

## **Findings**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

### **1.0 CEQA FINDINGS**

1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.

1.2 The Initial Study identifies that this project proposes a less than significant impact on the environment.

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.

2.0 **REZONE/PLANNED DEVELOPMENT FINDINGS:** The planning commission shall not approve or conditionally approve a development plan nor recommend the establishment of a PD zone unless it makes the following findings:

2.1 *That the PD zone request is consistent with the General Plan.*

The rezone is consistent with the General Plan in that it is consistent with the density of the underlying zoning, which is “Industrial – Design Control”; the General Plan policy relating to type of development, which is industrial; and with the General Plan policy relating to compatibility of the project with adjoining land uses.

2.2 *That the proposed development is so designed to provide a desirable environment within its own boundaries;*

The project permitted under the rezone is a not unpleasant appearing structure with adequate setbacks, parking, and landscape amenities.

2.3 *That any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography;*

The exceptions to zone regulations relate to lot sizes and setbacks, which are justified by the design of the industrial lots within an existing industrial/warehouse building, which are intended to provide ownership opportunities to smaller industrial enterprises.

2.4 *That the site is physically suited for the proposed uses;*

The project permitted under the rezone is physically suited to the site in that the industrial building and planned addition, driveways, parking and landscaping are and can be developed in accordance with all development requirements of the underlying Industrial–Design Control district.

- 2.5 *That adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities;*

The proposed uses under the rezone can be provided with adequate services in that these services are already an integral part of the Barnett Business Park wherein the project is located.

- 2.6 *That the proposed uses do not significantly detract from the natural land and scenic values of the site.*

The proposed uses do not detract from the natural land and scenic values of the site in that the property has been graded and numerous trees will be installed to enhance the scenic values of the site.

- 3.0 **TENTATIVE MAP FINDINGS:** If the following findings cannot be made, the tentative map must be denied; otherwise it may be approved.

- 3.1 *That proposed map is consistent with the applicable general and specific plans.*

The purpose of industrial land, according to the General Plan, is to provide for a full range of light and heavy industrial uses. Subdivision of the existing warehouse building into multiple private ownership lots is consistent with the General Plan.

- 3.2 *That the design or improvement of the proposed subdivision is consistent with the applicable general and specific plans.*

The design and implementation of the individual lots within the warehouse is consistent with the General Plan.

- 3.3 *That the site is physically suitable for the type of development.*

The design of the industrial project as depicted in the parcel map is physically suited to the site, which is within a business park intended to support industrial development. The business park contains all public infrastructure (water, sewer, roads, etc.) necessary to support industrial development.

- 3.4 *That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish and wildlife or their habitat.*

The filing of the parcel map and subsequent sale of the lots are not likely to cause substantial environmental damage, including injuring fish and wildlife or their habitat.

- 3.5 *That the design of the subdivision is not likely to create serious public health and safety problems or unacceptable fire risks to occupants or adjoining properties;*

The subdivision is designed primarily to create lots within an existing industrial/warehousing building, for which a building permit was received and which was is under construction in accordance with conditions of approval. With respect to the proposed subdivision, dividing walls along interior property lines will be required to meet Uniform Building Code requirements. Therefore, no serious public health and safety problems or unacceptable fire risks are anticipated.

### **Conditions of Approval**

#### **Planning Services**

1. This rezone, planned development and parcel map are based upon and limited to compliance with Design Review DR07-00068-S and all its conditions, the project description, the Planning Commission hearing exhibits marked Exhibits A – G, approved ~~September 25 August 14, 2008~~, 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 description is as follows:

**Rezone:** The project involves rezoning the property from Industrial – Design Control (I-DC) (Exhibit C) to Industrial – Planned Development (I-PD).

**Planned Development:** The application consists of a ~~Planned~~ Planned Development Plan to construct an industrial development in two phases. Phase 1 involves the development of the front approximately one-half of a 5.1-acre parcel with an industrial building and associated access ways, parking areas, trash enclosure areas, and landscaping. Phase 2 consists of the development of the rear portion of the property with an attached industrial building, an open storage lot, and associated improvements. This second phase, considered a “preliminary planned development,” requires further discretionary consideration.

**Parcel Map:** The proposed parcel map would subdivide the property into 21 lots. The map is proposed to subdivide an industrial building, into 16 lots, to a lot encompassing common areas, to create a lot devoted to open storage, and for a remainder parcel.

### **CONDITIONS – ~~Design Review~~ Development Plan**

Development of the parcel with an industrial/warehouse structure and ancillary paving was approved under DR07-0006-S and is subject to ~~the those~~ those conditions of approval applicable to the Development Plan. ~~listed below as Conditions 2 through 36 in italics~~. These conditions are incorporated herein as conditions of the Rezone/Planned Development/Parcel Map. *[Staff*

~~**comment: Please note there will be redundancies between the Design Review conditions and the subject project conditions beginning with condition No. 37.]**~~

2. This Design Review (the Development Plan) is based upon and limited to compliance with the project description, the exhibits marked Exhibits D (Site Plan), E (Grading), F (Landscaping), G (Elevation), and H (Lighting), dated August 1, 2007, and conditions of approval set forth below. Any deviations from the project description, building elevations, 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 Design Review (Development Plan) project description is as follows:

The Design Review (Development Plan) allows the construction of a 96,877 square foot office and warehouse building. The project would be constructed in two phases. Phase 1 would include a 50,988 square foot building and Phase 2 would include a 45,889 square foot.

Phase 1 would be partitioned into three units. The units would be separated by a four hour separation wall. The partitions would be as follows- 20,394 square feet, 20,394 square feet, and 10,200 square feet.

Seventy eight parking spaces would be constructed as part of Phase 1. Phase 2 would construct 39 parking spaces.

Two (2) 12 foot wide by 40 foot long loading spaces would be installed on the east and west side of the building as shown on the site plan.

The portion of the building identified as Phase 1 on the site plan would be 320 feet long by 159 feet wide. The building would be 25 feet in height. Phase 2 would be 288 feet long by 159 feet wide.

Landscaping for Phase 1 would be provided along the project frontage and along the sides of the building. Phase 2 would be required to install landscaping along the entire length of the property and along the rear of building. The Landscaping shall be installed as shown on the Landscaping Plan.

Lighting for Phase 1 would be limited to wall-mounted fixtures mounted at 18 feet as shown on the Lighting Plan. The light fixtures shall be Lithonia EM22FT-400M-GCF-SR4W as noted on the Lighting Plan.

No signage has been proposed as part of this Design Review.

The following colors would be applied to the building:

Base color: 'Designer Grey' ICI-800

Accent bands: 'Indian Painting' ICI-428

Awning color: 'Teal' 564

Roll-up doors: 'Designer Grey' ICI-800

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.

3. Building design and colors, building placement, and parking lot improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein (Exhibits D-H). Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require Planning Services review and approval.
4. No signage is proposed at the time of application. All future signage shall require Planning Services approval of a minor revision to this Design Review application. All signage shall conform to Chapter 17.16 and Chapter 17.34 of the County Code.
5. Prior to issuance of any permit for Phase 2, the applicant shall submit a Landscaping Plan identifying landscaping along the side and rear of the property.
6. The project must be started or diligently pursued within one year of approval, or the Design Review approval becomes null and void.
7. Grading and construction activities on the site shall be limited to daylight hours from 7:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on weekends and federally recognized holidays.
8. 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.
9. The applicant shall schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.
10. Prior to issuance of any building permits, all Development Services fees shall be paid.
11. 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 California Government Code.

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

### **Department of Transportation**

#### **Project Specific Conditions**

- ~~12. The applicant shall complete the on site frontage improvements along Business Drive as required per El Dorado County Standard Plan 101A, without sidewalks, and in conformance with the approved Conditions of Approval for Parcel Map P99-13. 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 building permit issuance.~~
- ~~13. The applicant shall obtain an encroachment permit for the driveway access connection to Business Drive. The encroachment shall conform to the provisions of County Standard Plan 103G. 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 occupancy of the building.~~
- ~~14. The applicant shall join and/or form an entity, satisfactory to the County, to maintain all roads and drainages not maintained by the County.~~

#### **Standard Conditions**

- ~~15. A 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.~~
- ~~16. 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.~~

- ~~17. 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.~~
- ~~18. 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).~~
- ~~19. Cross lot drainage shall be avoided. When cross lot drainage does occur, 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. 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.~~
- ~~20. All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.~~
- ~~21. 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.~~
- ~~22. The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the final map.~~
- ~~23. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance, prior to filing the final map.~~
- ~~24. Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.~~
- ~~25. 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.~~

- ~~26. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.~~

**El Dorado County Air Quality Management District/ Environmental Health**

- ~~27. The applicant shall prepare a Fugitive Dust Plan. The District shall review and approve the Plan prior to issuance of a grading permit.~~
- ~~28. The applicant shall adhere to all District rules during project construction.~~

**El Dorado County Building Services- Commercial Grading Unit**

12. Applicant shall obtain a commercial grading permit from the Development Services Department in accordance with their established procedures. The cover sheet of the site improvement plans shall be signed by the local fire and water districts prior to issuance of the permit.
13. Applicant shall obtain a separate grading permit as required by the Grading, Erosion, and Sediment Control Ordinance for any off-site grading that exports soil to, or imports soil from, this project.
14. Applicant shall obtain a permit from the Department of Transportation for encroachments onto county-maintained roadways prior to issuance of the commercial grading permit.

**El Dorado County Fire Protection District**

15. Submit review fee of \$120.00.
16. The fire flow for a Type II-N building with an approved sprinkler system that is divided by four-hour separation areas of 21,080 square feet or less is 1,500gpm @ 20 psi for 2 hours.
17. Fire flow may change with the addition of the waterline project on Durock Road. It is projected that the addition of a loop system will increase the available fire flow. The applicant will need an FIL from EID to support this.
18. The applicant shall install additional fire hydrants for this project. The hydrants shall be Mueller Centurion 200 and be able to supply the required fire flow. This office will approve and approve their locations.
19. Building requirements will be addressed during the building permit process.

**CONDITIONS – Parcel Map**

**Planning**



20. A joint access and parking agreement shall be provided to ensure on-going access and maintenance of the parking to all property owners within the development. A copy of said agreement shall be provided to Planning Services for review and approval, and the approved agreement shall then be recorded and a copy shall be provided to Planning Services prior to the filing of the parcel map.
21. Prior to the sale of any lot, or prior to the acceptance of site improvements, whichever first occurs, an industrial association with Covenants, Codes and Restrictions (CC&Rs) shall be created to maintain the common areas as depicted on the approved Parcel Map. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the parking facilities, drive aisles, fences, walls, retaining structures, landscaping, signs, and drainage facilities of the project. The document shall be reviewed and approved by Planning Services and the Department of Transportation and shall include the following:
  - a. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
  - b. A reserve fund shall be maintained to cover the costs of replacement and repair of the common areas.
  - c. A provision for towing unauthorized vehicles from the site.
  - d. A requirement that the building exteriors, roofs, and signs shall be maintained free of graffiti and well maintained.
  - e. A requirement that each owner and tenant will participate in the County's recycling program.
22. Planning Services shall verify that all Development Services fees have been paid prior to filing of the parcel map.
23. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and land owner 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 6647.9(b) of the California Government Code.

The applicant 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 applicant of any claim, action, or proceeding the County will cooperate fully in the defense.
24. All survey monuments shall be set prior to filing of the parcel map.
25. Prior to filing the parcel map, a letter to the County Surveyor shall be required from all agencies that have conditions placed on the map. The letter shall state that all conditions placed on the map by that agency have been met.

26. Separate water meters and utility meters shall be provided to each industrial lot. ~~Note to reviewer: Are separate water meters a County standard? Use of master meters may be utilized subject to the approval of the El Dorado Irrigation District.~~
27. All project features including, building elevations, lighting plans, and landscaping, of Phase 2 shall be substantially ~~or~~ similar or better quality than the project features of Phase 1, as determined by Planning Services prior to issuance of a building permit.
28. Prior to construction of Phase 2 ~~1~~, a final ~~planned~~ development plan (containing all the design elements ~~eliminated from Phase I the current plan~~) shall be subject to the review and approval of the Development Services Director. ~~If the Director determines that Phase 2 is not substantially similar, the final development plan shall be approved by the Planning Commission, unless at the preliminary planned development hearing the Commission delegates approval authority to the Development Services Department Director.~~
29. Per section 16.74.020 of the El Dorado County Subdivision Ordinance, the parcel map shall expire 36 months from the date of approval by the approving authority, or as provided for under this section.

**Department of Transportation Project Specific Conditions**

28. ~~**Road Design Standards:** The applicant shall construct all roads in conformance with the Design and Improvements Standard Manual (DISM), as shown in Table 1. 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 final map: (the requirements outlined in Table 1 are minimums)~~

<b>Table 1</b>					
<b>ROAD NAME</b>	<b>DESIGN STANDARD PLAN</b>	<b>ROAD WIDTH*</b>	<b>RIGHT OF WAY**</b>	<b>DESIGN SPEED</b>	<b>EXCEPTIONS/ NOTES</b>
<del>Business Drive (on-site)</del>	<del>Modified Std Plan 101A (3" AC over 8" AB Min.)</del>  <del>Encroachments built to Design Std Plan 103G (No encroachment permit needed as Business Dr is private in the vicinity of the project).</del>	<del>48ft</del>	<del>60ft</del>	<del>40 mph</del>	<del>Type 2 vertical curb and gutter, no sidewalk.  Frontage improvements to be consistent with Conditions of Approval from Parcel Map P 99-13 Phase II.</del>

\* Road widths are measured from curb face to curb face (traveled way).

\*\* Non-exclusive road and public utility easements included

29. ~~**Cut Slopes:** Per the El Dorado County Grading Design Manual Sec B.6, the top of cut slopes shall not be made nearer a permit area boundary line than one fifth the vertical height of cut with a minimum of two (2) feet and a maximum of ten (10) feet. The setback may need to be increased for required interceptor drains. 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 final map.~~
30. ~~**Fill Slopes:** Per the El Dorado County Grading Design Manual Sec B.6, the toe of the fill slope shall not be made nearer to the permit area boundary line than one half the height of the slope with a minimum of two (2) feet and a maximum of twenty (20) feet. Where a fill slope is to be located near the permit area boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the building official deems necessary to protect the adjoining property from damage as a result of such grading. 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 final map.~~
50. ~~**Detention Basin:** The approved detention basin for the Barnett Business Park shall be completed and finalized before improvement plans for this project will be approved by DOT and DSD.~~

### Department of Transportation Standard Conditions

31. ~~**Easements:** All applicable existing and proposed easements shall be shown on the project plans.~~
32. ~~**Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" 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 Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement. (Sub. Ord. 16.16.020.D Signs)~~
33. ~~**Maintenance Entity:** The proposed project must form an entity for the maintenance of any 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. (Sub. Ord 16.44.120.G Minor Divisions)~~
34. ~~**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).~~
35. ~~**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.

36. ~~**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.~~
37. ~~**DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the final map. (Sub. Ord 16.44.120.F Minor Divisions)~~
38. ~~**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. 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 map. (Sub. Ord. 16.16.040 Major Divisions)~~
39. ~~**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.~~
40. ~~**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 Department of Transportation 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 and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.~~
41. ~~**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.~~
42. ~~**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.~~

- ~~43. **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 Tl and R values, and recommended design criteria for any retaining walls.~~
- ~~44. **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 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. The improvements shall be completed to the approval of the Department of Transportation prior to the filing of the final map or the applicant shall obtain an approved improvement agreement with security.~~

- ~~45. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When cross lot drainage does occur, 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 final map. (DISM Pg 15, Sec 2.C.1.e.)~~

- ~~46. **Drainage Easements:** 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 final map.~~
- ~~47. **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.~~
- ~~48. **CEQA Review:** All on and off site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.~~
- ~~49. **Off-site Improvements (Security):** Prior to the filing of a final map or 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.~~
- ~~50. **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 Final 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 final map or 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 percent 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.~~

- ~~51. **Off-site Access Easements:** The applicant shall provide proof of access to the project site from a State or County maintained road. Said proof shall be provided by and through a "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the parcel map. (Sub. Ord. 16.16.010.A Major Divisions, Sub. Ord. 16.16.020.C Rural Sub Divisions, Sub. Ord. 16.44.120.B.2.a Minor Divisions; DISM Sec 3.A.2 All Divisions)~~
- ~~52. **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.~~
30. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete. (Circ Elem. Policy TC-Xa.3)

### **El Dorado County Environmental Management**

31. 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. Current county records indicate this property is not located within the Asbestos Review Area (copy enclosed). District Rules 223 and 223.1, which address the regulations and mitigation measures for fugitive dust emissions shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.1. In addition, a Fugitive Dust Plan (FDP) Application with appropriate fees shall be submitted to and approved by the District prior to start of project construction.
32. Project construction may involve road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
33. Burning of wastes that result from "Land Development Clearing" must be permitted through the District. Only vegetative waste materials may be disposed of using an open outdoor fire.

34. The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.
35. The District's goal is to strive to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following are measures used to reduce impacts on air quality from equipment exhaust emissions:

### **Heavy Equipment and Mobile Source Mitigation Measures**

- a. Use low-emission on-site mobile construction equipment.
  - b. Maintain equipment in tune per manufacturer specifications.
  - c. Retard diesel engine injection timing by two to four degrees.
  - d. Use electricity from power poles rather than temporary gasoline or diesel generators.
  - e. Use reformulated low-emission diesel fuel.
  - f. Use catalytic converters on gasoline powered equipment.
  - g. Substitute electric and gasoline powered equipment for diesel powered equipment where feasible.
  - h. Do not leave inactive construction equipment idling for prolonged periods (i.e. more than two minutes).
  - i. Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
  - j. Configure construction parking to minimize traffic interference.
  - k. Develop a construction traffic management plan that includes, but is not limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; Rerouting construction trucks off congested streets; and provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.
36. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construction applications shall be submitted to the District. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors.

The above District rules are found in the El Dorado County Air Pollution Control District Rules and Regulations. A copy is available at our Department or from the Department's web page located at the following Internet address: [www.co.el-dorado.ca.us/emd](http://www.co.el-dorado.ca.us/emd).

### **El Dorado County Resource Conservation District**

37. The parcel is located in Rare Plant Mitigation Area 1 and requires either payment of a mitigation fee or participation in the Rare Plant Off-Site Mitigation Program (El Dorado County Resolution No. 205-98).