

Findings

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Industrial (I) and Commercial (C) land use designations of the subject site, as defined by General Plan Policy 2.2.1.2, because potential commercial and industrial uses for the proposed parcels would be consistent with the purpose of the Commercial and Industrial land use designations described above.
- 2.2 The proposal is consistent with all applicable policies of the General Plan including 2.1.1.7 (adequate roadways, utilities, and other public services), 2.2.1.2 (land use density), 2.2.5.3 (zone change criteria), 2.2.5.21 (compatibility with the surrounding neighborhood), 5.2.1.4 (adequate public water supply), 5.3.1.1 (wastewater capacity), 5.4.1.1 (storm water drainage systems), 5.7.1.1 (availability of emergency water), 6.2.3.2 (adequate emergency access), 6.5.1.2 (noise), 7.1.2.1 (slope disturbance), 7.3.3.4 (wetland buffer), 7.4.4.4 (oak tree canopy retention), and 10.1.9.3 (promotion of job generating job uses). The project provides adequate access and site design that ensure compatibility with the surrounding permitted land uses, and is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

- 3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance Development Standards because the proposed parcels meet the development standards of the I and C zone districts pursuant to section 17.34.040 and 17.32.040, respectively, for minimum parcel areas and lot widths. Compliance with setbacks, building coverage, building height, and parking development standards will be reviewed at time of design review application submittal for each prospective parcel and related use.

4.0 ADMINISTRATIVE FINDINGS

4.1 Tentative Parcel Map

- 4.1.1 *The proposed tentative map, including design and improvements, is consistent with the General Plan and Specific Plan, where applicable.*

As proposed, the tentative map conforms to the I and C General Plan land use designations and applicable General Plan policies concerning adequate roadways, utilities, and other public services, land use density, 19 specific zone change criteria, compatibility with the surrounding neighborhood, adequate public water supply, wastewater capacity, storm water drainage systems, availability of emergency water, adequate emergency access, noise, slope disturbance, wetland buffers, oak tree canopy retention, and promotion of job generating job uses.

- 4.1.2 *The tentative map conforms to the applicable standards and requirements of the County's zoning regulations and Minor Land Division Ordinance.*

The proposed parcel sizes of 0.34 to 9.72 acres conform to the minimum parcel size for the Industrial zone district while proposed parcel sizes of 0.92 to 10.65 acres conform to the minimum parcel size for the Commercial zone district. Additionally, the project conforms to the applicable provisions of the Minor Land Division Ordinance.

- 4.1.3 *The site is physically suitable for the proposed type and density of development.*

The creation of 43 commercial and industrial parcels at the 76.59 acre site is compatible with the surrounding planned and existing commercial, industrial, and residential land use densities with the implementation of the mitigation measures identified in Attachment 1 above. Further, the business park layout has been designed in a manner which avoids impacts to specific wetlands and significant grading on slopes in excess of 30 percent.

4.1.4 *The proposed subdivision is not likely to cause substantial environmental damage.*

An Initial Study (Exhibit O) to assess project-related environmental impacts was prepared. Based on the Initial Study, the County finds that the project could have a significant effect on air quality, noise, and transportation/traffic. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared.

4.2 Design Waiver

The following design waiver request is subject to specific findings in accordance with Section 16.08.020.A.2a-d of the El Dorado County Subdivision Ordinance. The request is followed by a response justifying the waiver.

Design Waiver request for reduction of standard sidewalk width under DISM Standard Plan 101A (Commercial and Industrial Roadways) from 8 feet to 6 feet.

4.2.1 *There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.*

The project site is surrounded by existing industrial, commercial, and residential development lacking sufficient pedestrian sidewalk infrastructure. The project would be served by roadway improvement that include a sidewalk at a reduced width of six feet, which has been determined to adequate in accommodating anticipated pedestrian traffic based on other commercial and industrial projects approved by the County.

4.2.2 *Strict application of the design or improvement requirements of this article would cause extraordinary and unnecessary hardship in developing the property.*

In addition to economic hardship, strict application of standard sidewalk width would result in additional disturbance resulting from site grading and construction of the roadway infrastructure. Specifically, approval of the modified sidewalk width would result in lesser impacts to identified wetland features adjacent the anticipated roadway.

4.2.3 *The adjustment or waiver would not be injurious to adjacent properties or detrimental to health, safety, convenience, and welfare of the public.*

The modified sidewalk would sufficiently accommodate the anticipated foot traffic generated by the future development on the site and would be an upgrade to future development in the area by providing an opportunity for pedestrian connectivity and circulation. This adjustment would not be injurious to adjacent properties or the general public welfare.

- 4.2.4 *The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the subdivision.*

Construction of the modified sidewalk would not have the effect to nullify any law or ordinance as the proposed sidewalk would adequately accommodate pedestrian traffic generated by the development and provide opportunity for general pedestrian circulation in the area.

Conditions of Approval

I. PROJECT DESCRIPTION

1. This tentative parcel map is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits E-M and P and conditions of approval set forth below. 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 permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project consists of the following:

- A. Rezone of APN 329-280-15 and portions of APN 329-280-16 north of State Route 49/Pleasant Valley Road from Estate Residential/Commercial-Design Community (RE-10/C-DC) to Industrial-Design Community (I-DC);
- B. Industrial and commercial tentative parcel map to create seven commercial parcels, 36 industrial parcels for a total of 43 parcels ranging in size from 0.34 to 10.65 acres on the 76.59 acre site;
- C. Design Waiver request for reduction of standard sidewalk width in accordance with DISM Standard Plan 101A (Commercial and Industrial Roadways) from 8 feet to 6 feet.

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 (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

II. MITIGATED NEGATIVE DECLARATION CONDITIONS OF APPROVAL

2. A Fugitive Dust Plan (FDP) application with appropriate fees shall be submitted to and approved by the El Dorado County Air Quality Management District (AQMD) with appropriate fees and approved by the AQMD prior to start of project construction. (MM AQ-1)

Timing/Implementation: Prior to issuance of grading and building permits

Enforcement/Monitoring: El Dorado County Air Quality Management District

3. Prior to issuance of a grading permit, the project applicant shall obtain a Section 404 permit from the U.S. Army Corps of Engineers and a water quality certification from the Central Valley RWQCB for all affected jurisdictional wetlands. The project applicant shall incorporate all conditions attached to the permit and certification into the project. (MM BIO-1)

Timing/Implementation: Prior to issuance of grading permit

Enforcement/Monitoring: El Dorado County Development Services Department-Planning Services and Department of Transportation

III. PROJECT CONDITIONS OF APPROVAL

Planning Services

4. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
5. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
6. The applicant shall provide a meter award letter or similar document by the water purveyor to Planning Services prior to filing the parcel map.

7. Prior to filing the parcel map, an appropriate maintenance program and/or endowment fund program shall be established and submitted to Planning Services for review and approval.
8. Prior to filing the parcel map, Codes, Covenants, & Restrictions (CC & R's) shall be submitted and reviewed by Planning Services. The CC & R's shall include design review guidelines for the business park, maintenance of all drainage facilities, wetlands, and interior roads.
9. The map shall be filed and constructed in phases consistent with the phasing plan included within the tentative parcel map, Exhibit E.
10. In accordance to General Plan 7.3.3.4, a 50-foot development buffer (from the edge of hydric soils) from specific wetlands identified to be preserved shall be shown on the parcel map prior to filing the parcel map.
11. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
12. All fees associated with the tentative parcel map shall be paid prior to filing the parcel map.
13. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,044.00 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or parcel map filed until said fees are paid.
14. 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, as provided in Section 66474.9(b) of the Government Code.

The subdivider 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 subdivision, which action is brought within the time period provided for in Section 66499.37.

County shall notify the subdivider of any claim, action, or proceeding and County will cooperate fully in the defense.

Air Quality Management District

15. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:
 - a. Application of water on disturbed soils and unpaved roadways a minimum of three times per day
 - b. Using track-out prevention devices at construction site access points
 - c. Stabilizing construction area exit points
 - d. Covering haul vehicles
 - e. Restricting vehicle speeds on unpaved roads to 15 miles per hour
 - f. Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust
16. Burning of vegetative wastes that result from "Land Development Clearing" must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.
17. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

California Department of Transportation (Caltrans)

18. Prior to the construction of any road improvements within State right-of-way, an encroachment permit shall be obtained from Caltrans.
19. Prior to filing the parcel map, the applicant shall dedicate right-of-way to Caltrans along the project frontage that is within 60 feet from the State Route 49 centerline.

Department of Transportation

20. **Road Design Standards:** The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in table below. The improvements shall be completed to the satisfaction of the Department of Transportation (DOT) or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map: (the requirements outlined in Table 1 are minimums)

Harrington Business Park Road Improvement					
ROAD NAME	DESIGN STANDARD PLAN	ROAD WIDTH*	RIGHT OF WAY**	DESIGN SPEED	EXCEPTIONS/ NOTES
Pleasant Valley Road	Std Plan 101A	56-ft	120-ft	45 mph	Include a two way LT turn lane, 8 foot wide shoulders, Type 2 curb and gutter, and 6 ft Sidewalk (with approved design waiver - DW)
Road 'A' and 'B'	Std Plan 101A	40 feet	60-ft	25 mph	8 foot wide shoulders, Type 2 curb and gutter, and 6 ft Sidewalk (with approved DW)
Road 'C'	Std Plan 101A	40 feet	80-ft	25 mph	8 foot wide shoulders, Type 2 curb and gutter, and 6 ft Sidewalk (with approved DW)
Road 'D'	Std Plan 101A	40 feet	60-ft	25 mph	8 foot wide shoulders, Type 2 curb and gutter, and 6 ft Sidewalk (with approved DW)

* Road widths are measured from curb face to curb face or edge of pavement to edge of pavement if no curb (traveled way). Curb face for rolled curb and gutter is 6" from the back of the curb.

** Non-exclusive road and public utility easements included

21. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment(s) from Road 'A' onto Commerce Way to the provisions of County Design Std 103C. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.

22. **Encroachment Permit:** The applicant shall obtain an encroachment permit from Caltrans and shall construct the roadway encroachments from Road 'A', Road 'C', and Road 'D' onto Pleasant Valley Road/State Hwy 49 to Caltrans requirements. The improvements shall be completed to the satisfaction of the Caltrans, or the applicant shall obtain a Caltrans approved improvement agreement with security satisfactory to Caltrans, prior to the filing of the parcel map.

23. **Road & Public Utility Easements (Roads A, B, and C):** The applicant shall irrevocably offer to dedicate non-exclusive road and public utility easement for Roads 'A', 'B', and 'C' as described in the table above with the filing of the parcel map. The offer will be rejected by the County. Slope easements shall be included as necessary.
- A. The applicant shall construct a sound wall at the top of the slope easement for proposed Road "A" adjacent to APN 329-401-31. The sound wall will be in addition to, and placed on top of, any required retaining wall. The design of the sound wall shall be approved by the Department of Transportation (DOT) prior to construction. The applicant shall provide adequate security to assure completion of the sound wall prior to filing of the final parcel map.
24. **Road & Public Utility Easements (Road D):** The applicant shall irrevocably offer to dedicate a non-exclusive road and public utility easement, in fee, for Road 'D' as described in the table above with the filing of the parcel map. The offer will be accepted by the County. Slope easements shall be included as necessary.
25. **Road & Public Utility Easements (Pleasant Valley Rd/State Hwy 49):** The applicant shall offer to dedicate a 120-ft non-exclusive road and public utility easement (60-feet on ~~either~~ each side of the centerline), in fee, for Pleasant Valley Rd/State Hwy 49 from Patterson Drive to 900-feet northeast from existing centerline of Patterson Drive. Where the project only has frontage on the northerly side of State Highway 49/Pleasant Valley Road, the applicant shall offer to dedicate a 60-ft non-exclusive road and public utility easement, in fee, as measured from existing centerline. The offer will be accepted by the County. Slope easements shall be included as necessary.
26. **Road & Public Utility Easements (Pleasant Valley Rd/State Hwy 49):** The applicant shall offer to dedicate a 120-ft non-exclusive road and public utility easement (60-feet on ~~either~~ each side of the centerline) for Pleasant Valley Rd/State Hwy 49, in fee, starting from 900-feet northeast of existing centerline of Patterson Drive to the easterly project boundary. Where the project only has frontage on the northerly side of State Highway 49/Pleasant Valley Road, the applicant shall offer to dedicate a 60-ft non-exclusive road and public utility easement as measured from existing centerline. The offer will be rejected by the County. Slope easements shall be included as necessary.
27. **Road & Public Utility Easements (Patterson Drive):** The applicant shall offer to dedicate a 40-foot non-exclusive road and public utility easement, in fee, as measured from the existing centerline of Patterson Drive. The offer will be accepted by the County. Slope easements shall be included as necessary.
28. **Left-Turn Pocket Improvements (Commerce Way/Missouri Flat Road):** In accordance to the approved Traffic Impact Study prepared by Fehr & Peers, the applicant shall extend the eastbound left-turn pocket at Missouri Flat Road to Commerce Way. The signing and striping for this encroachment shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the

California Supplement. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.

29. **Left-Turn Pocket (Commerce Way/Pleasant Valley Road):** The applicant shall construct a south-bound left turn pocket at the intersection of Commerce way and Pleasant Valley road. The signing and striping for this encroachment shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement. The improvements shall be substantially completed, to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.
30. **Traffic Signal (Patterson Drive/Pleasant Valley Road):** The project is adjacent to the Pleasant Valley Road (SR49)/Patterson Drive Intersection Signalization Project (CIP #73320). The proposed CIP project proposes to signalize the existing 3 legs of the intersection along with associated improvements and has a scheduled completion date in 2013. Applicant shall coordinate with the DOT staff for information regarding design of intersection.

The signing and striping for the traffic signal/intersection improvements shall be designed and constructed per the latest version of the Manual of Uniform Traffic Control Devices (MUTCD) and the California Supplement. The improvements detailed below shall be completed to the satisfaction of the DOT and Caltrans, prior to filing of the parcel map

The subsequent condition shall be accomplished by the applicant if this project precedes the Pleasant Valley Road (SR49)/Patterson Drive Intersection Signalization Project CIP #73320:

The applicant shall construct the intersection improvements at proposed Road 'A'/Patterson Road and Pleasant Valley Road/State Highway 49 and construction of the traffic signal. In addition, the applicant shall provide a traffic signal appurtenances easement for the signal infrastructure located within the encroachment of Road 'A'. The final location of the easement and infrastructure design to be reviewed and approved by the DOT and Caltrans prior to its construction.

The following condition would be added to the project if it is constructed after the CIP project:

The applicant shall construct the required infrastructure for the 4th segment of the traffic signal. The CIP project will only construct 3 segments of the signal. In addition, the applicant shall provide a traffic signal appurtenances easement for the signal infrastructure located within the project site. The final location of the easement and

infrastructure design to be reviewed and approved by the DOT and Caltrans prior to its construction.

31. **Vehicular Access Restriction:** Prior to filing of the parcel map, the applicant shall record a vehicular access restriction along the entire northern and southern frontage of Pleasant Valley Road/State Highway 49 excluding the locations of the Caltrans approved access encroachments.
32. **General Vacation – Commerce Way:** An application for general vacation shall be filed for the unused segment of Commerce Way from the intersection of Road 'D' to Pleasant Valley Road/State Highway 49 with the filing of the parcel map.
33. **Off-site Easements:** Applicant shall provide all necessary recorded easements for any drainage, slope and road improvements crossing the property line prior to approval of the improvement plans.
34. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
35. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" sign as required by the Department of Transportation prior to the filing of the parcel map. The signing and striping shall be designed and constructed per the latest version of the California Manual Uniform Traffic Control Devices (MUTCD).
36. **Sidewalks:** Sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be reviewed and approved by the Department of Transportation prior to issuance of building permits. Pedestrian easements shall be provided where necessary. Final lane configurations, including the need for additional rights-of-way, shall be subject to review and approval of the Department of Transportation prior to improvement plan approval.
37. **Curb Returns:** All curb returns, at pedestrian crossing, will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and 4 feet of sidewalk/landing at the back of the ramp.
38. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: private roads, parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.

39. **Common Fence/Wall Maintenance:** The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants, Codes and Restrictions (CC&Rs).
40. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
41. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
42. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from the County Department of Transportation, and pay all applicable fees prior to filing of the parcel map.
43. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements within the County right of way. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the parcel map.
44. **Parcel Map Improvement Agreement & Security:** If the required improvements are not completed prior to filing of the parcel map or if the Engineer's Estimate is \$100,000 or greater for the required improvements, the developer shall enter into a Parcel Map Improvement Agreement (PMIA) with the Department of Transportation for onsite roadway, drainage infrastructure, grading, etc. The developer shall also provide a security to guarantee performance of the PMIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the parcel map. ~~The improvements shall be installed to the satisfaction of DOT prior to filing of the parcel map.~~ This condition shall appear as a note on the recorded parcel map.
45. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
46. **Grading Permit / Plan:** A *commercial* grading permit is required for the project. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the DOT for review and approval. The plan shall be in conformance with the County of El Dorado "*Design and Improvement Standards Manual*", the "*Grading,*

Erosion and Sediment Control Ordinance", the "*Drainage Manual*", the "*Off-Street Parking and Loading Ordinance*", and the State of California Handicapped Accessibility Standards. All applicable plan check fees shall be paid at the time of submittal of improvement plans. All applicable inspection fees shall be paid prior to issuance of a permit. The improvements and grading shall be completed to the satisfaction of the DOT or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map.

47. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
48. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
49. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
50. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- a. The site can be adequately drained;
- b. The development of the site will not cause problems to nearby properties, particularly downstream sites;
- c. The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or the applicant shall demonstrate that there are no downstream impacts.
- d. The ultimate drainage outfall of the project.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. A Scoping Meeting for the required drainage study between County staff and the engineer shall occur prior to the first submittal of improvement plans. The engineer shall bring a watershed map and any other existing drainage system information to the Scoping Meeting. The improvements shall be completed to the approval of the Department of Transportation, prior to the filing of the parcel map or the applicant shall obtain an approved improvement agreement with security.

51. **Drainage (Cross-Lot):** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to the filing of the parcel map.
52. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the parcel map.
53. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the

County, prior to building permit issuance, and by state law must be done prior to commencing construction.

54. **Storm Water Drainage BMPs:** Storm drainage from on-and off-site impervious surfaces (including roads) shall be collected and routed through specially designed water quality treatment facilities (BMPs) for removal of pollutants of concern (e.g. sediment, oil/grease, etc.), as approved by DOT. This project is located within the area covered by El Dorado County's municipal storm water quality permit, pursuant to the National Pollutant Discharge Eliminated System (NPDES) Phase II program. Project related storm water discharges are subject to all applicable requirements of said permit. BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) storm water runoff in accordance with "Attachment 4" of El Dorado County's NPDES Municipal Storm water Permit (State Water Resources Control Board NPDES General Permit No. CAS000004).

With the Improvement Plans, the applicant shall verify that the proposed BMPs are appropriate to treat the pollutants of concern from this project. A maintenance entity of these facilities shall be provided by the project applicant. DOT shall review the document forming the entity to ensure the provisions are adequate prior to filing of the parcel map.

55. **Off-site Improvements (Security):** Prior to the filing of a parcel map, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
56. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense and within 120 days of filing the parcel map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any parcel map, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site

improvements, prepared by a civil engineer.

- c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

In addition to the agreement the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.

57. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
58. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees at issuance of building permit.

Diamond Springs – El Dorado Fire Protection District (DSEDFPD)

59. Prior to filing the parcel map, the business park shall be annexed into the Community Facilities District established by the DSEDFPD for the provision of public services.
60. Prior to improvement plan approval, the applicant shall submit the appropriate review fee to the DSEDFPD, as determined by the DSEDFPD.
61. Prior to filing the parcel map, documentation from the El Dorado Irrigation District shall be submitted to the DSEDFPD confirming that the fire protection system will meet the required fire flow for this project consisting of 1,500 gallons per minute at 20 pounds per square inch for two hours.
62. Any proposed building that is 3,600 square feet or greater, two stories or more, or 35 feet in height or greater shall be equipped with an automatic fire sprinkler and fire alarm system.
63. Prior to improvement plan approval, the applicant shall meet with the DSEDFPD to determine proper fire lane installation and identification. Fire apparatus access roads shall be provided within 150 feet to all portions of any buildings.
64. All additional required fire hydrants shall be shown on the improvement plans, no more than 300 feet apart, and installed throughout the business park subject to DSED FPD approval.
65. Prior to building occupancy, a knox box shall be installed on all buildings and monitored with an electrical shunt pursuant to DSEDFPD requirements.

66. A fire safe management plan, acceptable to the DSEDFPD and the California Department of Forestry and Fire Protection, shall be prepared and implemented. A letter of compliance with this condition shall be submitted by the DSEDFPD to Planning Services prior to filing the map.

Local Agency Formation Commission (LAFCO)

67. Prior to filing the parcel map, the applicant shall complete the annexation process into the El Dorado Irrigation District through LAFCO and submit evidence of the satisfaction of this condition to Planning Services upon completion.

Pacific Gas and Electric Company (PG & E)

68. At time of time of parcel map filing, the applicant shall include a note on the map that states "land use is restricted within PG & E's tower line easement. Contact PG & E's Land Department at (530) 889-3131 prior to development within."
69. No buildings or new landscape trees are permitted within the tower line easement.
70. All weather access routes must be created and maintained to each tower location at the subject site.
71. Prior to filing the parcel map, the owner shall dedicate a 12.5 foot wide public utilities easement along the outside of all new public streets, roads, and drives.

Surveyor's Office

72. All survey monuments must be set prior to filing the parcel map or provide a monument bond that meets the approval of the County Surveyor.
73. The roads serving the development shall be named by filing a completed road name petition with the County Surveyors Office prior to filing the parcel map.
74. Prior to filing the parcel map, a letter will be required from all agencies that have placed conditions on the map stating that "all conditions placed on parcel map application P05-0004 by that agency have been satisfied." The letter is to be sent to the County Surveyor and copied to the consultant and applicant.
75. The southerly NAPOTS shall be shown as a "designated remainder" at time of parcel map filing.
76. A boundary line adjustment at Patterson Drive and Pleasant Valley Road shall be completed prior to filing the map so the access and all of parcel four is included in the final map and not considered off-site.

Board of Supervisors

77. A 30-foot non-building setback shall be shown on the final parcel map on those parcels that adjoin a residentially zoned parcel. No uses except landscaping shall be permitted with this setback area.