

Findings

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

1.0 CEQA FINDINGS

- 1.1 The Planning Commission has considered the previous Silva Valley Interchange Final Environmental Impact Report (EIR), Findings of Fact, and Mitigation and Monitoring Program certified by the El Dorado County Board of Supervisors on June 28, 2011, together with the comments received and considered during the public hearing process. The proposed project was described and analyzed in the Silva Valley Interchange Final EIR and, thus, said document is adequate for this project.
- 1.2 The Planning Commission finds that the proposed project, as conditioned, could not have a significant effect on the environment.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 The project is consistent with the Commercial (C) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The grading of the existing stockpile and excavation of additional soil to complete the Silva Valley Parkway Interchange project consistent with the allowed uses for the C Zone District with an approved Development Plan, and does not predispose the use of the site to any other commercial development without further discretionary review.
- 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 grading activities adjacent to the proposed Silva Valley Parkway Interchange, and limits the fugitive dust, erosion, impacts to biological and cultural resources, and potential noise within that area;
 - 2.2.2 7.4.4.4 (impacts to oak canopy) because the project has demonstrated it can meet the requirements of Option A onsite by replanting within the parcel and as conditioned that planting will be compliant with the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4 (Option A).

3.0 ZONING FINDINGS

- 3.1 With an approved Development Plan, the project is consistent with the El Dorado County Zoning Ordinance designation of Commercial-Planned Development because the proposed project provides soil for the Silva Valley Parkway Interchange, a project approved by the County for this commercial parcel.

4.0 PLANNED DEVELOPMENT FINDINGS

- 4.1 The planned development request is consistent with the General Plan because the application is for grading for the Silva Valley Parkway Interchange being developed to serve the residents, businesses and visitors, consistent with the Commercial land use designation, and is consistent with applicable policies as outlined in Finding 2.2.
- 4.2 The proposed development is mitigated and conditioned to provide a desirable environment within its own boundaries and addresses potential impacts air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hydrology/water quality and noise. The specific mitigations are included in the Mitigation Monitoring and Reporting Program Silva Valley Interchange dated June 2011.
- 4.3 The project is being developed or conditioned to comply with all County Code requirements.
- 4.4 The site is physically suited for the proposed uses since it is located within a commercial environment and the development area for the Interchange is concentrated allowing for preservation of the existing vegetation corridors and intermittent streams and wetlands as dictated by the U.S. Army Corps of Engineers regulations.
- 4.5 As conditioned, adequate services and utilities are available for the project, including, but not limited to, emergency access roads and adequate circulation areas outside of the critical naturally vegetated areas.
- 4.6 The proposed uses do not significantly detract from the natural land and scenic values of the site since it will provide the required best management practices preserving the remaining topsoil.

Conditions of Approval

1. This Planned Development approval is based upon and limited to compliance with the approved project description, and Conditions of Approval set forth below, and the following hearing exhibits:

Exhibit E Rough Grading Plan, Sheet C3.0 dated April 25,
2013

Exhibit F.....	Erosion Control Plan, Sheet C4.0 dated April 25, 2013
Exhibit G.....	Mitigation Monitoring and Reporting Program Silva Valley Interchange dated June 2011
Exhibit H.....	Oak Canopy Mitigation Planting Areas, Figure 2
Exhibit I	Oak Canopy Replacement Planting Details, Figure 3

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:

Development Plan for a rough grading permit to allow the utilizing of 120,000 cubic yards of soil from the 5.42-acre borrow site identified in Exhibit E, and shall be utilized for the construction of the Silva Valley Interchange.

2. In order to compensate for the loss of 0.28 acre of oak canopy loss, the applicant shall replant 56 trees at approximately 15-feet on center. Alternately, acorn planting may be used at a rate of 600 acorns per acre (nine feet on center), resulting in a total of 168 acorns. The planting shall be completed on the west portion of the parcel along Bucks Ravine and shall consist of a mix of interior live oak, valley oak, and blue oak. The trees shall be one-gallon or D-pot sapling trees and shall be located within the areas shown in Figure 2 (Exhibit H), and planted as shown in Figure 3 (Exhibit I).

The exact location and species of the 56 mitigation trees shall be determined when the replanting plans are prepared for this project and the adjacent Silva Valley Interchange Project. The final replanting plans shall be submitted to Planning Services prior to issuance of a grading permit and/or the tree planting shall occur prior to that grading permit final. A Notice of Restriction shall be recorded requiring the replacement of 0.28 acre of oak replanting concurrent with subsequent development of the site. The language of the Notice of Restriction shall be subject to the review and approval of Planning Services.

3. Ten years of maintenance and monitoring for the trees, fifteen years for the acorns, and a minimum 90 percent survival rate for both is required. General maintenance recommendations are shown in Table 3 below. Additional specific recommendations shall be provided in the annual monitoring reports. Supplemental water should be provided as noted below during the dry season, which is typically May through October, but may vary depending on the rainfall in any given year.

Table 3 – Tree/Acorn Planting Maintenance Schedule

Year	Maintenance Activities
Planting	Plant trees between October and December, after the first significant rain event, to allow initial establishment during the winter wet season. Water as needed to ensure survival if rain is inconsistent. Clear weeds around tree planting area and place 6"-deep layer of bark mulch/ wood chips in a 4-foot diameter circle surrounding tree.
One	Water trees weekly (~15 gallons per week) with supplemental watering as needed if temperatures are over 100 degrees for multiple days in a row. Replenish bark mulch in spring. Remove weeds from planting area as needed.
Two	Remove support stakes in spring. Prune out sucker growth and as needed to develop strong structure. Do not cut leader or remove small feeder twigs along trunk. Water trees weekly (~15 gallons per week). Replenish bark mulch in spring. Remove weeds from planting area as needed.
Three	Water trees twice per month (~30 gallons per watering) with supplemental watering as needed if temperatures are over 100 degrees for multiple days in a row. Replenish bark mulch in spring. Remove weeds from planting area as needed.
Four	Water trees monthly (~30 gallons per month) with supplemental watering as needed if temperatures are over 100 degrees for multiple days in a row. Replenish bark mulch in spring. Remove weeds from planting area as needed. Prune lightly for structure as needed.
Five	Water trees monthly (~15 gallons per month). Replenish bark mulch in spring. Remove weeds from planting area as needed.
Six - Ten	Discontinue supplemental water. Replenish mulch and remove weeds from planting area annually as needed. Prune lightly to improve structure as needed in Year 8.

All planting shall be monitored annually in September by an ISA-Certified Arborist to assess tree condition and overall mitigation success. The condition of each tree shall be evaluated and given a rating according to Table 4 below. Only trees ranked fair or higher shall be considered successful.

Table 4 - Health Rating Scale

Rating	Tree Health
Excellent	Free of any signs of stress, disease, nutrient deficiency, or parasites. Size, color, and density of foliage is normal with above average growth rate.
Good	Minor evidence of stress, disease, nutrient deficiency, or parasites. Size, color, and density of foliage is normal with average growth rate.
Fair	Moderate evidence of stress, disease, nutrient deficiency, or parasites. Size, color, and density of foliage is less than normal with below average growth rate.
Poor	Widespread evidence of stress, disease, nutrient deficiency, or parasites. Size, color, and density of foliage is abnormal with very little growth. High potential for tree mortality.

The project will be considered successful if at least 90 percent of the trees (51 trees or 152 acorns) survive at the end of the monitoring period. The annual monitoring report shall evaluate the success of the mitigation efforts and provide recommendations for additional maintenance and replanting efforts needed in the following year to meet the success criteria. The annual report shall be provided to the applicant by November 15 of each year. Upon completion of the final year of monitoring, a summary report documenting completion of the planting requirements shall be submitted to the County of El Dorado Development Services Division for review and approval.

4. **Condition Compliance:** Prior to issuance of grading 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.
5. **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.
6. **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.

7. **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.

8. **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 Air Quality Management District

9. **Asbestos Dust:** Current county records indicate this subject property is located within the Asbestos Review Area. An Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to project construction. (Rules 223 and 223.2). The project shall adhere to the regulations and mitigation measures for fugitive dust emissions asbestos hazard mitigation during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.2.
10. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
11. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13,

article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>. An applicability flow chart can be found here: http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf. Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.

12. 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.

El Dorado Hills Fire Department

13. Fire Department access shall be maintained to Tong Road and Silva Valley Parkway at all times.
14. In the event that traffic patterns are altered, the fire department shall be notified by calling 916-933-6623 prior to impeding access.
15. Based on the early fire season and the project location in the wildland-urban interface, a twelve foot (12') wide brush clearance shall be created around the entire project as a fire buffer. All grass/brush shall be cut down to 2" maximum height.
16. Smoking shall be prohibited except in approved locations.