

SIERRA PARK WATER COMPANY

SURFACE/MINERAL

RIGHTS OWNER: Sierra Park Water Company (SPWC), Inc.

Contact:

Lael Potter - Compliance Administrator, SPWC

potterlael@gmail.com

APPLICANT/ ENGINEER:

Black Water Consulting Engineers, Inc.

Contact:

Aja Verberg, Vice President

aja@blackwater-eng.com

DATE: November 10, 2022

PROJECT AND LOCATION

PROJECT DESCRIPTION:

Conditional Use Permit CUP22-006 to allow for a new 1,456± square foot indoor water treatment facility located on a 51± acre portion of Assessor's Parcel Number (APN) 031-010-037 and a 565± square foot portion of APN 031-010-033, both zoned AE-37 (Exclusive Agricultural, Thirty-Seven Acre Minimum) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

LOCATION:

The project site is located within the Odd Fellows Sierra Camp Subdivision. The new water treatment facility will be located approximately 430± feet northeast of the intersection of Deborah Drive and Jordan Way West in the community of Long Barn within the Odd Fellows Park Subdivision. Within a portion of Sections 30 and 31, Township 3 North, Range 17 East, Mount Diablo Baseline and Meridian. The project site is located within Supervisorial District 3.

GENERAL PLAN:

The project site is designated Agricultural (AG) by the Tuolumne County General Plan land use diagrams. Table 1.3 of the Technical Background Report of the 2018 Tuolumne County General Plan indicates that the AG designation is consistent with the AE-37 zoning districts.

ENVIRONMENTAL EVALUATION

After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that Conditional Use Permit CUP22-006 is categorically exempt from review under the California Environmental Quality Act pursuant to Section 15303(d) and 15301 of the *State CEQA Guidelines*, because the project entails the construction of a 1,456 square foot structure and other utility system upgrades as necessary for investor-owned utilities to provide public utility services. The project does not involve the use of significant amounts of hazardous substances and does not exceed 10,000 square feet in floor area within an urbanized area. None of the exceptions to the use of a categorical exemption found in Section 15300.2 of the *State CEQA Guidelines* apply to this project.

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RECOMMENDATION

Community Development Department Staff recommends approval of Conditional Use Permit CUP22-006, based upon the following findings, pursuant to Section 17.68.050 of the TCOC, and subject to the attached conditions 1 through 49:

- A. The proposed project is consistent with the Tuolumne County General Plan.
- B. The proposed project is in accordance with the Tuolumne County Ordinance Code.
- C. The proposed use will not overburden existing municipal facilities.
- D. The size and terrain of the project site are suitable for the proposed use.
- E. Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety or general welfare of the persons residing or working in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood.
- F. No further environmental review is required for the project under the California Environmental Quality Act (CEQA) pursuant to Section 15303(d) and 15301 of the *State CEQA Guidelines*.

GENERAL INFORMATION

Site Description

- 1. The project site is located throughout the developed Odd Fellows Sierra Camp Subdivision within the community of Long Barn. The main project component will occur on a portion of Assessor's Parcel Number (APN) 031-010-037. Other improvements, excluding individual meter replacements, will occur on portions of APNs 031-010-029, -030, -035, -037, and within public rights of way on roads within the subdivision to serve individual lots with existing utility service connections. The project site is located at an approximate elevation of 4,530 feet above mean sea level and lies approximately one mile south of the intersection of State Highway 108 and Wheeler Road.

Project Description

- 2. Conditional Use Permit CUP22-006 would allow the development of a new 1,456 square foot water treatment facility building and site-specific upgrades to existing Sierra Park Water Company (SPWC) infrastructure as follows:

Table #1

Assessor's Parcel Number (APN)	Zoning	Proposed Use
031-010-038	AE-37	Construct new 1,456 square foot Water Treatment Facility building.
031-010-030	TPZ	Tank Farm Site (Tank1): Adding a level transducer inside the tank, adding solar panels on top of tank, and adding a Supervisory Control and Data Acquisition (SCADA) System antenna on the tank.
031-010-029	TPZ	Tank 210: Adding a solar powered SCADA antenna to the top of the tank.

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3. The site plan identified on Attachment #2 shows areas of proposed work. Attachment #3 identifies the elevations of the proposed treatment facility. The project will include the construction of a fenced iron and manganese water treatment facility. The facility will be located within a 25'-4" x 54'-6" metal pre-manufactured building to house the treatment system, and the facility will be enclosed by a 7-foot chain link fence. The site will also include a backwash and waste storage tank. Improvements to the distribution piping will include modifications to the discharge piping at both wells to connect to the treatment facility. Existing wells will receive larger pumps, equipped with a variable frequency drive (VFD). The total area of disturbance is 8,661.25 square feet. Construction equipment would consist of a crane, excavator, bulldozer, loader, backhoe, ready mix concrete truck, concrete pumper, dump truck, water trucks, flatbed truck, gravel truck, air compressor, concrete saw cutter, demolition equipment, and portable diesel generator.
4. Accessory upgrades in conjunction with CUP22-006 will consist of a supervisory control and data acquisition (SCADA) system installation for monitoring and controlling the existing well and tank infrastructure for the proposed treatment system facility. A solar-powered antenna will be installed at the top of Tank 210 and on the largest tank at the existing tank farm site. The control panels for the SCADA system will be located at the well sites, the water treatment plant site, and the tank site. Refer to table 1 above.
5. CUP22-006 will include upgrades to installation of new water meters and valve boxes on 364 existing service laterals. Disturbance for the installation of water meters and meter boxes on these existing service laterals will take place in previously disturbed areas within the public right of way and will consist of trench excavations at each service of a maximum dimension of 4 feet by 4 feet and a maximum depth of 2± feet. Equipment to be used in the water meter installation phase consist of a mini excavator (<50hp), 185 cfm air compressor, and small equipment. Other work in the well area includes the installation of electrical conduits to connect the wells to the SCADA system panel located at the water treatment site.

Project Site History

6. SPWC owns and operates the public water system at the Sierra Park Community and serves approximately 300 residents of the Sierra Park Community. SPWC water system operates under the State Water Resources Control Board (SWRCB) Division of Drinking Water, Domestic Water Supply Permit Number 03-11-13P-015, Public Water System No. CA 5510016. The population of the community consists mainly of seasonal and intermittent residents, a clubhouse, and a pond. Water service is provided to customers through 364 connections. SPWC typically serves only 50 full time residences year-round.
7. Domestic water is supplied from two active groundwater well supply sources (Well No. 5 and No. 6) and is stored in six storage tanks with a combined capacity of 303,000 gallons. Groundwater is pumped through the distribution system via 4-inch diameter water pipelines for distribution, and from the wells to fill the storage tanks. The well pumps are operated manually, in alternating sequence, to maintain the level in the tanks to supply the distribution system demand, and to maintain system pressures. A 6-inch water main connects the discharge piping between both wells. The manual operation of valves allows isolation of each well from the distribution system when the water supply is alternated between wells. A schematic of the existing system is on file in the Community Development Department.

General Plan

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8. The AG designation provides for the production of food, feed, fiber, nursery and apiary commodities and other productive or potentially productive lands where commercial agricultural uses can exist without creating conflicts with other land uses or where potential conflicts can be minimized. This designation is found throughout the County but is concentrated in the western part of the County. Typical land uses allowed include crop production, orchards and vineyards, grazing, pasture and rangeland, recreational farming, resource extraction activities, facilities that directly support agricultural operations and public facilities. Allowable residential development in areas designated AG include one single family dwelling and one additional single-family dwelling per parcel, caretaker and employee housing and agricultural laborer housing. CUP22-006 is for the construction of a water treatment facility for the existing residences within the subdivision. The proposed use reflected in the entitlement application is that of public utility infrastructure, for the benefit of the surrounding community.
9. Table 1.3 of the Community Development and Design Element in Volume II of the 2018 General Plan indicates that the AE-37 zoning districts are compatible with the AG General Plan land use designation. Therefore, the proposed project may be found to be consistent with the Tuolumne County General Plan.

Tuolumne County Ordinance Code

10. The project site is zoned AE-37 under Title 17 of the Tuolumne County Ordinance Code. The purpose of the AE-37 zoning district is to provide for agricultural and resource production where commercial agricultural uses can exist without encroachment of incompatible uses and provide for the preservation and conservation of working landscapes and open space. Development in this zone must comply with Title 15 of this Code relative to fire safety standards.

Pursuant to section 17.09.030 (v) of the TCOC, commercial refuse and sewage sludge disposal sites and public water and sewer treatment plants are a conditional use in the AE-37 zoning district. Conditional Use Permit CUP22-006 would allow the development of an indoor water treatment facility which would support the existing utility infrastructure of the existing surrounding subdivision, therefore is subject to a Conditional Use Permit.

Off-Street Parking

11. Pursuant to TCOC Chapter 17.60.020, the amount of parking required for public utility buildings and uses is two spaces for every three employees on the two maximum adjacent shifts, or 4 per 1,000 square feet of gross floor area, whichever is greater. The applicant has indicated that one employee per shift would be on site. Parking would occur horizontal to the treatment facility. The Engineering Division of Public Works did not require a parking area plan.

Traffic and Access

12. As the project consists of the location proposed adjacent to Well #6 (Attachment 2), access to the project site will be a 24-foot wide paved road off of Jordan Way West.
13. Chapter 3.54 of the Ordinance Code estimates that an estimated 6 vehicle trips per day (dvt) occurs per each 1,000 square feet of a private utility's facility. The indoor water

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treatment facility is proposed to be 1,456± square feet in size. The estimated number of daily vehicle trips (dvt) generated by the proposed structure is as follows:

Private Utility Facility: $1,456 \text{ ft}^2 \times 6 \text{ dvt}/1,000 \text{ ft}^2 = 8.7$ daily vehicle trips

14. The Engineering Division of the CDD did not require a traffic study for the project because the anticipated level of traffic resulting from the project was not large enough to warrant a traffic study. For a Traffic Study to be required by the Engineering Division, the peak afternoon trips would need to be greater than 50 vehicle trips per hour, or greater than 500 vehicle trips per day.
15. The Tuolumne County Board of Supervisors has determined that projects of this type contribute cumulatively to the significant adverse impacts on the County's circulation system. To mitigate this impact, the project proponent or subsequent developer shall pay an appropriate Traffic Impact Mitigation Fee (TIMF) prior to issuance of a Certificate of Occupancy pursuant to Section 3.54.040 of the Tuolumne County Ordinance Code. Based on the usage of a privately owned utilities facility, the current fee is \$3,447 per 1,000 square feet. This fee is adjusted annually. ***The total TIMF that is due based on the current fee schedule should be \$5,018.83.*** The final TIMF fees will be calculated and due prior to the issuance of a Certificate of Occupancy by the Building and Safety Division.

Utilities

16. The project consists of a water treatment facility adjacent to an existing well (Well #6) as indicated in Attachment # 2. As proposed, the structure does not include restroom utilities. Should the design of the structure change, the applicants will need to comply with Title 13 of the TCOC and contact the Environmental Health Division of Tuolumne County.

Cultural Resources

17. The Historic Property Identification Report for Sierra Park Water Company, Inc. Water System Improvements was prepared by Charla M. Francis in September of 2021. Areas of Potential Effects for the project were identified and include the laterals to each individual parcel located within existing previously disturbed rights-of-way. Additionally, the Central California Information Center was contacted, and a formal record search was conducted for a one-quarter mile radius of the area. Further, a pedestrian survey was conducted and documented. The Native American Heritage Commission was contacted to request a Sacred Lands File search, which concluded negative results. All reports can be found in the project file, in addition to documentation of outreach efforts to all Cultural stakeholders. These files are located at the Tuolumne County Community Development Department, 48 Yaney Avenue, Sonora, California.
18. On June 20, 2020, and September 10, 2021, a Pedestrian Survey was conducted, and a report was completed by Charla M. Francis. The report is titled, *Historic Property Identification Report, Sierra Park Water Company Incorporated – Water System Improvements, Tuolumne County California*. The report concluded that impacts to cultural resources will not occur but included three conditions should unanticipated resources be encountered and identified during construction. These conditions have been incorporated within the project and have been incorporated into the project's Conditions of Approval.

Biological Resources

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19. The California Department of Fish and Game Natural Diversity Data Base (CNDDB) maps were consulted for known locations of special status plants or animal species. No special status species have been known to occur within the immediate vicinity of the project site.
20. The CalFire Fire Resource Assessment Program (FRAP) Maps indicate that the annual grassland (AGS) and montane riparian (MRI) habitat type covers various portions of APN 031-010-037. The area proposed for development of the water treatment facility is within the AGS habitat type. Augustine Planning and Associates, Inc. prepared the Biological Assessment for SPWC. The report's findings indicated the following that no special status species were identified on site. Potential habitat for special status species is present, but not within the potential area of disturbance. Conditions of approval have been incorporated into the project to ensure compliance with the above statement.

Advisory Agency Responses

21. The proposed project has been reviewed by several State and County agencies. The responses from advisory agencies are addressed in this report below and the project Conditions of Approval.

TC Fire Prevention

The Tuolumne County (TC) Fire Prevention Division reviewed the proposed project and proposed two conditions that will need to be met. The conditions are for road width and fire apparatus clearance; both have been incorporated into the project's Conditions of Approval.

TC Environmental Health Division

TC Environmental Health Division would like SPWC to contact the Regional Water Quality Control Board, who regulates wastewater treatment facilities involving 10,000 gallons or more, to determine any requirements they may have.

TC Building and Safety

The Building and Safety Division has reviewed the proposed project. No substantial comments were received, and standard conditions have been attached to CUP22-006.

TC Department of Public Works

The PW Department indicated that the scope of grading is anticipated to be minimal, and that the roads within the subdivision are not County-maintained, therefore not subject to a County Public Works Encroachment Permit for the proposed improvements within the right-of-way. The installation of water meters is not anticipated to require any major excavations.

Caltrans

Caltrans reviewed the proposed project and indicated that any project activities that encroach into the Caltrans right-of-way would trigger a Caltrans Encroachment Permit. Based on the current project scope, Caltrans has no additional comments but requested to be notified of any future development on site.

Tuolumne Utilities District

TUD provided the following, "The District owns and operates a water well at APN: 027-050-006 serving approximately 31 District customers in and around the Peaceful Pines Subdivision. The District's well is approximately 1,700 feet Northwest of Sierra Park Water

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Company's (SPWCI) Well #5. The District does not anticipate the proposed project would adversely affect the District's well or associated distribution facilities. The District estimates the project will improve the quality of service to the customers of SPWC, reducing operating costs and improving the reliability and resiliency of the SPWC water facilities; therefore, the District fully supports the proposed project".

Central Sierra Environmental Resource Center (CSERC)

CSERC reviewed the proposed project and indicated that they generally support said efforts to improve water infrastructure; however, they indicated that the following comments be considered during construction. Staff has provided a response to each in blue as follows:

- CSERC advocates that an appropriate wildlife species survey be completed at the proposed project site prior to breaking ground, to assess what wildlife may be impacted by construction.

The project applicant has provided a Biological Study which indicated suggestions that have been incorporated into the projects (CUP22-006) conditions of approval.

- If construction of the proposed project may compromise existing wetlands and the species that rely on them, these impacts should be mitigated to prevent habitat degradation.

The project has been analyzed to address any impacts to wetlands. None were identified as the project will be constructed in the AGS habitat type.

- Potential increases on demand to the existing water supply should be thoroughly analyzed. Given the state of the drought, and potential to overdraft well water supplies in California, this is a particularly significant concern.

There is no anticipated increase in water supply for the existing SPWC Community water system. The project is to add upgrades and rehabilitate the existing infrastructure to meet requirements mandated by the State Water Resources Control Board.

Adjoining Property Owners

22. Property owners within 1,000 feet were notified of the project. The CDD received to responses with general questions and concerns which were addressed by staff. A copy of their comments and staff's response can be found attached to this staff report.

Conditional Use Permit Findings

23. Section 17.68.050 of the TCOC requires that evidence be shown that the proposed project meets the necessary findings for a Conditional Use Permit. Below are the required findings, and staff's responses to each point:

A. The proposed project is consistent with the Tuolumne County General Plan.

Consistency with the General Plan is discussed and demonstrated in #8 and #9 above in this report.

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B. The proposed project is in accordance with the Tuolumne County Ordinance Code.

Consistency with the Ordinance Code is discussed and demonstrated in #10 above in this report.

C. The proposed project will not overburden existing municipal facilities.

Municipal facilities and utilities were discussed in #16 above in this report. The project would not overburden these services.

D. The size and terrain of the project site are suitable for the proposed use.

The site topography is described in #1 of this report and the project description is described in #2 through #5 of this report. The project site is suitable for the proposed use.

E. The proposed project will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be substantially detrimental or injurious to property and improvements in the neighborhood.

The project is required to comply with all applicable provisions of the State Water Regional Control Board, as well as Title 13 relative to the construction and maintenance of on-site water treatment systems and water wells, including obtaining applicable permits from the Tuolumne County Environmental Health Division. The project is required to obtain any applicable Building Permits or Grading Permits. There will be no handling or storage of hazardous materials. Therefore, the low impact use of the site will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood.

PREPARED BY: Cheydi Gonzales, Land Use Coordinator

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Attachments List:

Attachment #1: Agenda Map

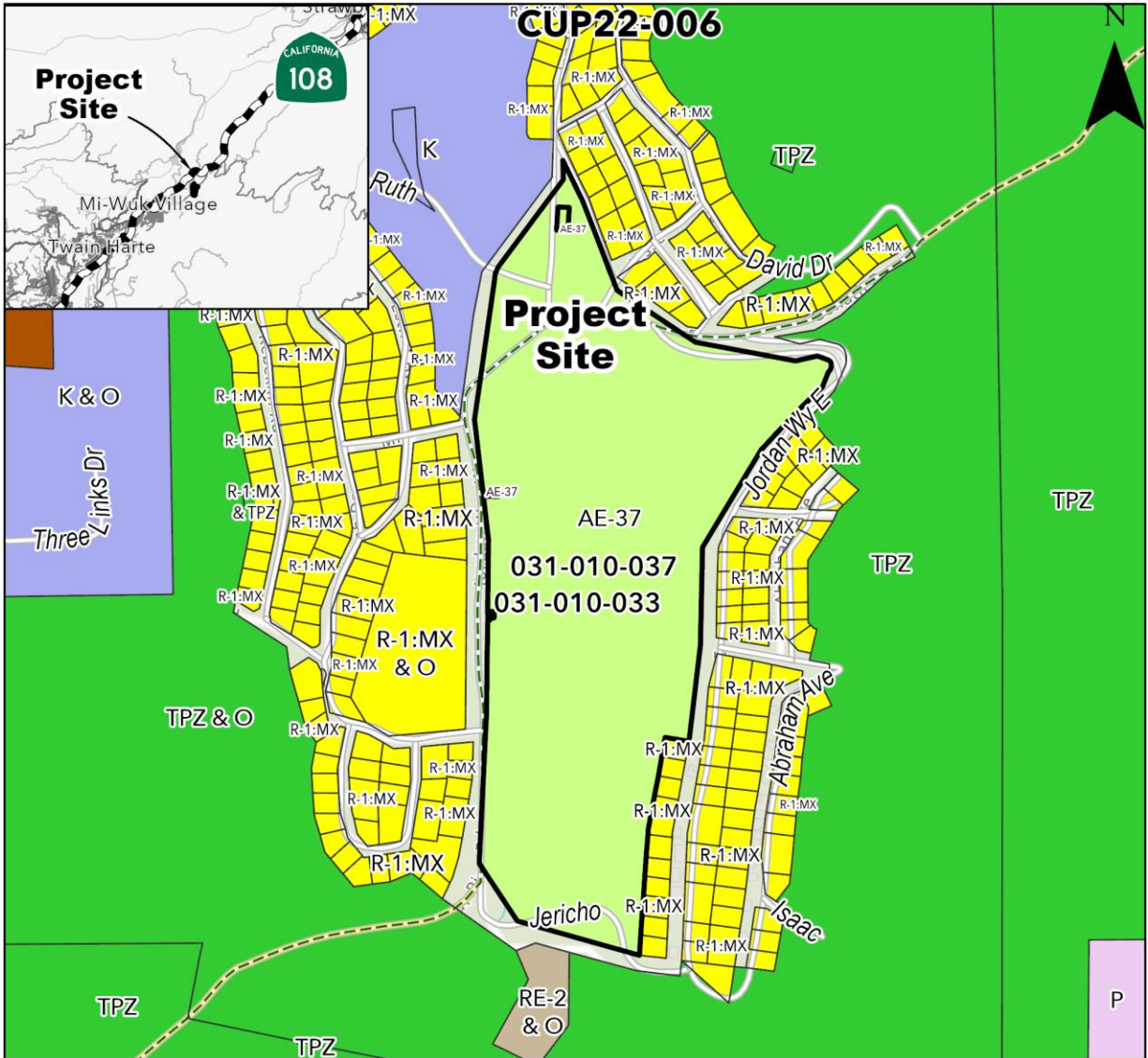
Attachment #2: Site Plan

Attachment #3: Treatment Facility Elevations

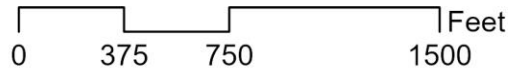
Attachment #4: Conditions of Approval for CUP22-006

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Attachment #1: Agenda Map



Project: CUP22-006
 Owner: Sierra Park Water Company (SPWC), Inc
 Applicant: Black Water Consulting Engineers, Inc
 APN: 031-010-033 & 031-010-037
 Acres: 51 ± acres
 Current Zoning: AE-37
 Current General Plan Designation: AG
 Project Description: Conditional Use Permit CUP22-002 to allow for a new 1,456 square foot indoor water treatment facility located on a 51± acre portion of assessor's parcel number (APN) 031-010-037 and a 565± square foot portion of APN: 031-010-033 both zoned AE-37 (Exclusive Agricultural, Thirty-Seven Acre Minimum) under Title 17 of the Tuolumne County Ordinance Code



- Project Area
- General Plan**
- LDR
- ER
- RR
- P
- AG
- R/P
- TPZ

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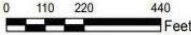
Attachment #2: Site Plan



SIERRA PARK
WATER COMPANY
WATER SYSTEM
SCHEMATIC MAP

TUOLUMNE COUNTY, CA

- Legend**
- Tank
 - Well Site
 - Treatment Plant Building
 - ▨ Treatment Plant Site



Attachment #3: Treatment Facility Elevations

EXTERIOR ELEVATION NOTES:

- 4.1 GAUGE WALL SHEETING
- 4.2 2"x2" LOWER W/WATER FAN
- 4.3 4"x6" LOWER
- 4.4 26 GAUGE ROOF SHEETING
- 4.5 SINGLE DOOR 4'-0"X7'-0" 1/2"X1 3/4" THICK
- 4.6 ROLL-UP DOOR 9'X9'-0"
- 4.7 ROLL-UP DOOR 18'X9'-0"
- 4.8 VENTED RIDGE CAP
- 4.9 SEAMLESS RAIN GUTTER AND DOWN SPOUT
- 4.10 12"X12" LOUNGE
- 4.11 POWER MAST AND ELECTRICAL CONNECTION
- 4.12 SINGLE DOOR 8'X10'6" PVC SWR AND SIGHT GLASS 4'-0"X7'-6"X1 3/4" THICK
- 4.13 FPM 104 HAZARDOUS SIGN
- 4.14 BRIDAN 508 CHEMICAL ROOM EXHAUST FAN
- 4.15 SUPPLY VENT

SOUTH ELEVATION
1" = 4'-0"

EAST ELEVATION
1" = 4'-0"

NORTH ELEVATION
1" = 4'-0"

WEST ELEVATION
1" = 4'-0"

<p>BLACKWATER CONSULTING ENGINEERS 602 UFFEL DRIVE, MODESTO, CA 95354 • PH:209.322.1820</p>	<p>811 Know what's below. Call before you dig.</p>		REV	DATE	DESCRIPTION	APP	PROJECT NO. J17183	SIERRA PARK WATER COMPANY WATER TREATMENT PLANT AND SCADA IMPROVEMENTS <hr/> WATER TREATMENT PLANT PRE-ENGINEERED METAL BUILDING ELEVATIONS	VERIFY SCALES BASE IS ONE INCH ON GEOMETRIC DRAWING	DRAWING NO. C.06
							DESIGNED BY TCL			DRAWN BY SPD
							CREATED BY A.V.			
							DATE DECEMBER 2021			

SIERRA PARK WATER COMPANY
Attachment #4
CONDITIONS OF APPROVAL
SIERRA PARK WATER COMPANY
CONDITIONAL USE PERMIT CUP22-006

General Conditions:

1. LU As a condition of the grant of approval of this Permit, and as a continuing condition of approval of the Permit, developer/permittee/applicant/property owner/subdivider, and the successor in interest shall defend, indemnify, save and hold harmless the County of Tuolumne, its elected and appointed officials, officers, agents, employees and volunteers from any and all claims, actions, proceedings, or liability of any nature whatsoever (including attorney's fees and costs awards) arising out of, or in connection with the County's review or approval of the application or project on which this condition is imposed, or arising out of or in connection with the acts or omissions of the above described person, and his/her/its agents, employees, or contractors, during any work performed in connection with the application or project. With respect to review or approval, this obligation shall also extend to any effort to attack, set aside, void, or annul the approval of the project including any contention the project approval is defective because a county ordinance, resolution, policy, standard, or plan is not in compliance with local, state or federal law. With respect to acts or omissions of the above-described person and his/her/its agents, employees, or contractors, the obligation hereunder shall apply regardless of whether the County prepared, supplied, or approved plans, specifications or both. If the defense right is exercised, the County Counsel shall have the absolute right to approve any and all counsel employed to defend the County. To the extent the County uses any of its resources to respond to such claim, action or proceeding, or to assist the defense, the above-described person will reimburse County upon demand. Such resources include, but are not limited to, staff time, court costs, County Counsel's time at its regular rate for non-County agencies, or any other direct or indirect cost associated with responding to, or assisting in defense of, the claim, action, or proceedings. For any breach of this obligation the County may, without notice, rescind its approval of the application or project to which this covenant/condition is attached. (TCOC Section 17.68.150)

2. BD A Building Permit shall be obtained from the Building and Safety Division of CDD for all non-exempt structures, pursuant to Section 105 of the California Building Code. (CBC, Section 105)

3. ED Secure a Grading Permit from the Engineering Division of Department of Public Works (DPW) prior to any grading, excavating or earthmoving on the site or associated with this project, in accordance with Chapter 12.20 of the TCOC. (TCOC, Section 12.20.050).

Conditions to be met prior to the issuance of a Grading Permit. If a Grading Permit is not required, conditions to be met prior to the initiation of site improvements:

4. ED A Grading Plan shall be submitted to the Engineering Division of the

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Department of Public Works for review and approval (TCOC, Section 12.20.140).

5. ED A Drainage Plan shall be required and address the concerns listed below (TCOC Sections 11.04.050E; 12.20.300-12.20.360; 16.26.180).
 - a. Any increased runoff and effect to downstream drainages, culverts and adjacent property.

6. ED Provide proof that slope and drainage easements have been obtained or provided in such locations as necessary to accommodate cut and fill slopes, setbacks, and flow from the site (TCOC, Section 12.20.270-280).

Also provide a 15-foot wide drainage easement along all existing pipes that are not located in a road and public utility easement (TCOC, Section 16.24.180).

7. ED/LU An Encroachment Permit shall be obtained from the Engineering Division of the Department of Public Works for any work that may be proposed within the County Road right-of-way (TCOC, Section 12.04).

8. ED Prior to the construction of any site improvements or grading on the site, all property corners shall be monumented and clearly visible. Where a clear line of sight between lot corners is not possible, appropriate markers shall be set along the property line to mark the boundaries while construction is in progress (TCOC, Section 12.20).

9. ED The applicant shall submit an erosion control plan for any construction to take place (TCOC, Title 12).

10. LU All contractors involved in site development, affected SPWC personnel, applicable agency staff and environmental specialists (e.g., biologist) will attend a mandatory Environmental Awareness Training prior to any site disturbances. The program will address proper implementation of minimization and avoidance measures contained herein. (Project Description; TCOC 17.68.150).

11. LU Within 48 hours of commencing site disturbances, the SPWC, or its representative, shall have a qualified biologist survey for and, if present, relocate any non-nesting western pond turtles from the project site's potential area of disturbance. If found on site in locations where harm to the turtle may occur from project activities, the turtle first will be given the opportunity to leave the site voluntarily if the turtle actively is in the process of attempting to leave the site and is likely to successfully do so within the hour in the opinion of the qualified biologist. Otherwise, the qualified biologist will relocate the turtle downstream of the work area along the creek where permanent or nearly permanent water is pooled or present or, to the pond, if work has been completed in proximity to the pond. At the discretion of the qualified biologist, turtles may be located upstream if higher quality pools with permanent or nearly permanent pools are identified. Up to three non-nesting western pond turtles may be relocated pursuant to this measure. Relocations will be

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reported to CDFW. [California Code of Regulations, Title 14, Division 1, Chapter 5, Subsection 40(b)] (Project Description; TCOC 17.68.150).

12. LU Prior to construction occurring between February 1st and August 30th (e.g., excavation, ground disturbance, or vegetation removal) a preconstruction survey for nesting birds will be conducted in accordance with the CDFW guidelines and a no- disturbance buffer will be established, if necessary.

If equipment staging, site preparation, vegetation removal, grading, excavation or other project-related construction activities are scheduled during the avian nesting season (generally February 1 through August 30), a focused survey for active nests would be conducted by a qualified biologist within 15 days prior to the beginning of project-related activities.

Surveys shall be conducted in all suitable habitat in the BSA.

If an active nest is found, the bird shall be identified to species and the approximate distance from the closest work site to the nest estimated. No additional measures need be implemented if active nests are more than the following distances from the nearest work site: (a) 300± feet for raptors; or (b) 75± feet for other non-special- status bird species. Disturbance of active nests shall be avoided to the extent possible until it is determined that nesting is complete and the young have fledged. For species protected under the California Fish and Game Code (CFGC), if active nests are closer than those distances to the nearest work site and there is the potential for bird disturbance, CDFW will be contacted for approval to work within 300± feet of raptors, or 75± feet of other non-special-status bird species

Note: Buffers (as per the distances above) also shall apply in accordance with the preceding if foraging great gray owls are identified during the nesting season as necessary to protect foraging owls. (Project Description; TCOC 17.68.150).

13. LU The Contractor shall prepare an Erosion Control Plan for SPWC review and approval. All soils disturbed by grading shall be reseeded or hydromulched or otherwise stabilized 48 hours in advance of a rain event. A likely rain/precipitation event is any weather pattern that is forecasted to have a 30% or greater chance of producing precipitation in the project area. The discharger shall obtain likely precipitation forecast information from the National Weather Service Forecast Office (e.g., by entering the zip code of the project's location at <https://www.weather.gov/forecastmaps>). A qualifying rain event is one that produces 0.5 inch or more of precipitation within a 48 hour or greater period between rain events. Emergency erosion control measures shall be used as reasonably requested by the SPWC.

Submit to the State Water Resources Control Board Storm Water Permitting Unit, a Notice of Intent (NOI) to obtain coverage under the General Construction Activity Storm Water Permit - California's National Pollution Discharge Elimination System (NPDES) general permit for construction related storm water discharges for the disturbance of one acre or more. Disturbances of less than one acre may also require an NOI for coverage under the NPDES General Permit for construction-related storm water discharge and the State Water Resources Control Board Permitting Unit shall be contacted for determination of permit requirements. Commercial and Industrial

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developments may require an NOI even if less than one acre is to be disturbed. Obtain coverage or an exemption from these requirements. [Federal Water Pollution Control Act, Section 401, California Clean Water Act]. The permit may include preparation of a Stormwater Pollution Prevention Plan (SWPPP). (Project Description; TCOC 17.68.150)

Conditions to be met prior to the issuance of a Building Permit:

14. BD This project must comply with all applicable provisions of the Americans with Disabilities Act (ADA), and Chapters 11A and/or 11B of the California Building Code as applicable. (TCOC, Section 17.68.150)
15. FPD Roads shall be provided within 150 feet of all portions of the exterior walls of the proposed buildings. The roads shall be constructed to have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 15 feet. The roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities. Signs shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both. The roads shall be posted with signs stating "No Parking Fire Lane" or other language as approved by Fire Prevention. The number and location of the signs shall be approved by Fire Prevention. Red striping on the exterior boundaries of fire access roads shall be used to identify areas of roads and prohibit vehicle obstruction. The configuration of the fire apparatus access roads shall be indicated on the site plan. (CFC Sections 503, TCOC Title 11)
16. FPD For dead-end fire apparatus access roads in excess of 150 feet in length, an area for turning fire apparatus around shall be provided as approved by Fire Prevention. (CFC Section 503)
17. LU/BD Prior to the installation of any exterior lighting, a lighting plan shall be submitted to the Land Use and Natural Resources (LUNR) Division of CDD for review and approval. The lighting plan shall meet the following standards: direct the light downward to the area to be illuminated, install shields to direct light and reduce glare, utilize low rise light standards or fixtures attached to the buildings, and utilize low or high pressure sodium lamps or LED lighting instead of halogen type lights. The lighting plan shall comply with the International Dark Sky Association standards and fixtures shall have the International Dark Sky Fixture seal of approval. (TCOC, Section 17.68.150)
18. LU Submit a Signage Plan to the LUNR Division of the CDD prior to the installation of any signage on site. The signage shall comply with all applicable provisions of Chapter 17.62 of the TCOC and the Jamestown Design Guidelines. (TCOC, Chapter 17.62)
19. EH Prior to the issuance of any building permit, plans for any subsurface commercial on-site sewage treatment and disposal system shall demonstrate compliance with Chapter 13.08 of the Tuolumne County

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Ordinance Code and be approved by the Environmental Health Division, (TCOC Section 13.08.070).

20. AG All hay, straw, hay bales, straw bales, seed, mulch or other material used for erosion control or landscaping on the project site shall be free of noxious weed seeds and propagules. Noxious weeds are defined in Title 3, Division 4, Chapter 6, Section 4500 of the California Code of Regulations and the California Quarantine Policy - Weeds. (Food and Agriculture Code, Sections 6305, 6341 and 6461)
21. AG All equipment brought to the project site for construction shall be thoroughly cleaned of all dirt and vegetation prior to entering the site, in order to prevent importing noxious weeds. (Food and Agriculture Code, Section 5401)
22. AG All material brought to the site, including rock, gravel, road base, sand, and topsoil, shall be free of noxious weed seeds and propagules. Noxious weeds are defined in Title 3, Division 4, Chapter 6, Section 4500 of the California Code of Regulations and the California Quarantine Policy - Weeds. (Food and Agriculture Code, Sections 6305, 6341 and 6461)
23. SW All solid waste from demolition or construction activities shall be disposed of at facilities authorized by the County Board of Supervisors by Resolution 183-04, including the Cal Sierra Materials Recovery Facility (MRF), the Pinecrest Transfer Station, or the Groveland Transfer Station. Solid waste that is not accepted at these facilities may be disposed of at an alternative facility that is permitted to receive the waste. (TCOC, Chapter 7.12)

Conditions to be met during the construction phase of the proposed project:

24. BD Hours of exterior construction on the project site shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday. Exterior construction shall be prohibited on Sunday and County holidays. (TCOC, Section 17.68.150)
25. ED All soils disturbed by clearing and grubbing and/or grading shall be reseeded or hydro-mulched or otherwise stabilized as soon as possible, and emergency erosion control measures shall be utilized as requested by County officials (TCOC, Title 12).
26. ED Drainage improvements shall be installed in accordance with approved drainage plans. (TCOC Sections 11.04, 11.12, 16.26.180)
27. ED/APCD Exposed serpentine gravel is prohibited on the project site, unless exempted pursuant to the Tuolumne County Air Pollution Control District Rules and Regulations, Regulation IX, Rule 904 Section (F) or Rule 908 Section (C) or (O)(3). No person shall use, apply, sell, supply, or offer for sale or supply any restricted material (as defined in subsection (1)(20) of Rule 904) for surfacing, unless it has been tested and determined to have an asbestos content that is less than 0.25 percent. Any roadway including road shoulders or any surface that is subject to vehicular travel or pedestrian access must be completely covered with non-restricted material. (California Health and Safety Code, Sections 93105 and 93106)

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28. BD/ED The contractor shall be responsible for dust abatement during construction and development operations. A water truck or other watering device shall be on the construction site on all working days when natural precipitation does not provide adequate moisture for complete dust control. Said watering device shall be used to spray water on the site at the end of each day and at all other intervals, as need dictates, to control dust. (TCOC, Section 12.20.370)
29. LU To avoid inadvertently trapping special status or common animal species during construction, all excavated steep-walled holes or trenches more than two feet deep shall be covered at the end of each working day with plywood or similar material, or provided with one or more escape ramps constructed of earth fill or wooden planks, or equivalent, at each end of the trench. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals. If at any time a trapped animal is discovered, the contractor shall place an escape ramp or other appropriate structure to allow the animal to escape. Alternatively, the contractor shall contact the project biologist or California Department of Fish and Wildlife for assistance. Similarly, stored pipes or other materials providing potential cover for animals will be inspected prior to installation or use to ensure that they are unoccupied. (Project Description; TCOC 17.68.150)
30. LU If a cultural resource is discovered during the activities authorized by this Permit, the person in possession of the parcel for which the permit was issued and all persons conducting any activity authorized by this permit shall comply with the following provisions:
- A. The person discovering the cultural resource shall notify the Community Development Department by telephone within 24 hours of the discovery or the next working day if the department is closed.
 - B. When the cultural resource is located outside the area of disturbance, the Community Development Department shall be allowed to photo document and record the resource and construction activities may continue during this process. On parcels of two or more gross acres, the area of disturbance includes building pads, septic areas, driveways, or utility lines, grading and vegetation removal, plus 300 feet. On parcels of less than 2 gross acres, the area of disturbance equals the boundaries of the parcel.
 - C. When the cultural resource is located within the area of disturbance, all activities that may impact the resource shall cease immediately upon discovery of the resource. All activity that does not affect the cultural resource as determined by the Community Development Department may continue. A qualified professional, as defined in Section 17.04.657 of the Tuolumne County Ordinance Code, such as an archaeologist or an historian, shall be allowed to conduct an evaluative survey to evaluate the significance of the cultural resource.
 - D. When the cultural resource is determined to not be significant, the qualified professional or Community Development Department shall be allowed to photo document and record the resource. Construction

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activities may resume after authorization from the Community Development Department.

- E. When a resource is determined to be significant, the resource shall be avoided with said resource having boundaries established around its perimeter by a qualified professional archaeologist or historian or a cultural resource management plan shall be prepared by a qualified professional to establish measures formulated and implemented in accordance with Sections 21083.2 and 21084.1 of the California Environmental Quality Act (CEQA) to address the effects of construction on the resource. The qualified professional shall be allowed to photo document and record the resource. Construction activities may resume after authorization from the Community Development Department. All further activity authorized by this permit shall comply with the cultural resources management plan.

A cultural resource is any building, structure, object, site, district, or other item of cultural, social, religious, economic, political, scientific, agricultural, educational, military, engineering or architectural significance to the citizens of Tuolumne County, the State of California, or the nation which is 50 years of age or older or has been listed on the National Register of Historic Places, the California Register of Cultural Resources, or the Tuolumne County Register of Cultural Resources. (TCOC, Section 14.10.150, Project Description; TCOC 17.68.150)

31. LU If human remains, burial, cremation of other mortuary features are uncovered during construction activities; upon discovery, secure the location, do not touch or remove remains and associated artifacts; do not remove associated spoils or go through them; document the location and keep notes of activity and correspondence. All work within 100 feet of the discovery shall stop until the County Coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission to obtain the Most Likely Descendent (MLD) and follow state law (PRC 5097.9 et seq. and Health and Safety Code 7050.5(c)-7054.1 and 8100 et seq.). No further work or disturbance shall occur within 100 feet until all of the preceding actions, as applicable to the discovery, are implemented and completed. Preserve associated spoils without further disturbance, do not touch or remove remains or associated artifacts, document the location and maintain notes of activity and correspondence. Preservation *in situ* is the preferred treatment of human remains and associated burial artifacts. [Public Resources Code Sections 5097.94, 5097.98 and Health and Safety Code Section 7050.5(c) and Section 15064.5 of the California Code of Regulations implementing the California Public Resources Code, Sections 21000-21177] (Project Description; TCOC 17.68.150).
32. LU All food and food-related trash will be enclosed in sealed trash containers at the end of each workday and removed completely from the construction site every day to avoid attracting wildlife. (Project Description; TCOC 17.68.150)
33. LU All hay, straw, hay bales, straw bales, seed, mulch, or other material used for erosion control on the project site shall be free of noxious weed seeds and

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propagules (Food and Agriculture Code Sections 6305, 6341 and 6461).

All equipment brought to the project site shall be thoroughly cleaned of all dirt and vegetation prior to entering the site to prevent importing noxious weeds and shall be cleaned of all dirt and vegetation prior to exiting the site to prevent exporting noxious weeds. (Food and Agriculture Code Section 5401).

All material brought to the site, including rock, gravel, road base, sand, and topsoil, shall be free of noxious weeds and propagules.

(Food and Agriculture Code Sections 6305, 6341 and 6461, Project Description; TCOC 17.68.150)

Conditions to be met prior to the Certificate of Occupancy by the Building and Safety Division of the Community Development Department:

34. LU The final project shall meet all requirements mandated by federal, state, or local law. Federal or state law may require additional obligations beyond those required by these conditions or local requirements, including additional analysis of environmental or other issues, over which the County has no control. (TCOC, Section 17.68.150)
35. ED Any grading shall be completed in compliance with the Grading Permit issued by and the grading plans approved by the Engineering Division of the DPW. (TCOC, Chapter 12.20)
36. LU/BD All construction on the site shall adhere to the site plan approved by Tuolumne County. Any significant deviation from the plans shall require approval of supplemental plans submitted by the property owner. (TCOC, Section 17.68.150)
37. LU Exterior lighting shall conform to the lighting plan approved by the Community Development Department. (TCOC, Section 17.68.150)
38. LU A site inspection will be conducted by Community Development Division personnel to verify compliance with the conditions listed above. (TCOC, Section 17.68.150)

On-Going Conditions:

39. LU Should the project boundaries be altered or construction does not commence until more than three years from the date of the Biological Study prepared on February 17th, 2022, then the area shall be re-surveyed to confirm that no special status plants have occupied the site.

Should the project description and/or boundaries change, a cultural resources professional shall re-evaluate the project for compliance with proposed avoidance measures. (Project Description, TCOC Section 17.68.150)

40. LU No Construction will occur in the vicinity of Tank 210 between October 15 and March 1st at Tank 210. (Project Description, TCOC Section

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17.68.150)

41. LU Throughout project construction, for any native oak tree greater than 5" diameter at breast height (DBH):
- Limit ground-disturbing activities to outside the dripline of native oaks and preferably outside 1-1/2 times the dripline;
No storage of equipment, supplies, vehicles, debris, construction wastewater, paint, stucco, concrete, or any other clean-up waste, and temporary or permanent structures shall be placed within the driplines;
- Avoid cutting oak roots;
Use boring, rather than trenching, within driplines
- Avoid equipment damage to limbs, trunks, and roots of oaks trees
- Do not attach signs, ropes, cables, or other items to trees (Project Description; TCOC 17.68.150).
42. EH All storage and removal of refuse, rubbish, and recyclables shall be in compliance with the requirements specified in TCOC, Chapter 8.05 and CCR Title 14 and Title 27. (TCOC, Chapter 8.05)
43. SW Excepting disruptions in normal refuse collection schedules, refuse shall not be allowed to remain on the premises for more than seven days unless it is satisfactorily composted, used as animal food, used as soil amendments, or some other beneficial use provided such use does not create a nuisance. (TCOC, Section 8.05.035)
44. SW Persons hauling solid waste from their residence or solid waste produced in the course of their own business (including building contractors) are required to deliver solid waste only to facilities identified and authorized by the Tuolumne County Board of Supervisors by Resolution, including the Cal Sierra Transfer Station, the Pinecrest Transfer Station, or the Groveland Transfer Station. (TCOC, Section 7.12.050)
45. SW If a business located on the project site generates more than four (4) cubic yards of solid waste per week, recycling is required, even if this quantity of generation happens only occasionally. Recycling can include subscribing to recycling service provided by the franchise hauler of the collection area, self-hauling recyclables to a recycling center, or donating recyclables to a charitable cause. Space shall be included on the project site for recycling and garbage receptacles. (Natural Resources, Division 7, Chapter 9.1, Sections 18835- 18837)
46. EH The handling, use or storage of hazardous materials on-site both in construction and operation of the facility shall be in compliance with Chapter 13.24 of the Tuolumne County Ordinance Code, Chapter 6.95 of the California Health and Safety Code, and Title 19 of the California Code of Regulations. The handling, storage or use of hazardous materials, above threshold quantities, shall be permitted by the Tuolumne County Environmental Health Division, Certified Unified

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Program Agency (CUPA). (TCOC, Chapter 13.24, CHSC, Chapter 6.95, and CCR, Title 19)

47. LU The noise levels generated by the project shall be restricted to the following exterior noise limits as measured at the property line as

Zoning Classification of Receiving Property	Noise Level (dB) of Sound Source	
	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
MU, R-3, R-2, R-1, RE-1, RE-2, RE-3, RE-5, RE-10, C-O, C-1, C-S, BP	50 L _{eq.} (1 hour) ¹	45 L _{eq.} (1 hour) ¹

follows:

¹L_{eq.} 1 hour refers to the average noise level measured over a one hour period. (TCOC, Section 17.68.150)

48. LU All signage shall comply with Chapter 17.62 of the Tuolumne County Ordinance Code. (TCOC, Section 17.68.150)
49. LU Fuel oil shall not be used as a heating source. (TCOC, Section 17.68.150)

MONITORING PROVISION: A Notice of Action shall be recorded for Conditions 1 through 49 to notify all owners of this parcel of the conditions of this entitlement and these responsibilities. Any violations observed by the Community Development Department and Department of Public Works during regular site inspections or in response to complaints shall be referred to the agency having jurisdiction over the condition for resolution or referred to the Code Compliance Officer for enforcement. (PRC, Section 21081.6; TCOC Section 17.68.150)

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