

# CONDITIONS OF APPROVAL

## Special Use Permit S11-0009/Planned Development PD11-0005/Green Valley Nursery and Landscape Planning Commission/March 27, 2014

1. This Special Use Permit approval is based upon and limited to compliance with the approved project description, the following hearing exhibits:

Exhibit F.....	Plot Plan, dated July 22, 2011
Exhibit G.....	Site Plan, dated September 16, 2012
Exhibit H.....	Building Elevations
Exhibit I.....	Colored Building Elevation Photos (two pages)
Exhibit J.....	Landscaping, Parking, and Sign Plan, Sheet I, dated September 30, 2011
Exhibit K.....	Proposed Wetland Setback map dated December 5, 2013

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:

Nursery with outdoor sales and storage of landscape plants and bulk landscape materials, and outdoor growing areas, operation of a landscaping business, seasonal sales of Christmas trees and pumpkins, the growing and sales of fruit and vegetables, and the growing and sales of strawberries and vegetables.

The approved Development Plan shall include the following, located as shown on Exhibits F and G:

- a. One 12-foot by 47-foot modular building for an office and interior sales area. The exterior walls are covered with dark tan grooved plywood with white metal windows, doors, with white trim, and a flat roof;
- b. Up to six 15-foot by 30-foot shade structures proposed to shield some of the nursery plants constructed of dimensional lumber with the tops covered with shade fabric;
- c. One 12-foot by 13-foot strawberry stand constructed of dimensional lumber, sided with tan-colored grooved plywood, with a light brown pitched roof;
- d. One 4-foot by 6-foot shed located north of the stream constructed of dimensional lumber, sided with tan-colored grooved plywood, with a black pitched roof.
- e. One 10-foot by 16-foot storage shed located south of the stream constructed of dimensional lumber, sided with plywood, with a pitched roof.

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: Wetland Swale:** The applicant is required to submit an “as built” grading permit application for the entire portion of the parcel north of the strawberry patch within 60 days of a project approval. The grading plan shall include the following provisions:
  - a. The applicant shall be obtain the appropriate permits from State and Federal agencies or any other agency that may be involved;
  - b. Best Management Practices that conform with the County’s California Stormwater Pollution Prevention Plan, issued by the State Water Resources Control Board for erosion and sediment control, shall be incorporated into the project development plans and implemented as approved by Building Services during the grading permit process.
  - c. No equipment shall be allowed within the water channel. Landscaping in the approved setback shall be removed (including shredded bark mulch, cobble, soil, rock berm, etc.).
  - d. A permanent barrier such as field fencing with t-posts, or similar barrier approved by Planning Services, shall be set on the north side of the intermittent stream. The fencing shall be placed from the eastern to western property boundary but allow vehicular access across the existing driveway spanning the culvert.
  - e. The applicants shall submit a re-vegetation/restoration plan for the previously disturbed area within the approved setback of nine to 23 feet, consistent with the General Plan Policy 7.3.3.4 Analysis of Setback to a Wetland Swale for the Green Valley, dated November 27, 2013, and the Proposed Wetland Setback map dated December 5, 2013.

Any seeded or planted vegetation shall be 1) native to California, and 2) previously documented from the area (such as previously reported from the project site or the nearby Mormon Island Wetland Preserve). The vegetation shall be considered re-established when the plant cover is similar to the area of the water channel that was not landscaped. Suitable species include Baltic rush

(*Juncus balticus*), iris-leaved rush (*J. xiphioides*), spikerush (*Eleocharis macrostachya*), clustered field sedge (*Carex praegracilis*), or comparable species.

If seeding of the banks is included in the BMPs, any seeded vegetation shall be 1) native to the direct project vicinity or sterile, and 2) if native, previously documented from the area (such as previously reported from the project site or the nearby Mormon Island Wetland Preserve). Suitable species include blue wild rye (*Elymus glaucus*), creeping wild rye (*E. [=Leymus] triticoides*), foothill needlegrass (*Stipa [=Nassella ] lepida*), lupines (*Lupinus* sp.), or comparable species.

**Monitoring Responsibility:** Planning Services and Building Services

**Monitoring Requirement:** The applicant shall include mitigations a-e above on the grading permit plans. Planning Services shall review the grading permit plans to ensure their inclusion prior to issuance of a grading permit. The Building Services field inspector shall verify compliance with said mitigations upon site inspection for the grading permit. Planning Services shall make a field inspection of the planted area prior to finaling the grading permit.

3. **BIO-2: Streambed Alteration Agreement:** A Streambed Alteration Agreement, pursuant to Fish and Game Code 1602, shall be obtained by the applicant from the California Department of Fish and Wildlife, if applicable.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** The applicant shall provide a copy of the 1602 Streambed Alteration Agreement to Planning Services prior to issuance of the grading permit. If it has been determined by Fish and Wildlife that said permit does not apply after their review of the development plans, the applicant shall provide Planning Services with verification from Fish and Wildlife that no Agreement is needed for the project, prior to issuance of an “as built” grading permit.

4. **BIO-3: Invasive Weeds:** Invasive weed control measures shall be implemented for stinkwort (*Dittrichia graveolens*) and tree tobacco (*Nicotiana glauca*). The County Department of Agriculture shall be consulted for appropriate control and disposal methods for these species. If manual or mechanical control is not feasible and herbicide is necessary, application will occur in compliance with applicable regulations, including regulations for application near water.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** The applicants shall provide Planning Services proof of the applicants consultation with the County Department of Agriculture, as well provide a

copy of the invasive weed control planned mutually developed with them, prior to issuance of a grading permit.

### **Planning Services**

5. **Permit Implementation:** Implementation and approval of the project conditions must occur within 12 months of approval of this SUP/PD or as otherwise required by the specific time frames within 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.
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. **Building Permit:** An application for an “as built” building permit shall be submitted for the existing 12-foot by 47-foot modular office building within 60 days of approval of this special use permit.
9. **Landscaping:** The final landscape plan shall be consistent with Exhibit 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 to occur prior to building permit final:
  - a. Completed, signed Model Water Efficient Landscape documents consistent with the new County Model Water Efficient Landscape Ordinance.

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

10. **Lighting:** No outdoor lighting is approved with this permit for the entire subject parcel, at the applicant’s request. Should the applicants decide to add outdoor lighting in the future, a lighting plan shall be required, consistent with Zoning Ordinance Section 17.14.170, with pole lights, including their support structures, not to exceed 16 feet in height from ground level, and all lights shall be fully shielded pursuant to the Illumination Engineering Society of North America’s (IESNA) full cut-off designation. That plan shall be submitted to the Development Services Director to determine if it can

be approved administratively or would require a revision to the Special Use Permit to be heard by the Planning Commission.

11. **Free-standing Sign:** One monument sign is approved and shall be comprised of two, four-foot by eight foot pieces of plywood joined like a triangle. The total square footage is 64 square feet. The sign shall be located where it will not conflict with the required site distance onto Green Valley Road, and shall be consistent with Exhibit J for location, materials, sizes and colors. No other free-standing signs, including roof-mounted signs, are permitted on the entire parcel, and all existing non-permitted signs shall be permanently removed prior to issuance of an “as built” building permit for the modular office building, and sign permit. No banner signs are permitted.
12. **Wall Signs:** Wall signs shall not exceed the maximum allowable 20 percent of wall coverage. No other wall signs are permitted and all existing non-permitted wall signs shall be permanently removed prior to issuance of an “as built” building permit for the modular office building, and sign permit.
13. **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 I) and include 30 standard spaces and two accessible spaces that are constructed in accordance with Title 24 of the current Building Code. The requirement for paving the parking area and interior roads is waived in favor of the application of a 2-inch thick layer of ¾-inch aggregate base grave provided that it conforms to the weight support requirements of Condition 36.
14. **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.

15. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,181.25 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.
16. **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 archaeological resource”, contingency funding and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archaeological mitigation takes place.

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

17. **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 Department of Transportation**

18. **Green Valley Road Encroachment Improvement:** The applicant shall re-construct the current encroachment onto Green Valley Road per Design and Improvement Standards Manual (DISM) Standard Plan 103C with a 35 foot wide driveway. The warning sign at the west edge of the existing driveway shall be relocated to the east of the re-constructed driveway. The applicant shall apply for an encroachment permit within 60 days subsequent to the end of the ten-day appeal period and construction shall be completed within 180 working days. The improvements shall be constructed to the approval of DOT.
19. **Green Valley Road Striping Plan:** The owner shall prepare a striping plan that:
  - a. Places cross striping in the existing median in Green Valley Rd. The striping shall start 20 feet west of the re-constructed driveway mentioned above and continue east to the beginning of the east bound left turn lane at Sophia Parkway.
  - b. A striped “pork chop” shall be placed at the center of the re-constructed driveway mentioned above. The pork chop will create a visual deterrence to discourage west bound vehicles from crossing the striped median and entering the project from Green Valley Road. West bound vehicles will be able to utilize the existing left turn pocket at Shadowfax Lane and enter the project from the existing Shadowfax Lane entrance. The parcel owner shall consult with DOT on an acceptable “pork chop” design. The applicant shall apply for an encroachment permit within 60 days subsequent to the end of the ten-day appeal period and construction shall be completed within 180 working days. The improvements shall be constructed to the approval of DOT.

### **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.

### **Environmental Health Division**

22. **Restroom:** Chemical toilets shall be permitted for a period of one year from the date of this special use permit approval. Prior to the end of that one-year period, a permanent restroom facility shall be installed. An application for a building permit shall be submitted to Building Services and shall be finalized prior to expiration of that one-year period.
23. **Wells:** The private wells shall operate under permit and in compliance with Small Public Water System requirements for a Transient Noncommunity Water System. Permit requirements include a technical, managerial, and financial capacity report, including water quality and quantity testing. Water source capacity shall meet the required daily demand, along with the same daily demand required to be met in storage capacity. The well shall be constructed as a public water well with a minimum 50 foot annular seal under permit issued by the Environmental Health Division. The original well production report is required, accompanied by a plot plan signed by a licensed well driller. If the well was drilled after May 10, 1990, a separate well permit is required and must be finalized by the Environmental Health Division prior to issuance of the Building Permit.
24. **Septic System:** The applicant shall provide an onsite sewage disposal system design in compliance with County Code Section 15.32, to be reviewed and approved by the Environmental Health Division concurrently with the building permit for the restroom facility.

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

25. **Fire Flow:** The potable water system with the purpose of fire protection for this commercial development shall provide a minimum fire flow of 1,500 gallons per minute with a minimum residual pressure of 20 psi for a two-hour duration. This requirement is based on a structure 11,300 square feet or less in size, Type V-B construction. All structures shall be fire sprinklered when greater than 3,600 square feet in accordance with NFPA 13 and Fire Department requirements. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire Department for review and approval prior to issuance of a building permit.
26. **Water:** The applicant shall install a portable water tank and fire hydrant in accordance with the El Dorado Hills Regional Fire Protection Standard D003 entitled Residential Rural Water Supply without a Purveyor (Tank). The hydrant shall be located within 150 feet of the modular office building and shall be installed and operating prior to building permit final. Future commercial development of the site will require a revised Planned Development and connection to El Dorado Irrigation District water facilities.



27. **Hydrant Location:** The applicant shall install Mueller Dry Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The exact location of the hydrant shall be determined by the Fire Department; and shall be located within 150 feet of the building (per El Dorado County Water District Ordinance 35).
28. **Hydrant Visibility:** In order to enhance nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and State Fire Safe Regulations. This shall be completed prior to building permit final.
29. **Fencing:** All fencing that backs up to wildland open space shall be required to use non-combustible type fencing.
30. **Gates:** Any gate shall meet the El Dorado Hills Fire Department Gate Standard B-002.
31. **Access Roads:** Approved fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility (in accordance with the El Dorado Hills Fire Department Emergency Apparatus Access Ways Standard B-003 and (per CFC Section 503.1.1). This shall be completed and approved by the Fire Department, prior to building permit final.
32. **Access Road Surfacing:** All fire apparatus access roads shall be an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 40,000 pounds. Alternative surfacing designs may be permitted provided that a Civil Engineer certifies the driveway will support a 40,000 pound load and be all-weather in accordance with State Fire Regulations. This shall be completed and approved by the Fire Department, prior to building permit final.
33. **Turnaround:** Each dead end fire apparatus access road greater than 150 feet shall have a turnaround constructed at its terminus (per CFC 503.2.5). All turn-a-rounds shall meet the California Fire Code Appendix D. This shall be completed and approved by the Fire Department, prior to building permit final.
34. **Fire Alarm:** Any building greater than 500 square feet shall be equipped with an approved fire alarm/detection system (per El Dorado County Water District Ordinance 35). This shall be installed and approved by the Fire Department, prior to building permit final.
35. **Knox Box:** A Knox Box is required for nighttime and afterhours access to the alarmed building. This shall be installed and approved by the Fire Department, prior to building permit final.

36. **Shade Structures:** Any shade structure, tent tops and sidewalls shall be made from fabric which has been flame resistant treated with an approved exterior chemical process by an approved application concern, or from inherently flame resistant fabric approved and listed by the State Fire Marshal, or approved equivalent. This shall be completed and approved by the Fire Department, prior to building permit final.
37. **Hazardous Refuse:** Hazardous refuse subject to ignition by spontaneous heating shall be stored separately from all other materials in approved noncombustible containers used exclusively for such storage, or secured in a manner approved by the Fire Chief.
38. **Combustible Material:** No combustible material shall be placed or stored within 10 feet of any building or structure (per CFC Section 304).
39. **Smoking Area:** Smoking shall be prohibited on the property except in approved designated smoking areas (per CFC Sections 310.2 and 301.8).
40. **Fire Pits:** Any fire pit used on the property shall comply with the California Fire Code.
41. **Addressing:** Addressing is required as described in accordance with the El Dorado Hills Fire Department Addressing of Buildings Standard B-001.