

# **CONDITIONS OF APPROVAL & MITIGATION MONITORING AND REPORTING PROGRAM**

For Parcel Map 2903, General Plan Amendment GPA-21;10-2, Zone Change ZC-21;10-2 Del Rapini, And Use Permit UP-21;10-3 Apex Energy/Ecorp Consulting

**APPLICANT:** Del Rapini Construction/Apex Energy Solutions/Ecorp Consulting

**PROJECT LOCATION:** ±300 ft. southwest of the intersection of Ridge Rd. and Highway 88 Pine Grove, CA 94665 (APN: 030-070-022)

**PROJECT DESCRIPTION:** A joint project submitted by Del Rapini Construction and Apex Energy Solutions consisting of: 1) Tentative parcel map application **PM 2903 Del Rapini**, proposing a division of a 6.39-acre parcel into three parcels 1.99, 1.59, and 2.52 acres in size, and Boundary Line Adjustment, 2) a General Plan Amendment of a ±3-acre portion of the abovementioned property from the RL, Residential Low Density General Plan Designation to TC, Town Center General Plan Designation (**GPA-21;10-2 Del Rapini**), 3) a Zone Change Application for the same ±3-acre portion of the previously referenced property from R1, Single-family Residential Zoning District to C2, Heavy Commercial Zoning District (**ZC-21;10-1 Del Rapini**), and 4) a Use Permit for a Battery Energy Storage Facility (**UP-21;10-3 Apex Energy**)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**PLANNING COMMISSION APPROVAL DATE:**

**NOTICE OF DETERMINATION DATE:**

NOTE A: It is suggested the project applicant contact the Environmental Health, Public Works, and Planning Departments and any other agencies involved prior to commencing these requirements. Improvement work shall not begin prior to the review and submission of the plans and the issuance of any applicable permits by the responsible County Department(s). The Inspector must have a minimum of 48 hours' notice prior to the start of any construction.

NOTE B: Information concerning this project can be obtained through the Amador County Planning Department, 810 Court Street, Jackson, CA 95642 (209) 223-6380.

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## **CONDITIONS OF APPROVAL**

1. **Fish And Game Fees:** No permits shall be issued, fees paid, or activity commence, as they relate to this project, until such time as the Permittee has provided the Planning Department with the Department of Fish and Game Filing Fee for a Notice of Determination or a Certificate of Fee Exemption from Fish and Game. **THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.**
2. **Building Permits:** The permittee shall acquire all necessary building permits for all facilities and any related equipment. Construction and location shall be substantially the same as submitted plans and as stated in the approved project description. **THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION IN CONJUNCTION WITH THE BUILDING DEPARTMENT.**
3. **Waste Disposal:** The applicant must maintain solid waste disposal service sufficient to serve the intended use. **THE WASTE MANAGEMENT DEPARTMENT SHALL MONITOR THIS CONDITION.**
4. **Access and Encroachments (TRA-1):** The property must maintain a primary access onto a County road and obtain all necessary encroachment permits (Chapter 12.10) and grading permits (Chapter 15.40) required for the proposed uses, as regulated by the Amador County Department of Transportation and Public Works. If any project construction activities encroach into Caltrans right-of-way (ROW), the project proponent must submit an application for an Encroachment Permit to the Caltrans District 10 Encroachment Permit Office.

Appropriate environmental studies must be submitted with this application. THE AMADOR COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS OR CALTRANS SHALL MONITOR THIS CONDITION.

**PARCEL MAP CONDITIONS**

5. Prepare and submit Parcel Map. The preparation and submission of a Public Report is required prior to recording. THE SURVEYOR'S OFFICE SHALL MONITOR THIS REQUIREMENT.
6. Submit Preliminary Title Report as evidence of ownership with the parcel map check package. An updated Parcel Map Guarantee must accompany the map at the time of recording. THE SURVEYOR'S OFFICE SHALL MONITOR THIS REQUIREMENT.
7. A Registered Civil Engineer or Licensed Land Surveyor must survey all parcels. Monuments are to be set, reset, or verified (if existing) according to County Standards. THE SURVEYOR'S OFFICE SHALL MONITOR THIS REQUIREMENT.
8. Pursuant to Section 66463.1 of the Government Code (Subdivision Map Act) multiple Parcel Map(s) may be filed prior to the expiration of the tentative map. Any multiple Parcel Map(s) so filed shall be reviewed as to submittal to the Board of Supervisors for Parcel Map approval. The shape and size and development of any single unit or multiple units will be subject to Public Works Agency and Environmental Health Department review of traffic circulation and sewage disposal. THE SURVEYOR'S OFFICE, TRANSPORTATION AND PUBLIC WORKS DEPARTMENT, AND ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
9. Amador County Recreation and Fees Ordinance (REC-1): Pursuant to County Code Chapter 17.50 (Ordinance No. 1198- Amador County Recreation and Fees Ordinance) a dedication of land, payment of fees, or a combination of both for park and recreational purposes shall be provided by the developer prior to recordation of the Parcel Map. THE AMADOR COUNTY RECREATION AGENCY AND SURVEYING DEPARTMENT SHALL MONITOR THIS CONDITION.
10. TAXES: All current and delinquent taxes must be paid. Security, in the form of a cash deposit, must be posted for estimated taxes, and special assessment collected as taxes, which are a lien against the subject property, but which are not yet payable. The Tax Collector shall draw upon this cash deposit to pay the taxes, and special assessments collected as taxes when they become payable. When all current and/or delinquent taxes have been paid, and any required security has been posted with the County Tax Collector, the Tax Collector will submit a letter to the County Surveyor's Office stating that this condition has been satisfied. (Note: Please refer to Amador County Code Sections 17.72.120, 17.72.130 and 17.72.140 {amended May 15, 2007}, and Government Code Sections 66492 and 66493). THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.
11. PUBLIC REPORT: Complete the form for the Subdivision Public Report for recording--must be notarized. THE SURVEYOR'S OFFICE SHALL MONITOR THIS CONDITION.
12. PUBLIC WORKS FEES: The subdivider shall pay the actual costs of Plan Checking, Inspection, and Testing as provided in Section 17.40 of the County Ordinance prior to recordation of any final map(s). Five percent (5%) of a Licensed Civil Engineer's Estimate of the Improvement Costs will be deposit with the Public Works Agency in the Surveying and Engineering Office (2-1.5% at the time of submission and 2-1.5% prior to inspection and testing). THE TRANSPORTATION AND PUBLIC WORKS DEPARTMENT SHALL MONITOR THIS CONDITION.

13. SOILS: Preliminary Soils Report:

- I. Submit Preliminary Soils Report by a Registered Civil Engineer required in Section 17.28.240 of the County Ordinance Code.
- II. X Waived as defined in Section 66491 (a) of the Subdivision Map Act. NO MONITORING NECESSARY.

14. Water and Wastewater Service: Prior to recordation of the parcel map, the developer shall obtain a “Wholesale Water Will Serve Commitment” from the Amador Water Agency sufficient to serve the intended use(s) of the development. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

EASEMENTS:

15. Prior to recordation of any Parcel Map, provide easements as required for utilities by County Code Section 17.28.030. THE SURVEYOR’S OFFICE SHALL MONITOR THIS CONDITION.
16. Prior to recordation, subdivider shall offer to dedicate access roads for Utility Easements as determined necessary by the County. THE SURVEYOR’S OFFICE SHALL MONITOR THIS CONDITION.
17. Prior to recordation, subdivider shall record a private road maintenance agreement and shared easement granting property access for parcels 4A, 4B, and 4C from the existing encroachment off of Ridge Rd. In the case that the dedication has already been established, the subdivider shall provide proof of such Agreement and Easement(s) to the satisfaction of the County. THE TRANSPORTATION AND PUBLIC WORKS DEPARTMENT AND SURVEYOR’S OFFICE SHALL MONITOR THIS CONDITION.

USE PERMIT CONDITIONS

18. This Use Permit is granted for the use(s) described (see attached application) on the condition that the establishment, maintenance, or operation of the proposed use(s) will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use(s) or be detrimental or injurious to property and improvements or the general welfare of the County. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
19. Applicant shall submit signed conditions to the Planning Department. The issuance of this Use Permit is expressly conditioned upon the permittee’s compliance with all the provisions contained herein and if any of the provisions contained herein are violated, this Use Permit may be subject to revocation proceedings as set forth in Amador County Code. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
20. Fire Protection Services: To mitigate the impact on fire protection services, in accordance with Amador County Ordinance No. 1640 (County Code 17.14.020)4, the developer shall participate in the annexation to the County’s Community Facilities District No. 2006-1 (Fire Protection Services), including execution of a “waiver and consent” to the expedited election procedure, the successful completion of a landowner-vote election authorizing an annual special tax for fire protection services, to be levied on the subject property by means of the County’s secured property tax roll, and payment of the County’s cost in conducting the procedure. THE AMADOR FIRE PROTECTION DISTRICT SHALL MONITOR THIS MITIGATION.

**MITIGATION MONITORING AND REPORTING PROGRAM**

21. Commercial Light and Glare (AES-1): Any lighting installations must be compliant with County regulations, and be conditioned to incorporate measures to reduce light and reflectance pursuant to Amador County General Plan Mitigation Measure 4.1-4. This includes measures to reduce light and reflectance including limitation of all installed lighting with this project to full-cutoff, fully-shielded fixtures directed downwards with color correlative temperature (CCT) less than or equal to 3000K. Motion sensors and automatic shutoffs shall be used to limit all lighting fixtures in use after facility is closed to the public or after 10:00 p.m. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
  
22. Visual Impact (AES-2): Measures shall be taken to mitigate aesthetic impact to nearby properties. These measures may include, but are not limited to the inclusion landscape buffers along the residential bordering property lines, security fencing color palette consisting of neutral color(s) or color(s) matching adjacent structures, and screening of the proposed utility and ancillary other improvements related to the construction and/or operation of the commercial facilities. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
  
23. Air Quality Best Management Practices (BMPs)(AIR-1): Permittee shall meet requirements that may be deemed necessary by the Air District based upon site conditions and operations. The project shall require that idling times for delivery vehicles be limited to a maximum of 5 minutes to reduce operational emissions of criteria pollutants per General Plan Mitigation Measure 4.3-2a. THE AMADOR AIR DISTRICT SHALL MONITOR THIS REQUIREMENT.
  
24. Special-Status Species (BIO-1): Animals- Special-status animal species should be avoided to the maximum extent practicable. If complete avoidance is infeasible, project impacts will need to be quantified and mitigation developed to reduce the impacts to a less-than-significant level. Mitigation may include preservation and enhancement of on and/or off-site populations, transplanting individuals to a preservation area, or other actions, subject to the approval of CDFW, USFWS, or CNPS. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
  
25. Ground Disturbance Timing for Nesting Birds (BIO-2): To avoid impacts to nesting bird species or birds protected under the Migratory Bird Treaty Act, all ground disturbing activities conducted between February 1 and September 1 must be preceded by a pre-construction survey for active nests, to be conducted by a qualified biologist. This survey should be conducted within two weeks prior to any construction activities. The purpose of this survey is to determine the presence or absence of nests in an area to be potentially disturbed. If nests are found, a buffer depending upon the species and as determined by a qualified biologist in consultation with the California Department of Fish and Wildlife and shall be demarcated with bright orange construction fencing. Any vegetation clearing should be schedule outside of the avian nesting season (February 1 through August 31) or survey should be conducted immediately prior to vegetation removal. If active nests are found, vegetation removal should be delayed until the young fledge. No ground disturbing or other construction activities shall occur within this buffer until the County-approved biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for ground disturbing activities occurring between September 2 and January 31. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
  
26. Special-Status Species Plants- (BIO-3): Special-status plant populations should be avoided to the maximum extent practicable. If complete avoidance is infeasible, project impacts will need to be quantified and mitigation developed to reduce the impacts to a less-than-significant level. Mitigation may include preservation and enhancement of on and/or off-site populations, transplanting individual plants to preservation area, or other actions, subject to the approval of CDFW, USFWS, or CNPS. Prior to any construction activity, a biological and/or rare plant survey may be required to be conducted to determine if there are any special-status plants within the project area and which may potentially be disturbed. If special-status species are identified,

avoidance zones may be established around plant populations to clearly demarcate areas for avoidance. Where avoidance is infeasible, and the plant subject to removal or potential damage from construction, the project applicant shall develop and implement a mitigation plan pursuant to State and Federal regulation. The mitigation plan shall provide for no net loss of habitat and shall include, but is not limited to, relocation of the affected plants, replanting, and monitoring of relocated and planted specimens, or any other BMPs or conservation practices established by CDFW or USFWS. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

27. Plant Survey (BIO-4): Prior to any construction activity related to any discretionary project, a biological and/or rare plant survey shall be conducted to determine if there are any special-status plants within the project area and which may potentially be disturbed. Surveys shall be timed according to the blooming period for the target species, and known reference populations will be visited prior to surveys to confirm the species is blooming where known to occur. If special-status species are identified, avoidance zones may be established around plant populations to clearly demarcate areas for avoidance. Avoidance measures and buffer distances may vary between species, and the specific avoidance zone distance will be determined in coordination with the appropriate resource agencies. For individual specimens, highly visible temporary construction fencing shall be placed at least 10 ft. away from the drip line of the plant. No construction activity or grading would be permitted within the buffer zone. Where avoidance is infeasible, and the plant subject to removal or potential damage from construction, the project applicant shall develop and implement a mitigation plan pursuant to State and Federal regulation. The mitigation plan shall provide for no net loss of habitat and shall include, but is not limited to, relocation of the affected plants, replanting, and monitoring of relocated and planted specimens. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
  
28. Wetland and Riparian Habitat (BIO-5): Compete avoidance of wetlands is conservatively recommended to ensure compliance with wetland laws. Site development shall implement erosion control plans, and best management practices (BMPs) that prevent the discharge of sediment into nearby drainage are found, a buffer depending upon the species and as determined by a qualified biologist in consultation with the California Department of Fish and Wildlife and shall be demarcated with bright orange construction fencing.. No ground disturbing or other construction activities shall occur within this buffer until the County and CDFW approved biologist has confirmed that there is no unmitigated impact to existing riparian or wetland habit. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
  
29. Historic and Cultural Resources (CULTR-1) (CULTR-2): In the event the permittee encounters any historic, archaeological, paleontological, or tribal resource (such as chipped or ground stone, fossil-bearing rock, large quantities of shell, historic debris, building foundations, or human bone) during any construction undertaken to comply with these conditions, permittee shall stop work immediately within a 100 ft. radius of the find and retain the services of a qualified professional for the purpose of recording, protecting, or curating the discovery as appropriate. The qualified professional shall be required to submit to the Planning Department a written report concerning the importance of the resource and the need to preserve the resource or otherwise reduce impacts of the project. The permittee shall notify the Amador County Planning Department of the find and provide proof to the Planning Department that any/all recommendations and requirements of the qualified professional have been complied with. Additionally in the case that human remains are discovered on site, the following steps must be taken in accordance with Amador County General Plan Mitigation Measure 4.5-15 Cultural Resources, per Section 7050.5 of the California Health and Safety Code. The Amador County Coroner shall, within two working days:
  - i. Determine if an investigation of cause of death is required;
  - ii. Determine if the remains are most likely that of Native American origin, and if so suspected, the coroner shall notify the California Native American Heritage Commission (NAHC) within 24 hours of making his or her determination.
  - iii. The descendants of the deceased Native Americans shall make a recommendation to the operator/ permittee for the means of handling the remains and any associated grave goods as provided in Public

Resources Code (PRC) Section 5097.98.

- iv. The NAHC shall immediately notify those persons it believes to be most likely descended from the deceased Native American.
- v. The descendants may, with the permission of the landowner or their representative, inspect the site of the discovered Native American remains and may recommend possible treatment or disposition within 24 hours of their notification.
- vi. Whenever the NAHC is unable to identify a descendent, or the descendent identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendent and the mediation provided for in subdivision (k) of PRC Section 5097.94 fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.

THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

- 30. Hazardous Materials Upset and Release (HAZ-1): The applicant shall at all times be in full compliance with the regulatory standards of the Unified Program regarding hazardous materials business plan requirements, hazardous waste generation, treatment or storage, aboveground petroleum storage, and underground tanks. If a hazardous materials business plan is required, the emergency response portion shall include a plan for the evacuation of visitors in the event of a hazardous materials incident. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
- 31. Emergency Contingency Plan (HAZ-2): In coordination with the County and Fire Protection District, the applicant shall develop and maintain an emergency contingency plan which shall, at a minimum, indicate and describe in detail the backup fire suppression equipment that will be available to emergency responders that may be used in the event of a battery storage container fire. The applicant shall also provide a map or plan identifying the locations of nearby existing fire hydrants relative to the site. The applicant shall also provide a description of the contents of the containers to retain on file with the plan, and supply a schedule for when there would be individuals on-site performing standard maintenance of the site. Any specialized fire response manuals or technical guidelines applicable to the project shall be included in the plan. The emergency contingency plan shall address all reasonably foreseeable emergencies which could occur at the BESS project site. The plan shall include protocol for notification of adjacent landowners in the event that shelter in place and/or evacuation is necessary. AMADOR FIRE PROTECTION DISTRICT SHALL MONITOR THIS CONDITION.
- 32. Grading Permits and Erosion Control (HYD-1): Prior to the issuance of permits for site-specific development, drainage and grading permits shall be prepared by a licensed civil engineer and submitted to the Amador County Building Department for approval. Drainage plans shall demonstrate that new development would not increase peak storm flows and that adequate capacity exists downstream to accommodate increased stormwater volume. All site-specific development shall implement appropriate stormwater runoff best management practices (BMPs) and design features to protect receiving water quality consistent with Amador County standards, and any required National Pollution Discharge Elimination System (NPDES) permits administered by the State Water Resources Control Board (SWRCB) must be obtained prior to project execution. THE AMADOR COUNTY BUILDING DEPARTMENT SHALL MONITOR THIS CONDITION.
- 33. Fire and Life Safety (TRA-2): The project applicant/permittee shall comply with Chapter 15.30 Fire and Life Safety Ordinance. THE BUILDING DEPARTMENT SHALL MONITOR THIS CONDITION.
- 34. Tribal Cultural Resources- Buena Vista Rancheria (TRI-1): If there is to be any trenching or ground disturbing activity in native (previously undisturbed) soils, the project applicant/developer shall notify the requested tribe(s) (Buena Vista) so that they may have a cultural resources representative present to observe the work and prescribe mitigations as deemed necessary by the tribe. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

- 35. Tribal Cultural Resources- Wilton Rancheria (TRI-2): Prior to and during any ground disturbing activity product of implementation of the parcel map and/or use permit, the applicant shall consult with and implement a tribal resource monitor as deemed necessary by the Wilton Rancheria of Miwuk Indians for the duration of the disturbance. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
  
- 36. Tribal Cultural Resources- Ione Band of Miwok Indians: If Native American Cultural Resources are discovered during construction, all construction should stop immediately and consultation with Ione Band of Miwok Indians shall be reinitiated. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

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Amador County  
Planning Commission Chairperson

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Date

\_\_\_\_\_  
Project Applicant

\_\_\_\_\_  
Date

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| (1) Applicant                       | (5) Transportation and Public Works Department |
| (2) Amador Air District             | (6) Amador Fire Protection District            |
| (3) Building Department             | (7) CA Department of Fish and Wildlife         |
| (4) Environmental Health Department | (8) Planning Department                        |