

**CONDITIONS OF APPROVAL**

**Design Review DR22-0004/Crystal Basin Cellars Storage  
Planning Commission/January 26, 2023**

**Planning Services**

1. This Design Review is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit F.....Site Plans  
Exhibit G.....Elevations

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 would constitute a violation of permit approval.

The project description is as follows:

The project applicant proposes to construct two (2) metal storage buildings totaling 4,000-square feet. Building A will be 75’x30’ and 20’2” tall for 2,250-square feet of case storage for the existing winery and Building B will be 50’x35’ and 22’1½” tall for 1,750-square feet of new storage space. Each building would be a tan colored, single story, traditional style metal building with no windows, walk-in doors, and roll-up doors on two sides of Building A and one side of Building B. Minimal grading may occur in the project area. The parcel has existing electrical service from Pacific Gas & Electric (PG&E), no new landscaping is being proposed for the project and the project will not have a need to connect to the existing water service.

2. **Lighting:** All outdoor lighting shall conform to Section 130.34.020 (Outdoor Lighting Standards) 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 F that does not have a specification sheet submitted with the building permit that specifically states the fixture meets the full cutoff standards, shall require a fixture substitution that meets this requirement. Compliance with this condition shall be further verified during review and prior to issuance of any building permits.
3. **Indemnity:** 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 the County harmless from any legal fees or costs the County may incur as a result of such action.

The developer and landowner 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 Parcel Map.

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

4. **Archaeological Resources:** The following shall be incorporated as notes 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 archeologist 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 archeologist 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 “non-unique archeological resource.”

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.

5. **Human Remains:** 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, 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 archeological 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.

6. **Oak Resources:** Alteration of on-site individual oak trees and oak tree woodland or the implementation of on-site work that may affect on-site oak trees, including their canopy or root systems, shall adhere to the Site-Specific Oak Resources Management Plan (SSORMP) included in the Oak Resources Technical Report (Exhibit I). The plan identifies appropriated individual oak tree preservation measures and identifies mitigation measures in accordance with the Oak Resources Management Plan (ORMP).

Applicant shall demonstrate compliance with the following measures identified in the SSORMP in the Oak Resources Technical Report:

**Documentation:** Prior to issuance of any grading or building permits, a binder will be developed by the owner and maintained on-site during all construction activities which documents the following:

1. Certified Arborist's Oak Resource Technical Report
2. Certified Arborist's Inventory and Assessment Spreadsheet
3. Sign-in log for Certified Arborist's site inspections recording day/date and results of site inspection, recommendations or action items determined
4. Sign-in log to record education and training activities provided by Certified Arborist for contractors and homeowners covering names, dates, and summary discussion points.
5. Prior to finaling any building permits, applicant shall provide the binder and associated documentation to the Planning & Building Department for confirmation of conformance with the associated conditions of approval.

Prior to commencing any grading activity:

**Protective Fencing:** Fencing not less than four feet in height shall be placed at the limits of the root protective zone of any individual oak tree or stand within 50 feet of the grading limits. The fencing will be approved by a Certified Arborist prior to any site grading activity and shall remain in place until construction is complete.

**Root Protective Zones (RPZ):** Grade shall not be raised or lowered within the RPZ of any oak tree. Any soil disturbance required within the RPZ must first be approved by the property owner and project Certified Arborist and must follow specific procedures defined by the Certified Arborist.

**Equipment or materials storage:** The storage location(s) for equipment, materials, vehicles or debris shall be approved by a Certified Arborist. No storage of equipment, materials, vehicles, or debris shall be permitted within the RPZ of an oak tree.

**No Dumping:** No Dumping of construction wastewater, paint, stucco, concrete or any other construction related debris shall occur within the RPZ of an oak tree.

**No Temporary Structures:** No temporary structures shall be placed within the RPZ of an oak tree.

**Pre-construction activities:** Prior to commencing any grading or construction including site grading, trenching, and foundation construction, a Certified Arborist shall schedule a field meeting to inform the personnel involved in construction where all the protective zones are located and the importance of avoiding encroachment within the protective zones.

**Site Monitoring:** A Certified Arborist shall periodically monitor on-site construction and grading activities occurring near all identified RPZ locations to ensure that damage to oak trees do not occur.

**Post construction education:** Prior to finaling any grading and building permits onsite, a Certified Arborist shall schedule a field meeting to educate the homeowner on proper care and maintenance of the existing Oak resources.

7. **Permit Implementation:** Pursuant to Zoning Ordinance Section 130.54.060, implementation of the project must occur within 24 months of approval of this design review permit, otherwise the permit becomes null and void. 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.

#### **Office of County Surveyor**

8. **Addressing:** Applicant will be required to coordinate with the County Surveyor's Office to ensure that all buildings on the subject parcel are addressed in compliance with County Code, Chapter 110.04. Compliance is required within 30 days of finaling of any building permits.
9. **Boundary Monuments:** All boundary monuments disturbed during project construction shall be reset by a Professional Land Surveyor or Qualified Engineer as defined by Section 8771 of the California Business and Professions Code (Land Surveyors Act).

#### **Environmental Management Department**

10. **Construction and Demolition (C&D) Debris Recycling:** A minimum of 65% of the waste materials generated from construction and demolition projects must be diverted

from being landfilled by being recycled or reused on site. Compliance with this condition shall be further verified during review and prior to issuance of the building permit.

11. **AB 341 - Mandatory Commercial Recycling (Non-Residential):** All non-residential buildings that generate at least two cubic yards of solid waste per week shall have a recycling program for common recyclable materials such as bottles, cans, and paper.
12. **AB 1826 - Mandatory Commercial Organics Recycling (Non-Residential):** All non-residential buildings that generate at least two cubic yards of solid waste per week shall have an organics recycling program for the following types of organic wastes: green waste, landscape and pruning waste, non-hazardous wood waste, food waste, and food-soiled paper.
13. **Environmental Health:** Prior to issuance of any building permits, the proposed building locations will be reviewed at the time of building permit application to confirm that they meet setbacks from the existing onsite leach field and the 300% repair area for future septic system expansion. The current sewage ordinance requires an 8-foot setback from both the existing leach field and the 300% expansion area.

#### **El Dorado County Fire Protection District**

14. **Surface Hardening:** This project requires surface hardening, provide 5-feet of noncombustible ground covering around the structures for surface hardening. Prior to finaling of any building permits, this condition of approval shall be complete.
15. **Fencing:** The project does not include any new fencing. Any future fencing adjacent to the project shall be of a noncombustible material.
16. **Vegetative Fire Clearances:** Prior to June 1<sup>st</sup> each year, there shall be vegetation clearance around all buildings as stated in Public Resources Code Section 4291, Title 19 as referenced in the CA Fire Code.

#### **Air Quality Management District**

17. **Fugitive Dust:** As we understand the project, there will be no grading or construction necessary. Please be advised that a Fugitive Dust Mitigation Program (FDP) Application with appropriate fees shall be submitted to and approved by the County Air Quality Management District (AQMD) prior to start of project construction if during the course of the project a Grading Permit is required from the Building Department. Dust control measures shall comply with the requirements of AQMD Rule 223, Fugitive Dust – General Requirements and Rule 223.1 – Construction Bulk Material Handling, Blasting, Other Earthmoving Activities and Trackout Prevention.
18. **Paving:** The project construction may involve road development and shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials.

19. **Painting/Coating:** The project construction may involve the application of architectural coatings which shall adhere to AQMD Rule 215, Architectural Coatings.
20. **Open Burning:** Burning of Wastes that result from “Land Development Clearing” must be permitted through AQMD. Only dry vegetation originating from the property may be disposed of using an open outdoor fire and burning shall adhere to AQMD Rule 300, Open Burning.
21. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (CARB). A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, and daily hours of operations of each piece of equipment.
22. **New Point or Stationary Source:** Prior to construction/installation of any new point/stationary source emissions units (e.g., emergency standby engine greater than 50 HP, boilers/water heaters aggregating to a total input capacity of > 1 MMBH etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emissions estimates, and shall adhere to AQMD Rules 501, General Permit Requirements and 523, New Source Review.
23. **Electric Vehicle Charging – Non-Residential:** The project shall comply with the applicable Non-Residential Mandatory Measures identified in the 2019 California Green Building Code §5.106.5.3 concerning installation of Electric Vehicle Supply Equipment (EVSE).