

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: January 27, 2011
Item No.: 8
Staff: Mel Pabalinas

REZONE/PARCEL MAP

FILE NUMBERS: Z06-0020/P05-0004/Harrington Business Park

APPLICANT: Patricia Harrington and Michael Quigley

AGENT: Gene E. Thorne & Associates, Inc.

REQUEST: The project consists of the following requests:

1. Rezone of APN 329-280-15 and portions of APN 329-280-16 north of State Route 49/Pleasant Valley Road from Estate Residential/Commercial-Design Community (RE-10/C-DC) to Industrial-Design Community (I-DC);
2. Industrial and commercial tentative parcel map to create seven commercial parcels and 36 industrial parcels, for a total of 43 parcels ranging in size from 0.34 to 10.65 acres on the 76.59 acre site; and
3. Design Waiver request for reduction of standard sidewalk width in accordance with DISM Standard Plan 101A (Commercial and Industrial Roadways) from 8 feet to 6 feet.

LOCATION: Along the north and south side of State Route 49/Pleasant Valley Road, approximately 0.25 mile west of the intersection with Missouri Flat Road, in the El Dorado-Diamond Springs area, Supervisorial District III. (Exhibit A)

APN: 329-280-15 and 329-280-16 (Exhibit B)

ACREAGE: 76.59 acres

GENERAL PLAN: Industrial (I) and Commercial (C) (Exhibit C)

ZONING: Estate Residential (RE-10) District and Commercial– Design Community (C-DC) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration (Exhibit O)

RECOMMENDATION:

Staff recommends the Planning Commission recommend that the Board of Supervisors take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the Conditions of Approval and mitigation measures in Attachment 1;
3. Approve Rezone Z06-0020 based on the Findings in Attachment 2;
4. Approve tentative Parcel Map application P05-0004 subject to the Conditions of Approval in Attachment 1 and based on the Findings in Attachment 2; and
5. Approve Design Waiver request for reduction of standard sidewalk width in accordance with Standard Plan 101A (Commercial and Industrial Roadways) from 8 feet to 6 feet.

BACKGROUND

The project was originally considered the Planning Commission on November 18, 2010. With a 3-0 vote, the Commission moved to continue the project to a later date in order to provide staff time to make necessary revisions to the staff report and environmental review checklist related to wetland delineation calculation.

STAFF ANALYSIS

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the proposal and issues for Planning Commission consideration are provided in the following sections.

Project Description

The proposed project consists of the following requests:

1. Rezone of APN 329-280-15 and portions of APN 329-280-16 north of State Route 49/Pleasant Valley Road from Estate Residential /Commercial-Design Community (RE-10/C-DC) to Industrial-Design Community (I-DC) (Exhibit P). The rezone would bring affected areas of the project site into conformance with the underlying Industrial land use designation. The addition of the –DC overlay would facilitate further review of future

commercial and industrial development of the site through the Design Review process. The portion of APN 329-280-16 south of State Route 49/Pleasant Valley Road would maintain its current Commercial zoning and land use designation.

2. Industrial and commercial tentative parcel map to create seven commercial parcels, 36 industrial parcels, including one parcel labeled Parcel "A" for a total of 43 parcels ranging in size from 0.34 to 10.65 acres (Exhibit E). Parcel "A" is being created as part of a land exchange with an adjacent property to the north in order to extend and connect proposed Road "A" to Commerce Way. The tentative parcel map would be phased, occurring in three phases. No buildings would be constructed as part of the parcel map.
3. Design Waiver request for reduction of standard sidewalk width in accordance with DISM Standard Plan 101A (Commercial and Industrial Roadways) from 8 feet to 6 feet.
4. Dedication of right-of-way to Caltrans of 120 feet as measured 60 feet on either side of State Route 49 centerline where the alignment runs through the project, and only 60 feet from centerline where the project fronts SR-49, and improvement of State Route 49/Pleasant Valley Road to a width of 56 feet. The project would also include the construction of proposed Road "A"/Commerce Way to a width of 40 feet with 60 foot wide right-of-way to connect to the Park West Industrial Park to the north of the subject site. Off-site road improvements would include left-turn pocket improvements at the intersection of Commerce Way and Missouri Flat Road, left-turn pocket improvements at the intersection of Commerce Way and Pleasant Valley Road, and the installation of a traffic signal at the intersection of Patterson Drive and Pleasant Valley Road.
5. Annexation into the El Dorado Irrigation District to receive water and wastewater services.

Site Description

The project site is bound by commercial and industrial businesses to the north, single-family residences to the east, a commercial business and single-family residences to the south, and undeveloped land and single-family residences to the west. The elevation of the project site ranges from approximately 1,750 feet to 1,810 feet above sea level. Approximately 10.12 acres of jurisdictional wetlands are located on the project site. This site is covered with grasses, brush, and trees with slopes up to 30 percent. The existing oak tree canopy coverage at the project site is 32 percent. The existing improvements within the property consist of a single-family residence, barn, reservoirs, cross-fencing, small orchard, old placer tailings, and pastures. Most of the property has been grazed for many years. The project would be served by public sewer and water provided by the El Dorado Irrigation District.

Adjacent Land Uses

	Zoning	General Plan	Land Use/Improvements
Site	RE-10/C-DC	I/C	Residential/Single-family residence
North	I	I/C	Industrial/Commercial businesses
South	R1/CP/R2	HDR/C/MFR	Residential/Commercial/Single-family

			residences/condominiums/commercial businesses
East	C/R2	C/MFR	Residential/Single-family residences/undeveloped
West	R20K- PD/R1/R1A	HDR/MDR/P F	Residential/Utility/Single-family residences/utility structure/undeveloped

Discussion: The subject site is surrounded by a mix of existing and planned industrial, commercial, and residential uses. While the proposed project would be very compatible with the existing industrial and commercial uses to the north of the subject site, it is potentially incompatible with the existing residential uses to the west and south of the site. Land use compatibility issues with the proposed industrial and commercial uses adjacent to existing residential uses include lighting, odor, noise, grading, and visual impacts. In order to address these potential land use compatibility issues, each parcel would be required to undergo a discretionary design review process prior to building permit issuance. The design review application process would allow staff and decision-makers an opportunity to review design, noise, lighting, grading, and traffic issues when specific industrial and/or commercial uses for the proposed parcels are known.

Access

Proposed project access to the north would be from proposed Road “A” via a connection to Commerce Way while proposed Road “A” would also connect to State Route 49 to the south. Proposed Road “C” would also provide site access to the east. The Diamond Springs - El Dorado Fire Protection District reviewed the project proposal and concluded that the project would not result in inadequate emergency access to any proposed parcel with the implementation of the conditions of approval included in Attachment 1 of the staff report. Three points of access to the business park are proposed as identified above.

Traffic and Circulation

A preliminary traffic study was completed on June 17, 2005 and reviewed by the Department of Transportation (DOT) which concluded that the “2004 General Plan allocated more total development than proposed by the Harrington project alone in the general project area. Therefore, this project would not be anticipated to affect the planned roadway improvements for 2025 identified in the circulation element” (*Harrington Traffic Impact Study, Fehr & Peers Transportation Consultants, June 17, 2005*). The Traffic Impact Study recommendations are incorporated as conditions of approval in Attachment 1 including payment of traffic impact mitigation (TIM) fees, construction of onsite roadways to DOT standards, and dedication of necessary right-of-way to Caltrans.

The project would also include the construction of proposed Road “A”/Commerce Way to a width of 40 feet within a 60-foot wide right-of-way to connect to the Park West Industrial Park to the north of the subject site. Off-site road improvements would include left-turn pocket improvements at the intersection of Commerce Way and Missouri Flat Road, left-turn pocket improvements at the intersection of Commerce Way and Pleasant Valley Road, and the installation of a traffic signal at the intersection of Patterson Drive and Pleasant Valley Road.

The 2004 General Plan Policies TC-Xe and TX-Xf (which reflect Measure Y) require that projects that “worsen” traffic by 2 percent, or 10 peak hour trips, or 100 average daily trips must construct (or ensure funding and programming) of any improvements required to meet Level of Service standards in the General Plan Transportation and Circulation Element. DOT has conditioned the project to address this General Plan consistency issue by requiring payment of traffic impact mitigation fees with each building permit as well as satisfaction of the conditions of approval in Attachment 1. With the identified CIP project and other road improvements required by DOT to area roadways (State Route 49/Pleasant Valley Road) included as conditions of approval, impacts to the existing environmental setting, capacity, and level of service are considered less than significant.

The roads fronting the project site are maintained by the County Department of Transportation (DOT) (Commerce Way) and by the State of California Department of Transportation (Caltrans) (Pleasant Valley Road/State Highway 49). DOT approved the Traffic Impact Study on August 29th, 2006 resulting in the recommended conditions detailed in Attachment 1; however, this Traffic Impact Study was not approved by Caltrans. The applicant has been informed that Caltrans will require an approved traffic study to obtain encroachments as shown on their map, as well to determine the required mitigations along State Highway 49. These improvements could include but not limited to the widening of the roadways.

Design Waiver

In accordance with Section 16.08.020 of the El Dorado County Subdivision Ordinance, the project includes a design waiver request to reduce the standard sidewalk width required in accordance with El Dorado County Design and Improvement Standard Manual (DISM) Standard Plan 101A (Commercial and Industrial Roadways). Specifically, the modified sidewalk width of 6-foot wide, which deviates from the typical width of 8 feet, would be a part of the proposed roadway infrastructure that would serve the development. As further discussed below, this design waiver request has been reviewed and is determined to be consistent with specific findings in the ordinance.

Drainage/Grading

According to the submitted drainage report (*Post-Development Drainage Report for Harrington Business Park Diamond Springs, CA, Gene E. Thorne & Associates, Inc., March 2006*), “the majority of the site’s watershed will be handled on-site through culvert systems and v-ditches that will release the water flow into designated areas for detention which will detain approximately 94 percent of the water runoff. The remaining six percent will be released into an established drainage swale offsite.” Therefore, substantial drainage pattern alteration or runoff would not occur with the construction of the above-described detention basin. A preliminary grading and drainage plan is attached as Exhibit F-H. A master grading plan would be required to be submitted to DOT for review and approval prior to filing of the parcel map as identified in Attachment 1. Proposed grading and ground disturbances associated with the project would not substantially alter the existing drainage patterns on or off the site. The *Grading Erosion and Sediment Control Ordinance* contains specific requirements that limit the impacts to a drainage system (Section 15.14.440 & Section 15.14.590). The standards apply to this project. Additionally, build-out of each proposed parcel would require the submittal of a design review application at which time drainage and grading impacts for each specific use would be further analyzed.

Fire

The Diamond Springs - El Dorado Fire Protection District reviewed the project proposal and concluded that the project would not expose people to a significant risk of loss, injury or death involving wildland fires or wildland fires adjacent to or located in an urbanized area with the implementation of the conditions of approval included in Attachment 1 of the staff report. Conditions of approval include the submittal of

Land Use Compatibility

As discussed above, the subject site is surrounded by a mix of existing and planned industrial, commercial, and residential uses. While the proposed project would be complementary and compatible with the existing industrial and commercial uses to the north of the subject site, it is potentially incompatible with the existing residential uses to the west and south of the site. Land use compatibility issues with the proposed industrial and commercial uses adjacent to existing residential uses include lighting, odor, noise, grading, and visual impacts. In order to address these potential land use compatibility issues, each parcel would be required to undergo a discretionary design review process prior to building permit issuance. The design review application process would allow the County an opportunity to review design, noise, lighting, grading, and traffic issues when specific industrial and/or commercial uses for the proposed parcels are known. Based on the mitigation measure in Attachment 1, the proposed project is compatible within the context of the surrounding land uses pursuant to General Plan Policy 2.2.5.21.

Local Agency Formation Commission (LAFCO)

As the subject parcels lie outside of the current El Dorado Irrigation District (EID) service boundary, the applicant would need to submit an application to LAFCO for consideration of annexation into EID's service boundary for public water and sewer service.

Oak Tree Canopy

The existing project oak tree canopy coverage is estimated at 32 percent. (*Arborist Report for Harrington Business Park APNs 329:280:15 & 16 El Dorado County, California, Philip R. Mosbacher, March 15, 2006*) Under General Plan Policy 7.4.4.4, Option A, 85 percent of the existing canopy must be retained. After road construction, the project would retain 89 percent of the oak tree canopy at the site consistent with General Plan Policy 7.4.4.4, Option A. Future development of each of the proposed parcels would require a discretionary design review application with further CEQA review and would have the option of complying with either Option A or Option B of Policy 7.4.4.4. A tree location and preservation plan is attached as Exhibit K.

Pacific Gas & Electric Company (PG & E)

PG&E reviewed the project and noted that building would be prohibited within the tower line easement on the site. Additionally, all weather access routes would need to be created and maintained to each tower location. The planting of new landscape trees would also be prohibited within the tower line easement. Conditions of approval are included within Attachment 1 that address PG&E comments.

Public Transit

The El Dorado County Transit Authority (EDCTA) reviewed the proposal and expressed concerns regarding potential traffic impacts from the proposed development on existing transit operations located within the existing Diamond Springs Business Park. EDCTA also expressed concerns regarding the design of the intersection with proposed Road "A" and Commerce Way. EDCTA would also like to explore opportunities for transit service to serve the proposed project. The issues identified by EDCTA have been addressed in DOT's standard conditions of approval in Attachment 1 of the staff report which require road improvements.

Sewer

The El Dorado Irrigation District provided a letter dated February 3, 2005 stating that a 24-inch sewer line abutting the property in Pleasant Valley Road has adequate capacity to serve the proposed project (*Facility Improvement Letter Harrington Project, El Dorado Irrigation District, February 3, 2005*). According to the Facility Improvement Letter, there are six sewer service stubs on three manholes inside the project boundary. In order to receive service from this line, an extension of facilities of adequate size would need to be constructed. Based on the connection to the sewer line, the proposal would be consistent with General Plan Policy 5.3.1.1 regarding commercial and industrial projects connecting to public wastewater collection facilities.

Water

El Dorado Irrigation District provided a letter dated February 3, 2005 indicating that it has adequate water supplies to serve the project. Based on this information, the project would be consistent with General Plan Policies 5.2.1.2 and 5.2.1.4 regarding sufficient water for fire protection purposes and availability of reliable water supply.

Wetlands

The project site includes a total of 10.12 acres of wetlands located on both the north and south side of State Route 49 as described and surveyed in accordance with the *Wetland Delineation for 78.9 Acres on the Harrington/Quigley Property of El Dorado County on April 17, 24, 30, 1997 June 1997* study prepared by Wymer and Associates (Exhibit M). As depicted in Exhibit E, this amount of wetland has been verified and determined by the U.S. Army Corp of Engineers to be of jurisdictional status given its adjacency and tributary to Deadman Creek located south of the project site. To the extent feasible, the tentative parcel map would be subject to consistency with applicable General Plan policies involving wetland preservation through incorporation of development buffers. Additional discussion is provided below.

Diamond Springs-El Dorado Community Advisory Committee (CAC)

The CAC formally reviewed the project on November 18, 2010 (Exhibit N). Upon review, the committee voted 4 to 1 (two committee members were absent) recommending approval of the project. The committee's comments include addressing potential parking issue, noise impacts to adjacent residential neighborhood, and completion of an expanded traffic study. The committee also noted that future development of the site be verified for conformance to historic design in the area.

As discussed above, a subsequent development proposal of the site shall be subject to a Design Review process during which the CAC would have an opportunity to review and comment.

GENERAL PLAN

This project is consistent with the applicable policies of the adopted 2004 El Dorado County General Plan. Findings for consistency with the General Plan are provided in Attachment 2. The policies and issues that affect this project are discussed below:

Policy 2.1.1.7 directs that *development be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructure becomes available and wildfire hazards are mitigated.*

Discussion: As discussed above, the existing and proposed improvements would be adequate to serve the proposed business park.

Policy 2.2.1.2: states that the purpose of the commercial land use designation *is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.* The purpose of the industrial land use designation *is to provide a full range of light and heavy industrial uses. Types of uses that would be permitted include manufacturing, processing, distribution, and storage.*

Discussion: Potential commercial and industrial uses for the proposed parcels would be consistent with the purpose of the Commercial and Industrial land use designations described above.

Policy 2.2.5.3 includes 19 specific criteria to be considered in evaluating zone change requests.

Discussion: Staff has reviewed the zone change request against the 19 specific criteria under policy 2.2.5.3 and found that the proposal is consistent with applicable criteria such as availability and capacity of public treated water system, capacity of the transportation system serving the area and existing land use pattern.

Policy 2.2.5.21 directs that new development be compatible with the surrounding land uses.

Discussion: As discussed under the land use compatibility section above, the subject site is surrounded by a mix of existing and planned industrial, commercial, and residential uses. While the proposed project would be compatible with the existing industrial and commercial uses to the north of the subject site, it is potentially incompatible with the existing residential uses to the west and south of the site. Land use compatibility issues with the proposed industrial and commercial uses adjacent to existing residential uses include lighting, odor, noise, grading, and visual impacts. In order to address these potential land use compatibility issues, each parcel would be required to undergo a discretionary design review process prior to building permit issuance. The design review application process would allow staff and decision-makers an opportunity to review site and architectural design, noise, lighting, grading, and traffic issues when specific industrial and/or commercial uses for the proposed parcels are known. Based on the mitigation measure in Attachment 1, the proposed project is compatible within the context of the surrounding land uses pursuant to General Plan Policy 2.2.5.21.

Policy 5.2.1.4 directs that *rezoning and subdivision approvals in Community Regions or other areas dependent on public water supply shall be subject to the availability of a permanent and reliable water supply.*

Discussion: As discussed above, public water service would be provided to the project site by EID. EID provided a letter dated February 3, 2005 indicating that it has adequate water supplies to serve the project. Based on this information, the project would be consistent with General Plan Policy 5.2.1.4 regarding availability of reliable water supply.

Policy 5.3.1.1 directs that *high-density and multi-family residential, commercial, and industrial projects shall be required to connect to public wastewater collection facilities as a condition of approval except in Rural Centers and areas designated as Platted Lands (-PL).*

Discussion: As discussed above, EID provided a letter dated February 3, 2005 indicating that it has adequate sewer capacity to serve the project.

Policy 5.4.1.1 requires *storm drainage systems for discretionary development that protect public health and safety, preserve natural resources, prevent erosion of adjacent and downstream lands, prevent the increase in potential for flood hazard or damage on either adjacent, upstream or downstream properties, minimize impacts to existing facilities, meet the National Pollution Discharge Elimination System (NPDES) requirements, and preserve natural resources such as wetlands and riparian areas.*

Discussion: Proposed grading and ground disturbances associated with the project would not substantially alter the existing drainage patterns on or off the site. The *Grading Erosion and Sediment Control Ordinance* contains specific requirements that limit the impacts to a drainage system (Section 15.14.440 & Section 15.14.590). The standards apply to this project. Additionally, build-out of each proposed parcel would require the submittal of a design review application at which time drainage and grading impacts for each specific use could be analyzed. No impacts to the identified wetland areas would occur.

Policy 5.7.1.1 directs that the applicant demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or would be provided concurrent with development.

Discussion: The project would be conditioned by the El Dorado County Department of Transportation to meet the minimum State Responsibility Area (SRA) Fire Safe Regulations for road surface and road width. The project would be required to meet the required minimum fire flow requirements of the Diamond Springs - El Dorado Fire Protection District which would be reviewed and approved by them prior to filing the parcel map and all the water conveyance facilities would further need to meet the approval of EID.

Policy 6.2.3.2 directs that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Discussion: As conditioned, and discussed under Access section above, the project would meet the intent of this policy. Fire issues are addressed within the project's conditions of approval.

Policy 6.5.1.2 states *where proposed non-residential land uses are likely to produce noise levels exceeding the performance standards of Table 6-2 at existing or planned noise-sensitive uses, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in the project design.*

Discussion: Many of the proposed parcels are adjacent to areas designated for high-density residential uses. High-density residential areas are deemed noise sensitive developments in the General Plan. With the addition of the Design Community (-DC) overlay zone, future industrial and commercial development of the proposed parcels shall be subject to a Design Review in which noise and other issues would be further analyzed and, if deemed significant, would require specific mitigation measures to minimize impacts to less than significant.

Policy 7.1.2.1 directs that *development or disturbance shall be prohibited on slopes exceeding 30 percent unless necessary for access.*

Although several proposed parcels would require disturbance of slopes exceeding 30 percent, the majority of the proposed parcels and roadways have been designed in a manner which minimizes grading of such slopes. As such, the proposed project would be substantially consistent with Policy 7.1.2.1.

Policy 7.3.3.4 requires a 50-foot setback from intermittent streams and wetlands.

Discussion: The site includes a total of 10.12 acres of jurisdictional wetlands within the project site. These features, which compose of 4.85 acres to the north and 5.27 acres south of State Highway 49, primarily consist of seasonal drainage swales and pond areas (Exhibit M). Though no specific development project is proposed, the tentative parcel map would be conditioned to incorporate a 50-foot development buffer (from edge of hydric soils) from specific identified wetland areas consistent with the policy. Most of the wetland features that would be buffered are located within proposed parcels including portions of Parcels 3, 20, 21, and 36. Compliance to this development buffer shall be verified during review of Parcel Map filing which would ultimately be shown on the affected recorded parcel(s). Other wetland areas could be impacted by proposed construction of Road "C" and anticipated improvements on State Highway 49/Pleasant Valley Road. Impacts to these features would be required to obtain a Section 404 Permit from the U.S Army Corp of Engineer prior to issuance of grading permit for site development.

Policy 7.4.4.4 establishes the native oak tree canopy retention and replacement standards.

Discussion: Existing project oak tree canopy coverage is estimated at 32 percent. (*Arborist Report for Harrington Business Park APNs 329:280:15 & 16 El Dorado County, California, Philip R. Mosbacher, March 15, 2006*) Under General Plan Policy 7.4.4.4, Option A, 85 percent of the existing canopy must be retained. After road construction, the project would retain 89 percent of the oak tree canopy at the site consistent with General Plan Policy 7.4.4.4, Option A. Future development of each of the proposed parcels would require a discretionary design review application

with further CEQA review and would have the option of complying with either Option A or Option B of Policy 7.4.4.4.

Policy 10.1.9.3 directs that *the County shall actively promote job generating land uses, while de-emphasizing residential development unless it is tied to a strategy that is necessary to attract job generating land uses.*

Discussion: The proposed business park project would provide 43 parcels which would support industrial and commercial job generating land uses. No residential development is proposed as part of the project.

ZONING

The zone change to Industrial-Design Community is consistent with the Industrial land use designation. The proposed industrial parcels, which range 0.34 to 9.72 acre in size, would conform to the development standards in Section 17.34.040 for minimum parcel area of 10,000 square feet and minimum lot width of 60 feet. The proposed commercial parcels range from 0.92 to 10.65 acre in size consistent with the development standards in Section 17.32.040 for minimum parcel area of 5,000 square feet and minimum lot width of 50 feet. Compliance with setbacks, building coverage, building height, and parking development standards would be reviewed at time of design review application submittal for each future parcel and related use.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Exhibit O) to assess project-related environmental impacts. Based on the Initial Study, staff finds that the project could have a significant effect on air quality and biological resources. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,044.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,044.00 shall be forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

SUPPORT INFORMATION

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Tentative Parcel Map
Exhibit F	Preliminary Grading and Drainage Plan
Exhibit G	Drainage Study – Pre-Development
Exhibit H	Drainage Study – Post-Development
Exhibit I	Slope Study
Exhibit J	Preliminary Water and Sewer Plan
Exhibit K	Tree Location and Preservation Plan
Exhibit L	Development Constraints Map
Exhibit M	Wetland Study and related documents
Exhibit N	Diamond Springs-El Dorado Community Advisory Committee (CAC) Comment Letter
Exhibit O	Environmental Checklist & Discussion of Impacts
Exhibit P	Rezone Exhibit

ATTACHMENT 1

CONDITIONS OF APPROVAL

Z06-0020/P05-0004/Harrington Business Park
Planning Commission/January 27, 2011

I. PROJECT DESCRIPTION

1. This tentative parcel map is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits E-M and P 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 consists of the following:

- A. Rezone of APN 329-280-15 and portions of APN 329-280-16 north of State Route 49/Pleasant Valley Road from Estate Residential/Commercial-Design Community (RE-10/C-DC) to Industrial-Design Community (I-DC);
- B. Industrial and commercial tentative parcel map to create seven commercial parcels, 36 industrial parcels for a total of 43 parcels ranging in size from 0.34 to 10.65 acres on the 76.59 acre site;
- C. Design Waiver request for reduction of standard sidewalk width in accordance with DISM Standard Plan 101A (Commercial and Industrial Roadways) from 8 feet to 6 feet.

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.

II. MITIGATED NEGATIVE DECLARATION CONDITIONS OF APPROVAL

2. A Fugitive Dust Plan (FDP) application with appropriate fees shall be submitted to and approved by the El Dorado County Air Quality Management District (AQMD) with appropriate fees and approved by the AQMD prior to start of project construction. (MM AQ-1)

Timing/Implementation: Prior to issuance of grading and building permits

Enforcement/Monitoring: El Dorado County Air Quality Management District

3. Prior to issuance of a grading permit, the project applicant shall obtain a Section 404 permit from the U.S. Army Corps of Engineers and a water quality certification from the Central Valley RWQCB for all affected jurisdictional wetlands. The project applicant shall incorporate all conditions attached to the permit and certification into the project. (MM BIO-1)

Timing/Implementation: Prior to issuance of grading permit

Enforcement/Monitoring: El Dorado County Development Services Department-Planning Services and Department of Transportation

III. PROJECT CONDITIONS OF APPROVAL

Planning Services

4. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
5. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
6. The applicant shall provide a meter award letter or similar document by the water purveyor to Planning Services prior to filing the parcel map.
7. Prior to filing the parcel map, an appropriate maintenance program and/or endowment fund program shall be established and submitted to Planning Services for review and approval.
8. Prior to filing the parcel map, Codes, Covenants, & Restrictions (CC & R's) shall be submitted and reviewed by Planning Services. The CC & R's shall include design review guidelines for the business park, maintenance of all drainage facilities, wetlands, and interior roads.

9. The map shall be filed and constructed in phases consistent with the phasing plan included within the tentative parcel map, Exhibit E.
10. In accordance to General Plan 7.3.3.4, a 50-foot development buffer (from the edge of hydric soils) from specific wetlands identified to be preserved shall be shown on the parcel map prior to filing the parcel map.
11. This tentative parcel map shall expire within 36 months from date of approval unless a timely extension has been filed.
12. All fees associated with the tentative parcel map shall be paid prior to filing the parcel map.
13. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,044.00 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or parcel map filed until said fees are paid.
14. 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 Government Code.

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

Air Quality Management District

15. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:
 - a. Application of water on disturbed soils and unpaved roadways a minimum of three times per day
 - b. Using track-out prevention devices at construction site access points
 - c. Stabilizing construction area exit points
 - d. Covering haul vehicles
 - e. Restricting vehicle speeds on unpaved roads to 15 miles per hour
 - f. Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust