

DR00-0011/76-A-(2&3) Gas Station/Circle K Mini Mart – As approved by the Board of Supervisors on August 4, 2009

Findings

1. The proposed project, as mitigated and conditioned, will not have a significant effect on the environment and an EIR has been filed. Further, the project will not affect wetlands, watercourses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services located at 2850 Fairlane Court, Placerville, CA.

2. The proposed use and design conforms to the General Plan General Plan Policies 2.2.1.5, 2.4.1.4, 2.5.2.2, 2.8.1.1, TC-Xd and TC-Xf (as amended by voter approval of Measure Y in November 2008), TC-Xg, TC-4e, and 2.6.1.3 in that the site is located within the Community Region of Shingle Springs in an area of existing commercial facilities, proposed development falls well under the building intensity threshold for the site, the use is consistent with commercial development as defined under the Commercial land use designation, conditions and mitigation measures consisting of right-of-way dedications, roadway and frontage improvements, and payment of TIM fees, as reflected in revisions to Mitigation Measures 4.12.1a, .1b, and .1c, will reduce traffic impacts from both the design and use of the site to less than significant, and the subject application, DR00-11, complies with the requirement for discretionary review.

Further, the proposed use and design, as mitigated and conditioned, conforms to the Zoning Ordinance by being a use allowed by right within the Commercial Zone that is consistent with the development standards of setbacks, minimum lot size and width, and maximum building coverage and height. Further, in compliance with the requirements for a design review due to its visibility from U.S. Highway 50, the proposed site design conforms to signage, parking, landscaping, and lighting requirements under Chapters 17.16, 17.18, and Section 17.14.170, respectively.

3. The proposed use and design will not be detrimental to the public health, safety, and welfare, or injurious to the neighborhood, as the potential impacts were analyzed and found to be less than significant under the CEQA Findings in Attachment 3, subject to the mitigation measures and required monitoring program, conditions of approval, and compliance with all applicable provisions under the County Code.

Conditions of Approval

Development Services:

1. The project, as approved, shall allow a 2,976 square foot Circle K mini-mart and 76 fuel station with 6 fueling stations under a proposed 4,000 square foot canopy conforming to Exhibits E, F (Revised), F1 (Revised), G (Revised), G1 (Revised), and H. The following building colors are to be used:

Circle K Building

Wainscoting = ~~“Sierra Aspen” tile~~ Stone Veneer by Cultured Stone 60-40 blend;
Contrast trim “Vermillion Red”
Walls = Dunn Edward “Weathered Coral” paint
Accent = Red paint/tile
Sign = Circle K logo, only.

Canopy

Sides Fascia = ~~“Oasis White” and “Red”~~
Columns = ~~“Oasis White”~~ Stucco finish in Dunn Edward “Weathered Coral”,
Pump height base of Stone Veneer by Cultured Stone 60-40 blend
with a 4 inch cap.

Accent = “Oasis Silver”

Sign = 76/Circle K logos

Poles = Texcoat shroud in Dunn Edward “Weathered Coral”, Base of Stone
Veneer by Cultured Stone 60-40 blend with a 4 inch cap.

2. Landscaping along the road frontages shall be maintained to insure line-of-sight visibility pursuant to American Association of State Highway and Transportation Officials (AASHTO) or Caltrans Highway Design Manual standards to the satisfaction of the Department of Transportation. At a minimum, no foliage, sign or structural feature between the height of 30 inches and seven feet above grade shall extend into the cross-visibility areas (CVA) defined as follows:
 - a. At a corner formed by any encroachment onto the roadway, the CVA shall be a triangle having two sides 15 feet long, running along the driveway/encroachment edge and the roadway edge-of-pavement, said length beginning at their intersection, and the third side formed by a line connecting the two ends.
 - b. At any street corner intersection, the CVA shall be a triangle having two sides 35 feet long, running along each roadway edge of pavement, said length beginning at their intersection, and the third side formed by a line connecting the two ends.

3. A final landscape plan, to include a Water Conservation Concept Statement, shall be submitted during the building permit process and will be reviewed and approved by staff for substantial compliance with Exhibit J, the preliminary landscape plan. The final landscaping plan shall also provide for landscaping from the applicant's property line to the back of the sidewalk along the project frontages. The applicant shall obtain an encroachment permit from the Department of Transportation for said landscaping, which is subject to Department of Transportation approval. An on-site inspection verifying compliance with the plan will be performed by staff prior to final occupancy.
4. All exterior lighting shall conform to Exhibit I. Motion sensor activation will be required for the rear wall lighting.
5. Signage shall conform to Exhibit K (Revised). The applicant shall submit a revised site plan with elevations for a "Shingle Springs" identification monument sign subject to approval of Planning Services and the Department of Transportation.
6. The trash receptacle enclosure doors shall remain closed at all times when not in use.
7. The project shall be subject to the issuance of a building permit from the El Dorado County Building Department.
8. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,768.25 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.

Department of Transportation: (as revised January 5, 2009 based on amendments to Measure Y)

9. **Encroachment Permits:** The applicant shall obtain an encroachment permit from the Department of Transportation and shall construct the driveway encroachments from the proposed project onto Mother Lode Drive and South Shingle Roads to the provisions of Standard Plan 110 of the County *Design and Improvement Standards Manual (DISM)*. The encroachments shall be located as far away from the intersection of Mother Lode Drive / South Shingle Road / US Highway 50 Eastbound on and off ramps as feasible. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to issuance of a building permit.
10. **Deceleration Lane Improvements:** The applicant shall modify the right only lane on the US Highway 50 Eastbound off-ramp at Mother Lode Drive to a through lane and provide a deceleration lane for turning into the project site from Mother Lode Drive. The improvements shall be completed to the satisfaction of the Department of Transportation prior to final occupancy approval.

11. **Offer of Dedication:** The applicant shall irrevocably offer to dedicate in fee, a 50 foot right-of-way (half-width) along the entire frontage of South Shingle Road and Mother Lode Drive and a 20 foot radius at the northwest property corner as determined by the Department of Transportation prior to issuance of a building permit. This offer will be accepted by the County. The applicant shall also irrevocably offer to dedicate a slope easement adjacent to the proposed right-of-way along South Shingle Road and Mother Lode Drive of sufficient width to accommodate the proposed slope and 5 feet beyond the top of slope.
12. **Construction Easements:** The applicant shall provide any required temporary construction easements needed for the approved U.S. Highway 50/Ponderosa/South Shingle Roads Interchange Improvement CIP Projects Nos. 71333 and 71338 within 14 days of written request for said easement.
13. **On-site Frontage Improvements:** The applicant shall improve the project frontage consistent with the provisions of the *DISM* Standard Plans 101A and 109 in effect at the time improvement plans are submitted for review and approval. The Department of Transportation may determine at the time of improvement plan submittal, given the status and timing of the forthcoming CIP projects, that installation of these frontage improvements is not appropriate. If so, the applicant shall submit a cash in-lieu payment to the County at the time of permit issuance for the curb, gutter, and sidewalk improvements. The improvements shall be completed to the satisfaction of the Department of Transportation prior to issuance of a building permit.
14. **Right-in / Right-out:** Due to the proposed CIP projects and the improvements to the adjacent intersections and interchange, the driveway encroachments may be restricted to right-in / right-out vehicular access as determined by the Department of Transportation . This condition shall appear on all site plans and installation of appropriate signage may be required by the Department prior to issuance of a building permit.

Department of Transportation Standard Conditions: (as updated in compliance with current standards and requirements)

15. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
16. **Road & Public Utility Easements:** The applicant shall irrevocably offer to dedicate a 50-foot wide (half-width) non-exclusive road and public utility easement along South Shingle Road and Mother Lode Drive, prior to issuance of building permits. Slope easements shall be included as necessary.
17. **Sidewalks:** Sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be reviewed and approved by the Department of Transportation prior to issuance of building permits. Pedestrian easements shall be provided where necessary. Final lane

configurations, including the need for additional rights-of-way, shall be subject to review and approval of the Department prior to improvement plan approval.

18. **Curb Returns:** All curb returns at pedestrian crossings will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.
19. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the County prior to being used.
20. **Construction Hours:** Construction activities shall be conducted in accordance with the General Plan Public Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
21. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the *DISM* from the County Department of Transportation, and pay all applicable fees prior to issuance of a building permit.
22. **Import/Export Grading Permit:** Any import or export to be deposited or borrowed within the County shall require an additional grading permit for that offsite grading.
23. **Grading Permit / Plan:** A commercial grading permit is required for the project. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County's "*Design and Improvement Standards Manual*", the "*Grading, Erosion and Sediment Control Ordinance*", the "*Drainage Manual*", the "*Off-Street Parking and Loading Ordinance*", and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of the Department of Transportation and/or Development Services (whichever is applicable).
24. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the County's Resource Conservation District (RCD) and the Department of Transportation or Development Services (whichever is applicable). The RCD shall review and make appropriate recommendations to the County. Upon receipt of the RCD's report, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the *Grading Ordinance* and *Storm Water Management Plan*. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems,

and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.

25. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the RCD. If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation or Development Services (whichever is applicable) shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
26. **Soils Report:** At the time of submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report subject to the requirements of the *Grading Ordinance* for review and approval from the Department of Transportation or Development Services (whichever is applicable). Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
27. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation or Development Services (whichever is applicable).

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or the applicant shall be required to demonstrate that there are no downstream impacts.
- The ultimate drainage outfall of the project.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. A Scoping Meeting for the required drainage study between County staff and the engineer shall occur prior to the first submittal of improvement plans. The engineer shall bring a watershed map and any other existing drainage system information to the Scoping Meeting. The improvements shall be

completed to the approval of the Department of Transportation or Development Services (whichever is applicable), prior to final occupancy.

28. **Drainage (Cross-Lot):** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, it shall be contained within dedicated drainage easements and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary.
29. **Drainage Easements:** Pursuant to Section 4.D of the *DISM*, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans.
30. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a "Notice of Intent" (NOI) with the State Water Resources Control Board (SWRCB) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity. This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, filing fee, location map, and Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the filing shall be submitted to the County prior to building permit issuance and, in compliance with state law, must be done prior to commencing construction.
31. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the Department of Transportation that contains the drainage report, structural wall calculations, and geotechnical reports in PDF format, and the record drawings in TIF format.
32. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time of issuance of the first building permit.

Environmental Management:

33. The applicant shall comply with all County and State requirements relative to the use, storage, and monitoring of all hazardous materials stored and/or utilized on the site.
34. Plans for the convenience store must be submitted to and approved by Environmental Health at the time of construction. All plans must be in compliance with the requirements contained in the California Uniform Retail Food Facilities Law.

35. The project is subject to the issuance of a permit from the Environmental Management Department for the installation of all components related to the gasoline fueling station. This will require the submittal of plans for review and approval with the payment of fees.
36. Should ground water be encountered at the site during the installation of fuel storage tanks, a vadose zone, or well monitoring system will be required. The design and installation of same will be subject to the review and approval of the Environmental Management Department. To assure compliance with this issue the applicant shall notify the Environmental Management Department once all tank excavation is complete and prior to the placement of any bedding or backfill material to verify the existing field conditions as they relate to the presence of groundwater.
37. The on-site facility improvements shall include the installation of one or more oil / water separators as a component of the surface water runoff controls. The design and installation of this system shall be subject to the review and approval of the Environmental Management Department.
38. A Hazardous Materials Management Plan (HMMP) shall be prepared for this facility. This plan is subject to the review and approval of the Environmental Management Department. All contact information, as required as a part of this plan, shall be provided to the Department prior to the use of this facility by the public.

El Dorado County Fire Protection District:

39. The location of fire hydrants and systems for fire flows are to meet the requirements of the El Dorado County Fire Protection District. The location of hydrants shall be shown on the improvement plans which shall be subject to the approval of the District.
40. 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 El Dorado County harmless from any legal fees or costs the County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning this permit.

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