will be removed. The existing drop inlets along Broadmeadows Drive and Golden Hills Drive (six inlets total) will be modified to capture sediment/oil/grease by installing Triton Bioflex Trash Guard inlet filters in each drop inlet. the existing 12-inch diameter drain line that crosses Golden Hills Drive at its intersection with Broadmeadows Drive will need to be upgraded to an 18-inch diameter line.</p>

Figure 2. Street view of Broadmeadows Estates at Golden Hills and Broadmeadows Drives



APN was not referenced in the Initial Study/Mitigated Negative Declaration or the Resolution approving the tentative Subdivision Map in 2002.

The tentative subdivision map units 1, 2, and 3 allowed a maximum of 79 single-family residential lots. Unit 1 was approved with 5 single-family residential lots, Unit 2 was approved with 31 single-family residential lots, and Unit 3 included the remaining 39 single-family residential lots (Panner Creek Estates). Unit 4 of the Golden Hills Estates Subdivision (Broadmeadows Estates), located at the northwest corner the intersection of Golden Hills Drive and Broadmeadows Drive on assessor parcel APN 040-030-060, proposed 10 single-family residential lots and one remainder lot zoned Residential Low Density (Planned Development), with a portion the Unit within the County and requiring annexation.

City Actions on the Golden Hills Subdivision are provided in Exhibit B. As shown in the Exhibit B memo from Anders Hauge to the City dated 2013, approvals for Units 1, 2, and 3 occurred in 2002, with lots in Units 1 (five lots on Ridgecrest Ct.) and 2 sold and mostly built out. Unit 3 was not improved and the Tentative Subdivision Map and subdivision agreement since expired in 2007. In addition, Quimby Act parkland dedication/payment of in-lieu fees was assigned to Unit 3 in the 2004 Improvement Agreement and no dedication or fee payment occurred for Unit 1 (2004) or Unit 2 (2005). Although the Unit 4 Tentative Subdivision Map was approved in 2008, it has subsequently expired, along with the subdivision agreement. Therefore Units 1 and 2 are complete, and Units 3 and 4 expired, but with the need to fulfill the commitments pertaining to Units 1 and 2 that were never completed.

The outstanding issues from the subdivision agreement, as noted in Exhibit B, include:

- Dedication of parkland (Condition 5);
- Construction of a roadway and flood-safe bridge crossing of Sutter Creek (Conditions 11a and 19);
- Installation of permanent grease and sediment traps at runoff points (Condition 23) to which the City engineer indicated is not standard procedure for residential subdivisions, but that City Standards had been incorporated;
- Off-site stormwater diversion improvements (Condition 28) which are addressed through the Broadmeadows Estates application, although through different means than originally proposed;
- Oak tree compensation (Conditions 40 and 41) to be accomplished through each building permit; and
- Mine area assessment and mitigation (Conditions 45 through 48) for Unit 3, although assessments have been completed and the remaining tasks are to safely remove any further mining footings and structural remnants.

The City regulations require the dedication of parkland or in-lieu of fees for each new final subdivision map and require the payment of ACRA fees for each new residential building permit. Based on the City Manager's understanding in 2011 that the offered Phase 3 parkland dedication satisfied the ACRA fees for Phases 1, 2, and 3 on April 4, 2011 Sean Rabe sent a memo to Paul Frank, stating the ACRA fees would not be collected for Units 1 and 2. The ACRA fees in Chapter 7.90 are required to be collected with the issuance of residential building permits in Golden Hills Estates Units 1 and 2 and any future subdivision of Units 3 and 4.

Due to expirations and lack of fulfilling previously established conditions, Units 3 (Panner Creek Estates) and 4 (Broadmeadows Estates) are considered new projects that require a tentative map, environmental documentation, and development agreements. The Broadmeadows Estates Subdivision TPM application was originally submitted in 2017 and the Panner Creek Subdivision TPM application was originally submitted in 2019.

In addition, there are no sewer capacity reserves to serve these units due to the age of agreements/expirations and the subsequent commitment of capacity elsewhere. The previous Planning Commission approval of the now expired Golden Hills Unit 4, included additional conditions to the original Golden Hills Subdivision approval and subdivision agreement that also need to be addressed. Unit 4, and likewise Unit 3, need to be annexed into a community facilities district (CFD) to fund

additional public service costs, such as fire protection. Unit 4 was also required to form or annex into a CFD, street maintenance assessment district, other financing district or provide similar funding mechanism which is acceptable to the City to fund the project's fair share of ongoing roadway maintenance. This would also be applicable to Unit 3. Finally, Unit 4 is required to provide garage entrances no closer than 20' from the back of the sidewalk or 25' from the back of the curb.

The Golden Hills Estates Subdivision, that encompasses the proposed Broadmeadows Estates and Panner Creek Estates Subdivisions, was approved in 2002. A CEQA Initial Study/Mitigated Negative Declaration (IS/MND) was prepared June 25, 2002, for the Golden Hills Estates Subdivision, and a Draft IS/MND was prepared in 2021 for the Panner Creek Estates and Broadmeadows Estates Subdivisions, both of which identified various mitigation measures. Exhibit C compares those measures where they align and provides a discussion of those measures.

On March 26, 2019, an appeal on the March 5, 2019 staff determinations on Broadmeadows Estates was submitted by Trafalgar Homes. On April 9, a response to the appeal was sent to Bruce Baracco, Project Representative, indicating that the appeal would not be brought forward to the Planning Commission until the application items not subject to appeal are provided. Since the items in the completeness checklist provided to the applicant had not been provided, the appeal was not ready to be acted upon by the Planning Commission.

The City responded that there were a number of items noted in the checklist the City had provided that require attention and are not listed in the appeal. Thus, before an appeal can be taken, the following items must be addressed for a complete application submittal for review by the Planning Commission. These items included clarifications on the map as items were contradictory or undistinguishable; grading and drainage; the variance; and the CEQA Initial Study, which failed to include the updated CEQA checklist requirements

From April 2019 to April 2022, the applicant provided revisions to address these concerns; however, since the CEQA IS/MND is tied to the Panner Creek Estates Subdivision project under the definition of a project under CEQA (Section 15378). A Project is "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The broad, "whole of an action" definition is intended to provide the maximum protection of the environment. CEQA defines piecemealing or segmenting as dividing a project into multiple pieces and analyzing them separately. CEQA explicitly forbids this because it allows a lead agency to minimize the environmental impacts by evaluating portions of a project on a smaller scale, which is more likely. To result in a less-than-significant impact, rather than disclose a significant impact that may occur when the "pieces" are analyzed together. Piecemealing can also hinder the development of comprehensive mitigation strategies. Broadmeadows Estates and Panner Creek Estates are two phases of a larger project that was partially implemented. CEQA case law finds that phased projects must evaluate future phases even if they are not fully planned out (*Laurel Heights Improvement Association v Regents of University Of California* (1988) 47 Cal. 3d. 376.).

On April 14, 2022, a subsequent appeal (Exhibit A) was submitted by Bruce Baracco on behalf of Frank Trujillo and David Mabrey, requesting the Planning Commission determine that the Broadmeadows Estates Application can be processed as a separate project; and that there be included with the Application, a Mitigated Negative Declaration for Broadmeadows Estates only. The appeal indicates there are no significant environmental issues associated with the Broadmeadows Estate project and that environmental concerns have been addressed through project design and technical studies. A response to that letter was sent on April 26, 2022 indicating the appeal would be brought forward to the Planning Commission on June 13, 2022 (Exhibit A).

DISCUSSION:

As shown in Figure 1, the Broadmeadows Estates 10-unit Subdivision and Panner Creek Estates 38-unit Subdivision are separate areas within the same Golden Hills Estates Subdivision Area. As such, they are linked to proximity, ownership, and connection as Units 3 and 4 of the Golden Hills Estates Subdivision and should be treated as one project under CEQA as applications for each subdivision area are concurrently under review. City staff, in compliance with CEQA, has requested that an Initial Study/Mitigated Negative Declaration be prepared to address both subdivisions. The applicant has provided a draft Initial Study/ Mitigated Negative Declaration; however, the document fails to provide adequate detail regarding drainage and flooding for the Panner Creek Subdivision to support a finding of less-than-significant impact with or without mitigation, which would then require preparation of an EIR due to potentially significant and potentially unmitigable impacts. Due to this lack of information,

including flood elevation data or studies analyzing the hazard risk of placing a series of culverts within Sutter Creek to bridge the waterway, findings to support the project cannot be made. Furthermore, onsite drainage management has not been adequately addressed to ensure pre-construction runoff rates and volumes are maintained in a manner that is feasible for City inspection and maintenance, despite numerous requests and City engineering staff direction for the applicant and their engineer.

Review of the materials provided for Broadmeadows Estates, including the portion of the IS/MND addressing Broadmeadows indicates a complete application and analysis. However, since Broadmeadows Estates application is tied to the Panner Creek Estates application due to its proximity, history, and ownership, the two projects need to be addressed together as one action under CEQA analysis. Alternatively, they could be separated, and Broadmeadows Estates processed individually if the applicant withdraws the Panner Creek Estates application. If they are separate without a withdrawal, the CEQA documents would be considered piecemealed under CEQA. The applicant has been notified of this option but has chosen to continue to pursue the two applications concurrently. Each application can be processed separately, but the CEQA document cannot be separated as long as both applications are concurrently pursued. Therefore, until the CEQA document is adequately completed, or unless Panner Creek Estates is withdrawn, the Broadmeadows Estates application cannot move forward.

Staff recommends the denial of the appeal and completion of the requested data and documentation. It is not in the City's interest to accept and adopt an incomplete CEQA document. Doing so may subject the City to legal action.

REFERRALS:

Due to incomplete applications, no recent referrals have occurred for these two subdivision applications. City planning and engineering staff have worked with the applicant, including City sewer, however, no referrals will be circulated until the applications and IS/MND are complete.

* * * *

EXHIBIT A
APPEAL LETTER AND CITY RESPONSE

DAVID A. MABRY AND FRANK TRUJILLO
5693 TUBAC LANE SAN JOSE, CALIFORNIA 95118

April 14, 2022

Sutter Creek Planning Commission
18 Main Street
Sutter Creek CA 95685

Subject: Appeal of Staff Determination Regarding the Broadmeadows Estates Subdivision Project (APN 040-030-060 and APN 040-232-010)

Dear Members of the Planning Commission:

Background

On May 20, 2019, David Mabry and Frank Trujillo, as property owners, submitted a new Vesting Tentative Subdivision Map called Broadmeadows Estates. This Tentative Map replaced the previous map designated as Golden Hills Estates, Unit No. 4, which had expired.

On June 30, 2021, City Staff determined that the Broadmeadows Estates application was complete. However, City Staff indicated that the application could not be further processed until a combined environmental document was complete that addressed both Broadmeadows Estates and Panner Creek Estates. Panner Creek Estates is a separate Vesting Tentative Subdivision Map with a different owner, and is not adjacent to the Broadmeadows Estates Subdivision. Panner Creek Estates is owned by Stan Gamble, and replaced the previous map designated as Golden Hills Estates, Unit No. 3, which had expired.

Appeal Request

Mr. Mabry and Mr. Trujillo are requesting that the Planning Commission determine that the Broadmeadows Estates Application can be processed as a separate project; and that there be included with the Application, a Mitigated Negative Declaration for Broadmeadows Estates only.

Basis for Appeal

The Broadmeadows Estates Subdivision consists of ten single-family residential lots with street frontage on Golden Hills Drive and Broadmeadows Drive, which are currently constructed streets, built to City Standards. The subdivision lots are located primarily along the north side of Broadmeadows Drive, and will essentially be the same style and type of development as the currently constructed single-family homes on the south side of Broadmeadows Drive.

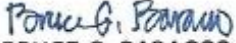
A copy of the Broadmeadows Estates Tentative Subdivision Map is attached to this letter.

There are no significant environmental issues associated with the Broadmeadows Estate project, as all issues and environmental concerns have been addressed through project re-design and technical studies. The project therefore, qualifies for a Mitigated Negative Declaration.

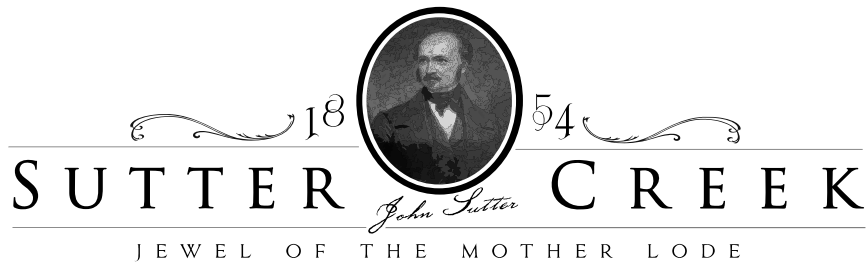
The property owners are anxious to proceed with the subdivision, and can no longer afford to wait on other actions that are out of their control. A properly conditioned Vesting Tentative Map and subsequent development will be an asset to the community.

If you have any questions or need additional information, please contact me at 209-304-0028 or baraccoplanner@comcast.net. Please let us know when the Planning Commission Public Hearing will be held.

Respectfully submitted,


BRUCE C. BARACCO
Project Planner

Attachment: Broadmeadows Estates Vesting Tentative Map



April 26, 2022

Mr. Bruce Baracco:
Sent via email

Dear Bruce;

This letter confirms that the City has received your appeal dated April 14, 2022 concerning City Staff's completeness determination concerning the Broadmeadows application. The Planning Commission will consider your appeal at its meeting on June 13, 2022. Staff will include a copy of your appeal letter as part of the record of material that will be forwarded to the Planning Commission. If you would like to submit any additional written material to be included in the agenda packet the Commission receives, we will need to receive that by May 27th, 2022. Any written material you provide after that date will be forwarded for distribution at the time of the meeting.

Please do not hesitate to contact me should you have any questions about the processing of your appeal.

Regards,

A handwritten signature in black ink, appearing to read 'Amy Gedney', written over a light grey horizontal line.

Amy Gedney
City Manager

EXHIBIT B
JULY 10, 2013 MEMO REGARDING GOLDEN HILLS ESTATES SUBDIVISION
HISTORY, STATUS AND FUTURE ACTIONS

HAUGE BRUECK
A S S O C I A T E S

MEMORANDUM

TO: City of Sutter Creek

CC: Sean Rabe
Derek Cole
Mary Beth Van Voorhis

FROM: Anders Hauge, HBA

DATE: July 10, 2013

SUBJECT: Golden Hills Estates Subdivision History, Status, and Future Actions

PURPOSE

This memo summarizes the history of the Golden Hills Estates Subdivision, provides the current status of the subdivision approvals, and provides a list of required future actions.

HISTORY

An application for the Golden Hills Estates Subdivision encompassed approximately 55 acres located between Gopher Flat Road on the north and Sutter Creek Road on the south, approximately 0.9 miles east of State Route 49.

The Project included five assessor parcels APNs 40-030-018 and 072, 40-080-012 and 013, and 40-190-022. APN 40-190-022 was referenced in the subdivision improvement agreement and Notice of Proposed Negative Declaration. This APN was not referenced in the Initial Study/Mitigated Negative Declaration or the Resolution approving the tentative Subdivision Map.

The tentative subdivision map units 1, 2, and 3 allowed a maximum of 79 single-family residential lots. Unit 1 was approved with 5 single-family residential lots, Unit 2 was approved with 31 single-family residential lots, and Unit 3 included the remaining 39 single-family residential lots.

Unit 4 of the Golden Hills Estates Subdivision is located at the northwest corner the intersection of Golden Hills Drive and Broadmeadows Drive on assessor parcel APN 040-030-060. Unit 4 includes 10 single-family residential lots and one remainder lot zoned Residential Low Density (Planned Development). The lots range in size from 10,000 square feet up to 17,669 square feet.

City Actions on the Golden Hills Subdivision are listed below:

- July 8, 2002 – Planning Commission
 - Adopted the Mitigated Negative Declaration for the Golden Hills Estates Vesting Tentative Subdivision Map Units 1, 2, and 3.
 - Approved the Golden Hills Estates Vesting Tentative Subdivision Map Units 1, 2, and 3.
- December 20, 2004 – City Council
 - Approved the Golden Hills Estates Subdivision Improvement Agreement Map No. 133, Units 1, 2, and 3. Note: Quimby Act parkland dedication was assigned to unit 3.
 - Approved the Final Subdivision Map for Unit No. 1 (Five lots on Ridgecrest Court) (no dedication of Quimby Act land or payment of in-lieu fees)
- April 20, 2005 – County Recorder
 - Subdivision Improvement Agreement for Golden Hills Estates Units 1, 2, and 3 recorded.

- June 3, 2005 – County Recorder
 - Unit 1 Golden Hills Estates Final Map recorded
- March 7, 2005 – City Council
 - Approved the Final Subdivision Map for Unit 2 (31 lots in the northerly portion of the subdivision) (no dedication of Quimby Act lands or in-lieu fees)
- December 1, 2006 – County Recorder
 - Unit 2 Golden Hills Estates Final Map recorded
- August 15, 2005 – City Council
 - Approved dedication of three segments of real property for street purposes for the Golden Hills Estates Subdivision including portions of Gopher Flat Road, Golden Hills Drive, and Broadmeadows Court
- December 20, 2007
 - The Tentative Map for Golden Hills Estates Units 1, 2, and 3 expired.
 - Golden Hills Estates Units 1, 2, and 3 Subdivision agreement expired; the agreement was valid for a 36-month period from the date of approval (no Amendment to the Agreement is on file).
- October 14, 2008 – Planning Commission
 - Certified the Notice of Exemption for the Golden Hills Estates Vesting Tentative Subdivision Map Unit 4
 - Approved the Golden Hills Estates Tentative Subdivision Map Unit 4 (10 lots on Broadmeadows Drive)
 - Expiration of Tentative Subdivision Map
 - Original 10/14/10.
 - 66452.21 +1 year = Expiration 10/14/11
 - 66452.22 +2 years = Expiration 10/14/13
 - 66452.23 +2 years = Expiration 10/14/15
 - 7/11/13 AB116 +2 years = Expiration 10/14/17
 - Status: Tentative map valid until October 14, 2017

SUBDIVISION STATUS SUMMARY

- Unit 1 complete, no further action required
- Unit 2 complete, no further action required
- Unit 3 approvals expired, future subdivision to be processed DE novo
- Unit 4 Tentative Subdivision Map valid until October 13, 2013, subdivision agreement for Unit 4 has expired.

SUBDIVISION AGREEMENT OUTSTANDING ISSUES

The subdivision agreement for Golden Hills Estates has expired and certain conditions have not been met as described below.

- Condition No. 5 of the Subdivision Improvement Agreement has not been met – In-lieu of parks and recreational fees, dedication of Lot No. 80, approximately four acres adjacent to Sutter Creek as open space.
 - Discussion: Unit 1 and 2 have been finalized and the City is not in a position to extract parkland dedication or in-lieu fees from the owners of these parcels.
- Condition No. 11a, second bullet – Construction of Golden Drive from the intersection of Sutter Crest East to the intersection of Sutter Creek (Volcano) Road, which included a bridge structure across Sutter Creek designed and constructed to pass a 100-year flood event (Condition No. 19)
- Condition No. 23 – Permanent grease and sediment trap to be installed at runoff points.

- Discussion: In a memo dated March 28, 2011 from the City Engineer, Roark Webber, it states that the City Standards were incorporated into the approved subdivision plans. Grease traps are not normally installed in residential subdivisions and were not included on Units 1 – 3. This condition usually applies to commercial discharges where grease generation is anticipated.
- Condition No. 28 – Off-site stormwater diversion improvements.
 - Discussion: In a memo dated March 28, 2011 from the City Engineer, Roark Webber, it states that the condition referred to minor modification of the diversion structure located at Meadow Crest and Gopher Flat Road which would divert Gopher Gulch peak flows to Sutter Creek via existing storm drain conduits and open ditches. The open ditches cross Bradley and Annette Sipes property who refused the City access to conduct even environmental review. Ditch improvements were to be incorporated into the FEMA Broad Street Drain project. Developer's obligation was to make minor modification to the existing diversion structure which is not recommended without ditch improvements.
- Conditions No. 40 and No. 41 – Oak tree compensation.
 - Discussion: This is to be accomplished with site plan approval with each building permit (suggestion from City Engineer, Roark Webber, in a memo dated March 28, 2011).
- Conditions No. 45 through No. 48 regarding mine area assessment and mitigation.
 - One mine excavation was covered, Condition No. 46 was at least partially completed. Much of this may apply to future development of Unit 3 where mining evidence is located.
 - Discussion: Fencing the southerly limit of Unit 2 would be beneficial, there are substantial mine excavation deposits within Unit 3 (suggestion from City Engineer, Roark Webber, in a memo dated March 28, 2011).

CLAIRFICATION REGARDING COLLECTION OF PARK FEES

The City regulations require the dedication of parkland or in-lieu of fees for each new final subdivision map and require the payment of ACRA fees for each new residential building permit. See Parks Fees Memo dated July 5 , 2013. Based on the City Managers understanding in 2011 that the offered Phase 3 parkland dedication satisfied the ACRA fees for Phases 1, 2, and 3 on April 4, 2011 Sean Rabe sent a memo to Paul Frank, stating the ACRA fees would not be collected for Units 1 and 2. With this memo the City clarifies that the ACRA fees in Chapter 7.90 are required to be collected with the issuance of residential building permits in Golden Hills Estates Units 1, 2, 4 and any future subdivision of Unit 3.

FUTURE REQUIRED ACTIONS**Unit 3**

- Signed reimbursement agreement between the City and applicant
- Land within Unit 3 will be evaluated as a new project
- Unit 3 requires:
 - tentative map,
 - environmental documentation, and
 - development agreement.
- In a memo dated March 28, 2011 from the City Engineer, Roark Webber, it states that in a phone conversation on March 17, 2011 with the City Sanitary Sewer Engineer, the City rearranged some sewer issues in 2009 and as a result, Rob and Dennis came to the decision that Units 3 and 4 did not have any sewer capacity reserves.

Unit 4

- Signed reimbursement agreement between the City and applicant

MEMORANDUM

GOLDEN HILLS ESTATES SUBDIVISION HISTORY, STATUS, AND FUTURE ACTIONS

- The City will conduct an analysis to determine if the certified Mitigated Negative Declaration of Environmental Impact adequately discloses potential significant impacts and mitigation measures for Golden Hills Unit 4
- Applicant to submit a development agreement incorporating the Golden Hills Estates subdivision agreement, the Planning Commission conditions of approval, and mitigation measures (as appropriate). Options to the original conditions may be required if conditions placed on the Golden Hills Estates Subdivision cannot be met (i.e. dedication of open space land). The Planning Commission approval of Unit 4 included three new conditions:
 1. Annexation into a community facilities district (CFD) to fund additional costs associated with fire protection services
 - August 21, 2006 – City Council passed a resolution which granted consent to include land within the City boundaries in the County Amador Fire Protection Services CFD.
 - In 2009 the cost per single family dwelling was \$536.12 and may increase annually up to two percent
 2. Form or annex into a CFD, street maintenance assessment district, other financing district or provide similar funding mechanism which is acceptable to the City to fund the project's fair share of ongoing roadway maintenance
 3. Garage entrances may be no closer than 20' from the back of the sidewalk or 25' from the back of the curb.
- Submit a Final Subdivision Map for City Council approval.
- Note: In a memo dated March 28, 2011 from the City Engineer, Roark Webber, it states that in a phone conversation on March 17, 2011 with the City Sanitary Sewer Engineer, the City rearranged some sewer issues in 2009 and as a result, Rob and Dennis came to the decision that Units 3 and 4 did not have sewer capacity reserves.

REFERENCES

Letter from Sean Rabe to Paul D. Frank on April 4, 2011
Meeting between Stan Gamble, Mary Beth Van Voorhis, and Anders Hauge on April 26, 2013.
Memo from Roark Webber on March 3, 2011
Memo from Roark Webber on March 28, 2011
Memo on Park Fees on June 4, 2013
Staff packages for the Golden Hills Estates Subdivision Units 1, 2, and 3
Staff package for the Golden Hills Estates Subdivision Street Right-of-Way Deeds
Staff package for the Golden Hills Estates Subdivision Unit 4

EXHIBIT C
2002 GOLDEN HILLS ESTATES IS/MND AND DRAFT 2021 BROADMEADOWS ESTATES (BM) AND PANNER CREEK ESTATES (PC) IS/MND MITIGATION MEASURES

2002 IS/MND	2021 IS/MND	Discussion
1. The 100-year flood zone shall be delineated on the Final Subdivision Map along with a notation that no structures are allowed within the floodplain.	None	FEMA mapping provided, but no flood elevation established or study of the changes to the flood zone that may occur by adding a new obstruction and higher discharge rates. This is a requirement of the Subdivision Code.
2. The Golden Hill Drive bridge structure shall be designed and constructed to pass a 100-year flood event.	PC 10-32. The box culvert shall conform to the requirements of the City's Flood Plain Management Ordinance.	Not completed. Proposed for Unit 3, but with a series of bulky culverts rather than piles with decking as originally proposed for the Golden Hills Estates Subdivision.
3. Implement general construction measures during construction as follows: <ul style="list-style-type: none"> • Limit soil disturbance to the minimum necessary to complete subdivision improvements; • Protect all erodible surfaces prior to the advent of fall storms; • Clear slopes only when construction is scheduled; • Provide temporary surface drainage for topsoil and spoil piles; and • Berm graded material to maximize temporary ponding and minimize surface water flow across graded areas. 	BM 10-5/PC 7-18/PC 10-24, 10-28. The Applicant shall obtain a NPDES General Construction Permit prior to beginning any stormwater-related construction activity.	To be implemented during construction.
4. Improve all swale/gully outfalls to resist erosion and channel scouring, preferably with vegetation and, if necessary, selective application of gunite or similar material.	None	A concrete headwall with riprap is proposed with no vegetation. Hydrology studies should be conducted to address risk of erosion as well as headwall elevation vs. flood elevation to determine if backflow could occur.
5. Install filter strips to maximize infiltration and minimize runoff from the project site.	PC 10-26. Pursuant to General Plan Implementation Measure PS-1.4.5.1, the Applicant shall promote permeable landscape areas and provide onsite swales or other collection features to reduce stormwater surface flows and ensure post subdivision stormwater discharge rates do not exceed pre-construction discharge rates.	The Panner Creek Subdivision proposes individual rock drain stormwater capture systems, as well as stormdrainage facilities along the roadway to collect runoff and convey it to Sutter Creek through a series of pipes and a concrete headwall outfall discharge point. The individual rock drains on private property would be difficult to inspect and maintain. The City requested a drainage basin to be located in the vicinity of the park site, but

		the applicant chose not to pursue. The hydrology report indicates post development discharge rates would exceed pre-development rates.
6. Install permanent grease and sediment traps at runoff points once subdivision improvements are in place.		
7. A drainage study shall be prepared by a civil engineer that establishes storm water runoff tributary to all proposed or required improvements	<p>PC 10-22. A hydraulic analysis shall be prepared and submitted to the City after approval of the Tentative Map but prior to the filing of any Final Map and prior to any construction activities. The hydraulic analysis shall: 1) delineate the streambed and flood limits for the creek; 2) provides details for the stormwater collection system discharge location, including concrete headwalls, rip-rap, and silt/grease/oil separation equipment; 3) provides the design parameters for the box culvert crossing; 4) ensure discharge rates do not increase; 5) ensure that no downstream flooding occurs; and 6) ensure that runoff is appropriately captured and not allowed to sheetflow across the road.</p> <p>PC 10-23. Based on the findings of the hydraulic analysis, the Applicant shall implement any necessary mitigating actions to the satisfaction of the City Engineer to ensure sediment loading, erosion of the creek bed, flooding, and other adverse hydrologic conditions do not result. Such actions shall be identified prior to the filing of a Final Subdivision Map, and shall be included as conditions of approval. Any residential structures on Lot 19, and the sewer lift station on Lot A must be located outside the limits of the flood zone. All construction within the floodplain shall conform to the floodplain management ordinance (Municipal Code Section 15.20) and the box culvert crossing of Sutter Creek shall be designed and constructed to withstand a 100-year flood event.</p> <p>PC 10-25/10-30. A hydraulic study shall be conducted by the</p>	<p>This would be considered deferred mitigation by the agencies and it could not be certain that it could be met/or less than significant impacts achieved. A hydrology study was prepared that addresses flows, rates, collection and discharge, and stormdrainage facilities. However, the report indicates that even with onsite drainage systems, the post development discharge rate would exceed the pre-development rate. In addition, the rock drain systems would be difficult for the City to inspect and maintain and the applicant has not pursued a requested stormwater basin that is more easily accessible and maintained. Also, no studies of the potential flood impacts or drainage changes within the creek have been provided. To fully analyze the impact, the study needs to address flood elevations and analyze how the box culverts placed in the creekbed affect creek flow rates and flooding. Without analysis and data, it is unclear if the project as designed would result in less than significant impacts or if modifications to the design can feasibly address impacts and reduce them to a less than significant level.</p>

	<p>Applicant prior to the filing of a Final Map to determine if runoff would contribute to erosion of the creek bed, flooding within the creek, or other adverse hydrologic conditions resulting from increased runoff. The Applicant shall implement mitigating actions to ensure sedimentation, erosion, and flooding do not occur as part of the conditions of approval for any Final Subdivision Map. All development within the flood zone shall conform to the City's Floodplain Management Ordinance.</p> <p>PC 10-27/10-31. The applicant shall provide a hydrology report to identify runoff volumes, system capacities, and flooding effects. Stormwater discharge rates shall not exceed existing discharge rates and stormwater basins shall be located within the subdivision, outside the floodplain. A Master Drainage Plan shall be prepared and submitted to the City prior to the filing of any Final Subdivision Map.</p>	
8. Incorporate adequate engineering in the subdivision storm drainage system so as to minimize increases in surface runoff to adjacent parcels of land	PC 10-21. Storm water discharge rates from the street and paved areas shall not exceed existing discharge rates	In relation to PC 10-21, the applicant has indicated the discharge rates would be exceeded, which indicates that this mitigation measure can't be achieved as designed.
9. Demonstrate methods to prevent adverse effects on tributary seasonal drainages, drainage ways and the Sutter Creek stream		Propose storm drain piping along the road and a concrete headwall with riprap to discharge to Sutter Creek; however, there are direct impact the stream channel. A footprint or quantified area of impact should be estimated and analyzed.
10. All storm drainage improvements shall be sufficient to comply with City standards and adequately convey storm water	Propose storm inlets along the road and individual rock drain systems.	Storm drain systems identified on the road. Onsite improvements should include a pond rather than individual rock drain systems in Panner Creek Estates. Post-construction runoff rate increases.
11. Divert storm water runoff from the Gopher Gulch watershed to the Sutter Creek watershed by making off-site improvements to an existing diversion facility located at Gopher Flat Road and Manor Court	N/A	Drainage improvements for Broadmeadows are identified in the TPM and shall be implemented.

<p>12. Revegetate all exposed soils with Blando Brome at 10 pounds of live seed per acre; or hydromulch all exposed soils prior to October 15th of each year in which construction occurs within the subdivision</p>	<p>BM 7-4/PC 7-16. Erosion control measures shall be in place by September 15th and include the following:</p> <ul style="list-style-type: none"> • Seed bare soils and cover with 2 to 4-inches of straw; • Place straw rolls (waddles) at the bottom of slopes and around drainage devices; and • Protect storm drainage inlets with gravel bags. 	<p>To be implemented during construction.</p>
<p>13. Incorporate into the project design methods to ensure slope stabilization in disturbed areas</p>	<p>None</p>	<p>Preliminary plans provided for roads and utilities only. Site grading on each lot is deferred until each site is built. This condition should continue to be required for Panner Creek. NPDES will address erosion control during construction.</p>
<p>14. Submit an erosion control plan for review and approval by the City Engineer and Region 2 of the California Department of Fish and Game</p>	<p>None</p>	<p>Preliminary plans provided for roads and utilities only. Site grading on each lot is deferred until each site is built. This condition should continue to be required for Panner Creek. NPDES will address erosion control during construction.</p>
<p>15. All structures shall adhere to the Uniform Building Code requirements for Seismic Zone 3</p>	<p>None</p>	<p>All buildings required to conform to the CBC.</p>
<p>16. As part of the improvement plans for the subdivision, specific cut and fill slope treatment between the lots shall be indicated where required. Treatment methods include conventional retaining walls, 'earthstone-type' stacked walls, garden walls, vegetative groundcover and the like.</p>	<p>None</p>	<p>Preliminary plans provided for roads and utilities only. Site grading on each lot is deferred until each site is built. This condition should continue to be required for Panner Creek.</p>
<p>17. A subdivision grading plan shall be prepared by a licensed civil engineer that sets forth limits of all earthwork and clearing. All slopes over 30% shall be identified on the plan and shall not be disturbed by grading operations</p>	<p>None</p>	<p>Preliminary plans provided for roads and utilities only. Site grading on each lot is deferred until each site is built. This condition should continue to be required for Panner Creek.</p>
<p>18. Prior to any work within the Sutter Creek streambed, obtain a Streambed Alteration Agreement from the California Department of Fish and Game pursuant to Section 1600 <i>et. seq.</i> of the Fish and Game Code</p>	<p>PC 4-6. After approval of the Tentative Subdivision Map and prior to construction of the box culvert bridge and storm drainage pipeline, the Applicant shall enter into a Section 1602 Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish & Wildlife; and a detailed Riparian species survey shall be conducted within the area of</p>	<p>CDFW will require a footprint estimate in the IS/MND to determine extent of impact and mitigation. The level of data provided will be considered deferred mitigation. A maximum area of impact should be established.</p>

	potential effect (APE). The Applicant shall implement all measures, conditions, and requirements established in the LSAA	
19. Consult with the U.S. Army Corps of Engineers prior to the placement of any fill within the Sutter Creek streambed	<p>PC 4-5 and 4-7. After approval of the Tentative Subdivision Map and prior to construction of the box culvert bridge and storm drainage pipeline, or any crossing of the ephemeral drainages, the Applicant shall secure a Nationwide 14 Permit from the U.S. Army Corps of Engineers if required. The Applicant shall implement all measures, conditions, and requirements established in the permit.</p> <p>PC 4-8. Crossing intermittent drainages with driveways shall be accomplished by utilizing arched culvert systems that span the wetland areas with foundations placed outside the wetland footprint.</p>	Permits needed prior to construction. The impact areas should be established in the IS/MND to disclose area of impact and to develop preliminary measures. It should also be determined to understand whether new or expanded flood risks are associated with the design. The 2002 designs seem to show piles with decking to span the creek, whereas this proposal shows bulky culverts that create wide blockage points and narrower channels for water volume and debris flow.
20. All oak trees that are to be preserved shall be clearly marked with colored flagging tape. During construction, temporary fencing shall be installed around the dripline of oak trees to be preserved	None	To be implemented
21. Staging areas for construction equipment shall be designated prior to start of construction and shall be located outside of oak tree driplines	None	To be implemented
22. Removal of any oak tree with a diameter at breast height (dbh) greater than 6-inches shall be compensated for by planting three 25-gallon oak trees of the same species for each oak tree removed	<p>PC 4-11. Pursuant to Section 13.24.120 of the Sutter Creek Municipal Code, for each oak tree removed, three trees of like species will be planted in appropriate areas as part of the project action. A subdivision landscape plan will be provided to the City prior to the Final Map per Section 13.24.</p> <p>PC 4-12. Prior to obtaining a building permit for each individual lot, an Oak Tree Management Plan pertaining to that lot shall be submitted to the City for review and approval.</p>	To be implemented
23. Native tree species shall be used for street tree planting pursuant to Chapter of the Municipal Code	PC 4-13. Prior to obtaining a building permit for each individual lot, an Oak Tree Management Plan pertaining to that lot shall be submitted to the City for review and approval	To be implemented

24. During construction, Gopher Flat Road and Sutter Creek Road shall be kept free of dust, dirt, and mud. All vehicles leaving the work site shall be cleaned to prevent dirt and mud from reaching adjacent streets	BM 3-1/PC 3-2. The Applicant shall implement dust control measures as delineated in Amador Air District Rule 218.	To be implemented during construction.
25. Use dust palliatives or moisture control to reduce fugitive dust during subdivision construction	BM 3-1/PC 3-2	To be implemented during construction.
26. Cease earthwork operations during periods of rain or high wind conditions	This would be part of NPDES permit	Required by NPDES permit.
27. Construct a solid masonry wall along the perimeter of the Multi-family Townhouse Complex in appropriate locations to act as a noise attenuation wall	N/A	There is no townhouse complex.
28. Mining remnant structures and/or foundations shall be removed under permit issued by the Sutter Creek Building Department	PC 7-17. All mining related hazards shall be evaluated by the Applicant, and a plan for removal and/or remediation shall be submitted to the City for approval prior to the first final map recordation.	This should still occur. Only a historic assessment was completed.
29. Any remnant mine excavations shall be covered, fenced or filled in compliance with Section 115700 of the California Health and Safety Code	See PC 7-17	This should still occur. Only a historic assessment was completed.
30. All such. covered, fenced or filled mine excavations shall be located and noted on the Final Subdivision Map	See PC 7-17	This should still occur. Only a historic assessment was completed.
31. A preliminary endangerment assessment of the mining area shall be conducted in cooperation with DTSC and if required, a voluntary cleanup agreement shall be executed.	See PC 7-17	This should still occur. Only a historic assessment was completed.
32. Prior to approval of the subdivision improvement plans, the Subdivider shall enter into a Subdivision Agreement with the City that specifies among other things, the parkland or in lieu fee requirements	None	3.16 acres of open space and 1.2 acres of neighborhood park would be dedicated in Panner Creek Estates. A Park Impact Fee of \$8,760 per unit is associated with each building permit.
33. A traffic mitigation fee of \$3,000 per single-family equivalent shall be assessed on the proposed project to be used for regional and local road improvement projects	None	Fees would be required at the time of development.
34. If any archaeological resources are encountered during subdivision development or construction, all work within 65 feet of the discovery shall be stopped until a professional	BM 5-2/PC 5-14. Should unknown buried resources or human remains become inadvertently uncovered during grading or other earth disturbing activities, construction is required to stop within 50 feet of	Still required.

<p>archaeologist can determine the significance of the find</p>	<p>the find and the City of Sutter Creek is to be notified.</p> <p>BM 5-3/PC 5-15. If human remains are uncovered, the Amador County Coroner will be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) shall be followed.</p>	
<p>35. All lighting shall be shielded so that the light source (i.e., bulb or tube) is not visible from adjacent properties or travelways</p>	<p>None</p>	<p>Streetlights are proposed for Panner Creek Estates and Broadmeadows Estates. They were not previously provided for Units 1 and 2 although they were proposed in the application and TPM.</p>
<p>None</p>	<p>PC 1-1. New structures on Lots 20, 21, 29, and 30 shall be required to be evaluated by the City prior to issuance of a building permit to determine whether the proposed design affects the ridgeline. Structures shall be placed away from the ridgeline. If multi-story structures are proposed on Lots 20, 21, 29, and 30, 'story poles' shall be used during design review to determine whether height limits or vegetative screening is required so as not to impact the ridge. All required alterations to the design will ensure that no adverse change to ridgeline views will occur. No streetlights shall be located within the VSA</p>	<p>Needs to be completed.</p>
<p>None</p>	<p>PC 4-3. A pre-construction survey for special-status wildlife species shall be conducted by a qualified biologist in areas slated for development within 30-days of the initiation of project activities. Should such species be found, construction shall be delayed until further consultation with the appropriate agencies is completed. The applicant shall implement species protective measures as required by the appropriate regulatory agency(ies) based on the identified species. Such</p>	<p>To be implemented during construction.</p>

	measures may include, but not be limited to construction buffer zones, a temporary pause in work until the species has voluntarily moved, restricted types of work or equipment in the area, and other avoidance and mitigating actions as determined by the regulatory agency	
None	PC 4-4. Prior to the City issuing a grading permit for construction of the project, the Project Applicants must retain a qualified wildlife biologist to prepare and implement a Wildlife Habitat Management Plan (WHMP).	To be implemented.
None	PC 4-9. Preconstruction Surveys. Within 30-days of initiation of project activities, the Applicant shall have a qualified biologist survey the project site and immediate vicinity for active raptor nests if construction is occurring during future breeding seasons, normally between February and August. The surveys shall be conducted according to a protocol consistent with State and Federal guidelines. Only if breeding raptors are identified during such surveys will a report be prepared addressing the species.	To be implemented during construction.
None	PC 4-10. Avoidance. Construction activities initiated prior to completion of breeding activities at documented raptor nests shall be restricted appropriately. This would likely include the establishment of a 500-foot construction-free buffer zone around the tree by means of fencing or stakes with conspicuous flagging. The exact distance of the buffer zone shall be determined in consultation with the California Department of Fish & Wildlife. Once a nest becomes inactive, as determined by a qualified biologist, construction would be allowed to commence within the buffer zone.	To be implemented during construction.
None	BM 20-6/PC 9-20 and 20-40. All Broadmeadows and Panner Creek property owners shall receive a copy of a Fire Safe Plan (included in ISMND Appendix Q) in conjunction	Fire Safe Plan prepared.

	with issuance of a building permit.	
None, but a CFD was part of the subdivision agreement and never formed.	PC 10-29. After approval of the Tentative Subdivision Map but prior to the filing of any Final Subdivision Map and construction, a Community Facilities District shall be formed by the Applicant.	This is required for Broadmeadows as well and should be a mitigation measure
None	PC 11-33. Approval of the land use designation amendment and zoning amendment on the portion of Lots 20-24 currently designated and zoned RSF/R-1 to RL/RL; Lot A to PS/PS and the open space lots to OS/OS would address land use inconsistencies. Furthermore, adjustments to lots 7, 13, 14, and 29 to meet the minimum lot requirement for Residential Low Density designated parcels would result in consistency.	These amendments are proposed and lot sizes revised to meet the minimum requirements
None	PC 13-34. During project construction, should pile driving, soil compacting, or demolition of structures be necessary, all property owners within 500-feet of the subdivision shall be notified at least 48-hours prior to such activities	Needs to be completed.
None	PC 19-36. The Applicant and the City of Sutter Creek shall work with the Amador Water Agency to resolve the water capacity and storage capacity issues so that the Amador Water Agency can serve the Panner Creek Estates project and other possible development projects within the City of Sutter Creek. No development shall occur until capacity at the Tanner Water Treatment Plant has been expanded.	Needs to be completed.
None	PC 19-37. Prior to recording of any Final Subdivision Map, the applicant shall obtain a Will Serve letter from the Amador Water Agency and provide it to the City of Sutter Creek, and each of the conditions listed in the Amador Water Agency letter dated June 29, 2020 shall be met	Needs to be completed.
None	PC 19-38. The Applicant shall upgrade the sewer collection system at the intersection of Spanish Street and Hayden Alley by installing two new manholes and a short section of sewer pipe prior to development	Needs to be completed.

	of the Panner Creek Estates Subdivision.	
None	PC 19-39. An engineering study of the hydraulic capacity of the Gopher Flat main sewer line will be required. Any required upgrades will be completed by the developer. The applicant shall also meet the conditions outlined in the October 28, 2019 letter from the City Sanitary Sewer Engineer regarding Panner Creek sewer facilities as listed in Appendix P of this document.	Needs to be completed.

It appears Golden Hills Drive should have had 18' of paved travel lanes, but 17.5' were constructed.