

CONDITIONS OF APPROVAL

Conditional Use Permit CUP18-0006/Wetsel-Oviatt Temporary Site Planning Commission/November 8, 2018

Planning Department

1. This Conditional Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

Exhibit F.....Site Plan
Exhibit G.....El Dorado Hills Fire Department Comments
Exhibit H.....Proposed Mitigated Negative Declaration and Initial Study

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 proposes the temporary use of the site for a construction and demolition debris (C&D) sorting line and green/wood waste processing during the demolition, construction and renovation of the Materials Recovery Facility (MRF) in Diamond Springs, which is being processed under a revision to an existing Special Use Permit S94-0008-R-3. The temporary facility would consist of two adjacent operational areas, a temporary trailer office, portable toilets and parking areas. The C&D operation would consist of a sorting line on a temporary concrete pad with a maximum area of 4,000 square feet (sf) and associated bunkers, steel bins, stockpiles and stockpile partitions. The green/wood waste operation area would contain areas for stockpiling, processing (grinding, chipping or shredding), and loading green/wood waste. Some grading may occur directing runoff to an onsite detention pond. Paving is proposed to facilitate green/wood waste and C&D debris unloading, loading and processing areas, with a maximum area of 58,000 square feet (Exhibit F).

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. **Expiration:** In accordance with Section 130.54.060 (Time Limits, Extensions and Permit Expiration) of the El Dorado County Zoning Ordinance this conditional use permit (CUP18-0006) shall expire (sunset) within three years of issuance or within six months of final occupancy of the MRF renovation under Special Use Permit S94-0008-R-

3, whichever comes first. This conditional use permit may be extended through approval by the Planning Director or a revision to the conditional use permit.

3. **Building Permits:** The temporary project shall be required to obtain building permits for all proposed temporary and permanent structures.
4. **Conditions Compliance:** Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to Building Permit final for any Building Permit for verification of compliance with applicable Conditions of Approval.
5. **Onsite Equipment:** All unused equipment shall be removed within six months after the use of that facility has ceased. The applicant shall notify Planning Services at the time of abandonment and all disturbance related to the facility shall be restored to pre-project conditions, subject to verification of the Planning and Building Department.
6. **Payment of Processing Fees-Development Services:** The applicant shall make the actual and full payment of Planning and Building Services processing fees for the conditional use permit and building permit prior to issuance of a building permit.
7. **Archeological Resources:** 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 archeological resource”, contingency funding, and a time allotment sufficient to allow recovering an archeological 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 archeological mitigation takes place.

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 “nonunique archeological resource”.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

8. **Human Remains:** The following shall be incorporated as a note on the grading/improvement plans:

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 his or her 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 within 100 feet of the discovery 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.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

9. **Lighting:** All outdoor lighting shall conform to Section 130.34 of the Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Any light fixture that does not have a specification sheet submitted with the building permit that specifically states that fixture meets the full cutoff standards, shall require a fixture substitution that meets that requirement.

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.

10. **Hold Harmless Agreement:** 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.

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 conditional use permit.

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

Mitigation Measures

11. **MM NOI-1:** Implementation of the following multi-part mitigation measure is required to reduce potential construction period noise impacts:

- The construction contractor shall ensure that all internal combustion-engine-driven equipment is equipped with mufflers that are in good operating condition and appropriate for the equipment.
- The construction contractor shall ensure that “quiet” models of air compressors and other stationary construction equipment are utilized where such technology exists.
- The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
- The construction contractor shall prohibit unnecessary idling of internal combustion engines (i.e., in excess of 5 minutes).
- All noise producing construction activities, including deliveries of materials and warmup of equipment shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 5 p.m. on the weekends and federally recognized holidays.

Monitoring Requirement: The County inspector shall periodically inspect the site to ensure compliance during construction activities.

Monitoring Responsibility: El Dorado County Planning and Building Department.

Air Quality Management

12. **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 (PM10) 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 Dept. (Rules 223 and 223.1)

13. **Dust/Odor Suppression:** A source of water shall be available at all times for dust and/or odor suppression.
14. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
15. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
16. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire (Rule 300 Open Burning).
17. **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 Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
18. **New Point Source:** Prior to construction/installation of any new point source emissions units (e.g., tub grinders, conveyors, 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).
19. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (CARB). A copy of the current portable equipment registration 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

20. **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.
21. **Fire Sprinklers:** All fire-flow numbers listed above require all structures to install fire sprinklers in accordance with NFPA 13 and Fire Department requirements if they are 3,600 square feet or greater in size. Conformance with this condition shall be verified during review of the improvement plans.
22. **Underground Private Fire Mains:** 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.
23. **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.
 - i. Water Supply and Fire Hydrants shall be inspected and brought up to proper working conditions per EID requirements and shall have an adequate water supply as required in the Fire Code.
24. **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.
25. **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 El Dorado Hills County Water District Ordinance 2016-37 as well as State Fire Safe Regulations as stated below (but not limited to):

- a. All roadways shall be a minimum of twenty-six (26) feet wide curb face to curb face and shall follow the Parking and Fire Lane Standards as approved by the Fire Department.
- b. All driveways shall be a minimum of twelve (12) feet wide.
- c. Each dead-end road shall have a turnaround constructed at its terminus.
- d. Where parcels are zoned five (5) acres or larger, turnarounds shall be provided at a maximum of 1320-foot intervals.
- e. 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.
- f. Phasing may be allowed if all Fire Access requirements are met and approved by the Fire Code Official for each phase.
- g. 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.
- h. 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.

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

26. **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.
27. **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. All streets with parking restrictions will be signed and marked with red curbs as described in the El Dorado County Regional Fire Protection Standard #B-004 titled "No Parking-Fire Lane". All curbs in parking lot(s) that are not designated as parking spaces will be painted red and marked every twenty-five (25) feet "No Parking - Fire Lane."

There shall be a designated plan page that shows all Fire Lanes as required. Conformance with this condition shall be verified during review of the improvement plans.

28. **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. Project proponent shall provide engineering specifications to support design, if requested by the local AHJ (Authority Having Jurisdiction). Conformance with this condition shall be verified during review of the improvement plans.
29. **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.
30. **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.
31. **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.
32. **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.
33. **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.

- i. Entrance Gate at Wetsel-Oviatt shall be brought up to compliance with this standard.

34. **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.
35. **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.
36. **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.
37. **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.
38. **Vegetative Fire Clearances:** Prior to June 1st each year, there shall be vegetation clearance around all EVA's (Emergency Vehicle Access), buildings, 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.

Transportation Department

39. Obtain an encroachment permit from the County Department of Transportation (DOT) and place W11-10 signs on Latrobe Road approximately 200 feet north, and 200 feet south of the Wersel Oviatt Road. The actual location will be determined in the field with consultation with DOW staff. Maintain these signs until the use is discontinued at the site. Remove these signs when use is discontinued at the site.