

# **CONDITIONS OF APPROVAL**

## **Conditional Use Permit CUP19-0005/EID Wastewater Collection Administrative Facilities Relocation Planning Commission/December 12, 2019**

### **Planning Services**

#### **1. Project Description**

The Conditional Use Permit and Planned Development permit are based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below.

The project proposes the expansion of the EID El Dorado Hills wastewater treatment plant administrative facilities in order to accommodate the relocation of the EID Bass Lake wastewater collection administrative facilities to the existing EDH site. Proposed improvements include an interior remodel and 1,600 sq. ft. expansion of the existing office and operations building, construction of a new 6,000 sq. ft. operations and laboratory, construction of two 800 sq. ft. equipment and storage buildings, construction of one 1,824 sq. ft. block wall containing five material storage bays, installation of a 1,000 gallon diesel vehicle and equipment fueling station, and resurfacing for on-site vehicle circulation and parking and equipment storage areas. The applicant shall provide a final site plan demonstrating compliance with all development standards prior to building permit issuance (Exhibit F).

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permits and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. No activity authorized by this Conditional Use permit may commence until all of the conditions of approval have been complied with in full.
3. Any proposed changes to the approved site plan shall be submitted to the Planning and Building Department Director for review and approval. Minor changes may be approved by the Director. Major changes will require approval by the Planning Commission.

4. In Compliance with County Code Section 130.22.250, implementation of the project must occur within 24 months of approval of these permits, otherwise the permits become null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
5. The applicant shall meet all parking lot construction standards as outlined in Resolution 202-2015. Parking areas shall conform to the site plan (Exhibit F) and requirements under Section 4.7 of the Parking and Loading Standards. The improvement/grading plan provided to Planning and Building Department shall contain information showing compliance with the above standards.
  - All proposed signs and structures must be kept out of the County right-of-way.
  - Parking lot dimensions shall conform to requirements under the El Dorado County Standard Plans Manual, Standard Plan RS-90.
  - Every parking and loading stall shall be accessible from the drive aisle without displacement of other vehicles.
  - Every parking stall and drive aisle shall have a minimum of eight feet vertical clearance.
  - All parking areas shall be graded to provide adequate drainage of all surface areas into an on-site drainage improvement or stormwater drainage system, in compliance with the gradient standards in the Land Development Manual (LDM).
6. Lighting fixtures and their locations shall conform to the lighting plan. All proposed building or parking lot lighting fixtures shall be designed and located so that no light and glare shall spill over property lines and adversely impact adjoining properties and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of the Planning and Building Department.
7. The applicant shall submit to Planning Services a \$50.00 recording fee and the current Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. Please submit check for the total amount to Planning Services and make the check payable to El Dorado County. No permits shall be issued until said fees are paid.
8. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.
  - a. The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to

attack, set aside, void, or annul an approval of El Dorado County concerning a special use permit.

- b. The following shall be incorporated as a note on the grading/improvement plans: In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a “unique archaeological resource”, contingency funding, and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archaeological mitigation takes place.
  - c. If the find is determined to be a “unique archeological resource”, the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a “non-unique archeological resource”.
9. In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The Coroner shall make their determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the Coroner of the discovery or recognition of the human remains. If the Coroner determines that the remains are not subject to his or her authority and if the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

The following conditions are the identified mitigation measures from the prepared initial study.

10. Mitigation Measure Bio-1: If project construction will occur during the burrowing owl breeding season (February 1-August 31) a qualified biologist shall conduct a habitat assessment for burrowing owl within the project site no more than 14 days prior to initiation of grading activities. If any burrowing owls, occupied burrows, or suitable burrows are observed, protocol surveys shall be conducted in accordance with the CDFW 2012 Staff Report on Burrowing Owl Mitigation. If passive relocation is necessary, it shall be conducted in coordination with CDFW.
  - i. Monitoring Requirement: The applicant shall conduct all construction activities outside of the nesting season or perform a burrowing owl habitat assessment and protocol surveys and avoidance measures, if necessary, no more than 14 days prior to initiation of grading activities. The Planning Division shall verify the completion of the habitat assessment and required additional measures prior to issuance of grading permit.
  - ii. Monitoring Responsibility: El Dorado County Planning and Building Department, Planning Division.
  
11. Mitigation Measure Bio-2: If project construction will occur during the nesting season for migratory birds, (February 1 through August 31), a qualified biologist shall conduct a survey for nesting raptors and other native nesting birds no more than 14 days prior to initiation of grading activities. If any active nests are detected, the biologist shall apply a 500-foot buffer for nesting raptors or a 50-foot buffer for passerine species and the nest shall be avoided until the eggs have hatched and the chicks have fledged, or until the nest is no longer active, as determined by the qualified biologist.
  - i. Monitoring Requirement: The applicant shall conduct all construction activities outside of the nesting season or perform a pre-construction survey and the necessary avoidance measures prior to initiation of grading activities. If a pre-construction survey is required, the Planning Division shall verify the completion of the survey prior to issuance of grading permit.
  - ii. Monitoring Responsibility: El Dorado County Planning and Building Department, Planning Division.
  
12. Mitigation Measure Cul-1: The applicant shall retain a qualified archaeologist to monitor for potential prehistoric archaeological resources during initial ground disturbance activities and prepare a worker awareness brochure in consultation with tribal representatives.

Project plans and specifications shall include a note stating that if buried or previously unidentified historic properties or paleontological or archaeological resources are discovered during project activities, all work within a 100-foot radius of the find shall cease. EID shall retain a professional archaeologist meeting the Secretary of the Interior's Professional Standards for Archaeologists to assess the discovery and recommend what, if any, further treatment or investigation is necessary for the find. Interested Native American Tribes shall also be contacted. Any necessary treatment/investigation shall be developed with interested Native American Tribes providing recommendations and shall be coordinated with the State Historic Preservation Officer and El Dorado County, if necessary, and shall be completed before project activities continue in the vicinity of the find. A qualified paleontologist shall be retained if paleontological resources are discovered and recommendations of the paleontologist shall be implemented as determined appropriate by the El Dorado County Planning Division.

- i. **Monitoring Requirement:** The applicant shall ensure that a qualified archaeologist carries out the mitigation measures as identified in mitigation measure Cul-1 and shall be responsible for stopping work should previously unidentified historic properties or archaeological resources be discovered during project activities. The applicant shall notify the Planning Division of the results of any consultation conducted with Native American Tribes. The Planning Division shall verify notes on plans and specifications requiring work to stop in the event that unidentified cultural resources are discovered. If previously unidentified cultural resources are identified during construction, the Planning Division shall be notified of the find and shall verify implementation of Mitigation Measure Cul-1.
  - ii. **Monitoring Responsibility:** El Dorado County Planning and Building Department, Planning Division.
13. **Mitigation Measure Cul-2:** In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the applicant shall immediately notify the El Dorado County Coroner of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined, within 2 working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are, or are believed to be, Native American, they shall notify the NAHC in Sacramento within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant from the deceased Native American. The most likely descendant shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.

- i. **Monitoring Requirement:** In the event that human remains are discovered during project activities the applicant shall stop work and notify the El Dorado County Coroner and the Planning Division. The applicant shall implement mitigation measure Cul-2 prior to reinitiating work in the vicinity of the find. The applicant shall notify the Planning Division of the results of any consultation conducted with Native American Tribes. The Planning Division shall verify implementation of mitigation measure Cul-2 prior to authorizing work to continue on the project site.
  - ii. **Monitoring Responsibility:** El Dorado County Planning and Building Department, Planning Division.
14. **Mitigation Measure Trans-1:** Prior to issuance of Final Occupancy of any building permit, the applicant shall pay the County's Traffic Impact Mitigation (TIM) fees , toward planned improvements to the intersection of Latrobe Road/White Rock Road, including:
  - Reconfigure northbound right turn movement from existing to overlap turn phasing. Restrict westbound left U-turn movements.
  - Reconfigure southbound right turn movement from existing to overlap turn phasing. Restrict eastbound left U-turn movements.
  - Reconfigure westbound right turn movement from existing to overlap turn phasing. Restrict southbound left U-turn movements.
  - i. **Monitoring Requirement:** The applicant shall pay required TIM fees prior to issuance of final occupancy for any building permit. The Department of Transportation shall verify payment of required fees payment.
  - ii. **Monitoring Responsibility:** El Dorado County Department of Transportation.
15. **Mitigation Measure TCR-1:** In the case of inadvertent discovery of a potential TCR, the applicant shall immediately halt construction activities within 100 feet of the encounter and notify the El Dorado County Planning Division. The applicant shall notify Native American tribes that have been identified by the NAHC to be traditionally and culturally affiliated with the geographic area of the project. If the resource is archaeological in nature, appropriate management requirements shall be implemented as outlined in Mitigation Measure Cul-1. If the potential resource is determined to be a tribal cultural resource (as defined by PRC Section 21074), any affected tribe shall be allowed to conduct a site visit and make recommendations regarding future ground disturbance activities as well as the treatment and disposition of any tribal cultural resources discovered. Depending on the nature of the potential resource and Tribal recommendations, review by a qualified archaeologist may be required. Recommendations made by a qualified entity, including any consulting archeologist and tribes, shall be implemented where feasible.

- i. **Monitoring Requirement:** The applicant shall include mitigation measure TCR-1 on the project plans to ensure contractors and construction personnel implement mitigation measure TCR-1 in the event of an inadvertent discovery. The Planning Division shall verify that plans include the required content and shall ensure that required measures are implemented in the event of an inadvertent discovery during construction.
- ii. **Monitoring Responsibility:** El Dorado County Planning and Building Department, Planning Division.

### **Environmental Management Department**

16. State Law mandates that a minimum of 65% of the waste materials generated from covered Construction and Demolition projects must be diverted from being landfilled by being recycled or reused on site.
17. AB341-Mandatory Commercial Recycling: State law requires all non-residential and multi-family dwellings with 5 or more units that generate at least 4 cubic yards of solid waste per week to have a recycling program for common recyclable materials such as bottles, cans, and paper.
18. AB 1826-Mandatory Commercial Organics Recycling: This state law implements organic waste recycling. The law requires that all non-residential entities have an organics recycling program for the following types of organic wastes: green waste, landscape and pruning waste, nonhazardous wood waste, food waste and food-soiled paper.
19. Trash and Recycling Enclosures-CalGreen Section 5.410.1: Recycling by occupants, requires that new projects provide readily accessible areas that serve the entire building and are identified for the depositing, storage and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals or meet a lawfully enacted local recycling ordinance, if more restrictive.
20. The Bass Lake and EDH sites both handle hazardous materials in reportable quantities and are required to submit their information into CERS (California Environmental Reporting System). Within 30 days of relocating the Bass Lake facility the applicant shall update the information for both sites in CERS.

### **Air Quality Management District**

21. **Fugitive Dust:** The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM<sub>10</sub>) in the form of dust. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate

- fees shall be submitted to and approved by the AQMD prior to start of project construction if a Grading Permit is required from the Building Services. (Rules 223 and 223.1)
22. Paving: Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
  23. Painting/Coating: The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
  24. Open Burning: Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only dry vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
  25. Construction Emissions: During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>. An applicability flow chart can be found here: [http://www.arb.ca.gov/msprog/ordiesel/faq/applicability\\_flow\\_chart.pdf](http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf) Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
  26. New Point Source: Prior to construction/installation of any new point source emissions units (i.e., gasoline dispensing facility, emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501 and 523)
  27. Portable Equipment: All portable combustion engine equipment with a rating of 50 horsepower or greater shall be under permit from the California Air Resources Board (CARB). A copy of the current portable equipment permit shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

### **El Dorado Hills Fire Department**

28. Fire Flow: The project shall be required to request a Fire Flow Letter from the El Dorado Hills Fire Department to determine the minimum required GPM for the project site. The fire flow shall be determined in compliance with the CA Fire Code, Appendix B, based on the type of construction and square footage of each building. This Fire Flow Letter shall then be given to EID in order to produce a Facilities Improvement Letter (FIL) which will state if the required amount of water can be supplied to the project.



Conformance with this condition shall be verified during review of the improvement plans.

29. All fire-flow numbers listed above require all structures to install fire sprinklers in accordance with the CA Fire Code, CA Building Code, NFPA and Fire Department requirements. Conformance with this condition shall be verified during review of the improvement plans.
30. All private fire service mains shall be installed per NFPA 24 & EID requirements. They shall be inspected, tested and maintained per NFPA 25. Conformance with this condition shall be verified during review of the improvement plans.
31. Fire Hydrants: This development shall install Dry Barrel Fire Hydrants which conform to El Dorado Irrigation District specifications for providing water for fire protection. The spacing between hydrants in this development shall not exceed three-hundred (300) feet. The exact location of each hydrant on private roads and on main county-maintained roadways shall be determined by the Fire Department. Conformance with this condition shall be verified during review of the improvement plans.

Fire Hydrant Visibility: To enhance nighttime visibility, each hydrant shall be painted with safety white enamel and mark the roadway with a blue reflective marker as specified by the Fire Department and State Fire Safe Regulations. Conformance with this condition shall be verified during review of the improvement plans.

32. Fire Department Access: Approved fire apparatus access roads and driveways shall be provided for every facility, building, or portion of a building. The fire apparatus access roads and driveways shall comply with the requirements of Section 503 of the CA Fire Code and the current El Dorado Hills County Water District Ordinance, as well as State Fire Safe Regulations as stated below (but not limited to):
  - a. All roadways shall follow the Parking and Fire Lane Standards as approved by the Fire Department.
  - b. Each dead-end road shall have a turnaround constructed at its terminus.
  - c. Where maximum dead-end road lengths are exceeded, there shall be a minimum of two (2) access roadways allowing for the safe access of emergency apparatus and civilian evacuation concurrently.
  - d. Phasing may be allowed if all Fire Access requirements are met and approved by the Fire Code Official for each phase.
  - e. The fire apparatus access roads and driveways shall extend to within one-hundred fifty (150) feet of all portions of each facility and all portions of the exterior of the

first story of the building as measured by an approved route around the exterior of the building or facility.

- f. Driveways and roadways shall have unobstructed vertical clearance of fifteen (15) feet and a horizontal clearance providing a minimum two (2) feet on each side of the required driveway or roadway width.
  - g. Depending on final heights of each building, the final layout of fire apparatus access roads shall be determined and approved by the fire code official with consideration of whether a ladder truck or ground ladders would be used for firefighting operations.
33. Fire Access During Construction: In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to combustibles being brought onto the site as specified by the Fire Department, Standard #B-003. A secondary means of egress shall be provided prior to any construction or the project can be phased. Conformance with this condition shall be verified during review of the improvement plans.
34. Parking and Fire Lanes: All parking restrictions as stated in the current California Fire Code and the current El Dorado Hills County Water District Ordinance shall be in effect. Conformance with this condition shall be verified during review of the improvement plans.
35. Roadway Surface: Roadways shall be designed to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide all-weather driving conditions. All-weather surfaces shall be asphalt, concrete or other approved driving surface. Conformance with this condition shall be verified during review of the improvement plans.
36. Roadway Grades: The grade for all private roads, streets, lanes and driveways shall not exceed twenty percent (20%). Pavement/Concrete shall be required on all grades twelve percent (12%) or greater. For grades of sixteen percent (16%) – twenty percent (20%), a Type II Slurry Seal shall be applied to asphalt surfacing, and concrete roadways and driveways shall be textured to provide a coarse broom finish to improve vehicular traction. Conformance with this condition shall be verified during review of the improvement plans.
37. Traffic Calming: This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway. All other proposed traffic calming devices shall require approval by the fire code official. Conformance with this condition shall be verified during review of the improvement plans.

38. **Turning Radius:** The required turning radius of a fire apparatus access road/driveway shall be determined by the fire code official. Current requirements are forty (40) foot inside radius and a fifty-six (56) foot outside radius on through streets, and a minimum fifty (50) foot radius from center point to face of curb for Cul-De-Sacs and Hammerhead turnarounds. If requested, the fire code official may reduce the minimum turning radius to a thirty (30) foot inside radius and a fifty (50) foot outside radius on a case-by-case basis. Conformance with this condition shall be verified during review of the improvement plans.
39. **Turnouts & Turnarounds:** Turnouts are required on driveways that exceed one-hundred fifty (150) feet in length and shall be placed near the midpoint of the driveway. If the driveway extends beyond eight-hundred (800) feet in length, then turnouts shall be required every four-hundred (400) feet. Turnouts shall be designed to be ten (10) feet wide and thirty (30) feet in length with a minimum twenty-five (25) taper on each end. Dead-end fire apparatus access roads in excess of one-hundred fifty (150) feet in length shall be provided with an approved area for turning around fire apparatus. Turnarounds shall be located within fifty (50) feet of the structure(s) to be protected and shall have a minimum 50-foot radius. Conformance with this condition shall be verified during review of the improvement plans.
40. **Gates:** All gates shall meet the El Dorado Hills Fire Department Gate Standard #B-002. Gate plans shall be submitted and reviewed for compliance by the Fire Code Official. Conformance with this condition shall be verified during review of the improvement plans.
41. **Fire Service Components:** Any Fire Department Connection (FDC) to the sprinkler system and all Fire Hydrant(s) outlets shall be positioned so as not to be obstructed by a parked vehicle. All FDC's and PIV's shall have signage affixed to them indicating the building they serve. There shall be one (1) fire service component set per building. Conformance with this condition shall be verified during review of the improvement plans.
42. **Knox Box and Keys:** All Commercial or Public occupied buildings shall install a Knox Box and building keys including, but not limited to, main entry doors, utility closets, roof accesses, alarm panels, fire sprinkler locks and all other keys required by the fire code official for emergency access. It is recommended, but not required, that residential buildings also add a Knox box and main front door key for improved emergency access. Conformance with this condition shall be verified during review of the improvement plans.
43. **Knox Key Shunt:** A Knox Key Shunt system shall be installed to terminate power to all back-up power generators. Conformance with this condition shall be verified during review of the improvement plans.

44. Fencing: Lots that back up to wildland open space shall be required to use non-combustible type fencing. Conformance with this condition shall be verified during review of the improvement plans.
45. Vegetative Fire Clearances: Prior to June 1st each year, vegetative clearance shall be provided around all EVA's (Emergency Vehicle Access), combustible habitable structures up to the property line as stated in Public Resources Code Section 4291, Title 19 as referenced in the CA Fire Code. Conformance with this condition shall be verified during review of the improvement plans.