

**PD09-0005-A/Macauley Construction Headquarters** – As approved by the Board of Supervisors on August 20, 2013

**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 pursuant to Section 66472.1 of the California Government Code:

**1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. 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 Through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 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 the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 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-Planning Services at 2850 Fairlane Court, Placerville, CA.

**2.0 GENERAL PLAN FINDINGS**

- 2.1 The project is consistent with the Industrial (I) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The project consists of a phased development plan for a construction company headquarters and facility, which is consistent with the allowed uses for the Industrial land use designation and the Industrial zone district with an approved Development Plan.
- 2.2 As conditioned, mitigated and with adherence to County Code, the project is consistent with all applicable Policies of the General Plan, including:

- 2.2.1 2.2.5.21 (compatibility with surroundings) because the project concentrates the industrial activities adjacent to a industrial parcel, and limits the traffic and interior circulation and potential noise within that area.
- 2.2.2 5.1.2.1 (adequate utilities and public services), 5.2.1.2 (water for emergency), 5.2.1.4 (available domestic water), 5.7.1.1 (adequate emergency water and related facilities), because the project will connect to EID for water service.
- 2.2.3 5.3.1.7 (public wastewater treatment) because a septic evaluation has been approved by Environmental Management for Phase One as a transitional use. Phase Two will be required to connect to public sewer system as required by 5.3.1.1.
- 2.2.4 6.2.3.2 (adequate emergency vehicle ingress/egress) because conditions have been added as recommended by the Transportation Division to assure adequate emergency vehicle ingress/egress.
- 2.2.5 7.4.1.6 (loss of important habitat) because mitigation measures have been included to reduce impacts to habitat for listed species.
- 2.2.6 7.4.4.4 (impacts to oak woodlands) because mitigation measures have been included to reduce impacts to the removed oak woodland habitat.

### **3.0 ZONING FINDINGS**

- 3.1 With an approved Development Plan, the project is consistent with the El Dorado County Zoning Ordinance designation of Industrial-Planned Development because the proposed project provides areas for indoor and outdoor industrial uses and a dwelling for a caretaker pursuant to Section 17.34.202.A, .B, and .C of the Zoning Code.
- 3.2 The project is consistent with the El Dorado County Zoning Ordinance Development Standards because the existing and proposed buildings meet the development standards pursuant to Section 17.34.040 of County Code.

### **4.0 ADMINISTRATIVE FINDINGS**

#### **4.1 Planned Development Findings**

- 4.1.1 The planned development request is consistent with the General Plan because the application is for an industrial development, being developed to allow uses that would be permitted include manufacturing, processing, distribution, and storage, consistent with the Industrial land use designation, and is consistent with applicable policies as outlined in Finding 2.2.
- 4.1.2 The proposed development is mitigated and conditioned to provide a desirable environment within its own boundaries. As conditioned, the proposed development

provides landscaping, lighting, parking and interior circulation, and design features which will fit adequately within the local commercial district.

- 4.1.3 The project is being developed or conditioned to comply with all County Code requirements. The proposed modifications to the Industrial zone district are justified by design of the project. The project will construct three monument signs in excess of the maximum sign area that will be low in profile and match the design of the proposed buildings. The proposed septic system for phase one is justified as phase one is a transitional use and future development will be required to connect to public sewer.
- 4.1.4 The site is physically suited for the proposed uses since it is located within a business, commercial environment and the development area is concentrated along the existing roads, thereby reducing conflicts with nearby residential uses.
- 4.1.5 As conditioned, adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities. All required utilities are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads, and utilities.
- 4.1.6 The proposed uses do not significantly detract from the natural land and scenic values of the site since it will provide the required landscaping and restore the riparian habitat, enhancing the natural environment.

**Conditions of Approval**

- 1. This Development Plan approval is based upon and limited to compliance with the approved project description, the following hearing exhibits:

|                                     |                                       |
|-------------------------------------|---------------------------------------|
| Exhibit <del>G</del> <u>F</u> ..... | Site Plan                             |
| Exhibit <del>H</del> <u>G</u> ..... | Building Elevations                   |
| Exhibit <del>H</del> <u>I</u> ..... | Preliminary Grading and Drainage Plan |
| Exhibit <del>I</del> <u>J</u> ..... | Lighting Plan                         |
| Exhibit <del>K</del> <u>J</u> ..... | Landscaping Plan                      |
| Exhibit <del>L</del> <u>K</u> ..... | Sign Program (four pages)             |

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:

1. Development Plan to allow a phased construction of the following:

Phase One

- a. 1,680 square construction office;
- b. 1,817 square foot maintenance shop;
- c. 616 square foot caretaker's residence;
- id. An above-ground fueling station;
- e. One 50 square foot sign;
- f. Two vehicular encroachments onto Greenstone Cutoff;
- g. Planting of replacement oak trees for Phase 1 as shown on the Tree Plan prepared by Chad Dykstra dba Foothill Tree Service, prepared September 21, 2012;

All construction shall comply with the current building code. Permits applications shall be submitted within 12 months and shall be finalized within 18 months of the approval date of this development plan permit. Permit extension may only be authorized by the Board of Supervisors.

Phase Two

- ~~de.~~ 9,734 square foot industrial building A;
- ~~ef.~~ 10,984 square foot industrial building B;
- ~~fg.~~ 4,929 square foot industrial building C;
- ~~gh.~~ 4,410 square foot industrial building D;
- ~~hi.~~ 3 monument signs each 50 square feet; and;

Approval of Phase 2 is for conceptual approval only. Permits for Phase 2 of this development plan may only occur after approval by the Planning Commission subsequent to the issuance and finaling of all necessary permits for the construction of Phase 1. Mitigation of oak tree impacts for Phase 2 shall be completed at that time.

Interim uses may be allowed within the Phase 2 area prior to construction of the four buildings. The interim uses allowed shall be consistent with the uses allowed by right within the Industrial Zone District.

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 attached hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

### **Conditions from the Mitigated Negative Declaration**

The following Mitigation Measures are required as a means to reduce potential significant environmental effects to a level of insignificance:

2. **BIO-1:** Valley elderberry longhorn beetle (VELB): A botanical report dated May 19, 2003 identified the presence of two elderberry shrubs on the project site and a subsequent study dated November 2, 2010 confirmed the removal of the elderberry shrubs. To mitigate the loss of VELB habitat the applicant shall purchase VELB credits equivalent to the loss of the two elderberry shrubs from a conservation bank authorized to sell credits by either the U.S. Fish and Wildlife Service or the California Department of Fish and Wildlife.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** The applicant shall provide proof of the purchase of VELB credits, ~~or if the USFWS concurs that no take occurred, the applicants shall provide to Planning Services a no effect letter from the USFWS or CDFW prior to issuance of a grading permit for the project. Alternatively, if~~ the VELB is delisted prior to issuance of a grading permit this mitigation shall be null and void.

3. **BIO-2:** Oak Woodlands: A 1:1 replacement of the removed 26,017 square feet of native oak canopy is required. Prior to finaling of any building permits 119 native oak trees shall be planted consistent with the Arborist Report completed by Chad Dykstra and dated September 21, 2012. The 119 trees shall include five (5) 24" box blue oaks, five (5) 24" box black oaks, seventy-five (75) 15 gallon blue oaks, and thirty-four (34) 15 gallon black oaks. The size of the designated replacement area shall equal at a minimum the total area of the oak canopy cover proposed to be removed.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** Subject to Planning Services discretion to phase the planting, the applicant shall provide proof of the replanting prior to finaling of any building permits. Replacement trees are to be planted on-site to the satisfaction of the Development Services Director. An agreement to the satisfaction of County Counsel and the Director shall be required to ensure the long term maintenance and preservation of any on or off-site replacement trees planted. Maintenance and monitoring shall be required for a minimum of 10 years after planting. Any trees that do not survive during this period of time shall be replaced by the property owner. Phasing of the replanting plan shall be allowed at the discretion of Planning Services to coincide with phasing of the development plan.

#### **Development Services Department (Planning)**

4. **Permit Implementation:** Implementation and approval of the project conditions must occur within 12 months of approval of this Development Plan or as otherwise required by the conditions of approval. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval. If all project related conditions are not completed within that time frame, the project will be scheduled for revocation and commencement of the Code Compliance action.
5. **Phase 2 Wastewater:** Phase 2, consisting of 30,057 square feet of structures, shall connect to a public wastewater system prior to finaling of any building permits for that phase. All structures in Phase 1 shall connect to a public wastewater system prior to finaling of any structure in Phase 2.
6. **Condition Compliance:** Prior to issuance of certificate of occupancy 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.
7. **Processing Fees:** Prior to final approval of the grading and building permits, Development Services shall verify that all Development Services Department fees have been paid.
8. **Landscaping:** The final landscape plan shall be consistent with Exhibit ~~K~~J and comply with Zoning Code Chapter 17.18.090 and General Plan Policies 7.3.5.1 and 7.3.5.2; and be approved by Planning Services prior to issuance of a building permit. The following additional information shall be submitted prior to final inspection of installed landscaping:
  - a. Completed, signed Model Water Efficient Landscape documents consistent with the new County Model Water Efficient Landscape Ordinance.

- b. A filed copy of an irrigation audit report or survey approved by El Dorado Irrigation District with the Certificate of Completion.

The applicant shall install and maintain the landscaping in accordance with the approved final landscaping plan in perpetuity.

9. **Lighting:** All outdoor lighting shall conform to the Exhibit I, and Section 17.14.170 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 shown on Exhibit I 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. In addition, the following apply:
  - a. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.
  - b. Any lighting for outdoor display areas shall be turned off within 30 minutes after the closing of the business. No more than 50 percent of the parking lot lighting may remain on during hours of non-operation. Any security lighting on the buildings shall be designed with motion-sensor activation.
  - c. No pole light shall exceed 16-feet in height measured from ground level.

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 Planning Services.

10. **Signs:** All signage installed as part of the project shall be consistent with Exhibit ~~LK~~ for location, materials, sizes and colors. Three monument signs are approved for ~~80~~ 50 square feet each. The signs shall be located where it will not conflict with the required site distance for internal circulation and public roadways.
11. **Parking:** Parking shall be improved consistent with Chapter 17.18 of the County Code, including the April 14, 1993 California Accessibility Regulations. Parking shall conform to the approved Site Plan (Exhibit ~~GF~~) and include 92 standard spaces and 4 accessible spaces that are constructed in accordance with Title 24 of the current Building Code.
12. **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 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 by El Dorado County. County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

13. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,156.25 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.
14. **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.

15. **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 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

### **El Dorado County Transportation Division**

16. **Greenstone Cutoff Improvements:** Greenstone Cutoff Road shall be constructed per El Dorado Design and Improvements Manual (DISM) 101B with a minimum 24-foot road and shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to issuance of any building permits for Phase 2.
17. **Greenstone Road Encroachment:** The applicant shall obtain an encroachment permit from the Transportation Division and shall construct the driveway encroachment onto Greenstone Road to the provisions of County Design Standard 103D. The improvement shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved improvement agreement with security, prior to issuance of any building permits for Phase 2.
18. **Greenstone Cutoff Road Encroachments:** The applicant shall obtain an encroachment permit from the Transportation Division and shall construct the driveway encroachments onto Greenstone Cutoff Road to the provisions of County Design Standard 103C. The improvement shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved improvement agreement with security, prior to issuance of any building permits for Phase 2.
19. **Offer of Dedication (In Fee):** Prior to the issuance of permits for Phase 2, the applicant shall irrevocably offer to dedicate in fee, 30-foot right-of-way from centerline of roadway, along the ~~entire~~ on-site frontage of Greenstone Cutoff Road as determined by the Transportation Division, prior to issuance of any building permits. Slope easements shall be included as deemed necessary by the Transportation Division. This offer will be accepted by the County.

### **Air Quality Management District**

20. **New Point Source:** Prior to construction/installation of any new point source emissions units (i.e., gasoline dispensing facility, emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501 and 523)
21. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be under permit from the California Air Resources Board (CARB). A copy of the current portable equipment permit shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

#### **Diamond Springs/El Dorado Fire Protection District**

22. **Fire Hydrants:** The applicant shall install fire hydrant(s) within 600 feet of all portions of each proposed building via an approved access route. One hydrant shall be located within 150 feet of the proposed building with the fire department connection (FDC) located between 30 and 50 feet from the hydrant prior to the issuance of a building permit. Site location shall be approved by the Fire District.
23. **Fire Flow:** The applicant shall submit documentation from the El Dorado Irrigation District to the Fire District indicating that a fire flow of 1500 gallons per minute at 20 psi for two hours is available at the site, prior to issuance of a building permit.
24. **Plan Review:** The applicant shall submit a minimum of 2 sets of building plans for Fire District review and approval prior to issuance of a building permit.
25. **Sprinkler Plans:** The applicant shall submit a minimum of 4 sets of sprinkler plans designed in accordance with NFPA 13 (Installation of Sprinkler Systems) for each building for Fire District review and approval. Installation and acceptance of the sprinkler system take place prior to the building permit being finalized.
26. **Community Facilities District:** Approval of subject project is conditioned on meeting the public safety and fire protection requirements of the County of El Dorado General Plan, which shall include provision of a financing mechanism for said services<sup>1</sup>. The financing mechanism shall include inclusion within, or annexation into, a Community Facilities District (CFD) established under the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311 et seq.), established by the Diamond Springs / El Dorado Fire Protection District (District) for the provision of public services permitted under Government Code § 53313, including fire suppression services, emergency medical services, fire prevention activities and other services (collectively Public Services), for which proceedings are under consideration, and as such, shall be subject to

the special tax approved with the formation of such CFD with the Tract's inclusion or annexation into the CFD.