

CONDITIONS OF APPROVAL

**Planned Development Revision PD-R20-0009/Grocery Outlet at Green Valley Station,
Phase II
Planning Commission/October 28, 2021**

Planning Services:

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

Exhibit F.....	Site Plan
Exhibit G.....	Building Elevations
Exhibit H.....	Preliminary Landscape Plan
Exhibit I.....	Preliminary Grading Plan
Exhibit J.....	Preliminary Utility Plan
Exhibit K.....	Post Development Watershed Plan
Exhibit L.....	Lighting Plan
Exhibit M.....	Sign Plan
Exhibit N.....	Preliminary Drainage Report
Exhibit O.....	Biological and Wetland Reconnaissance Survey
Exhibit P.....	Protected Tree Inventory
Exhibit Q.....	Noise & Vibration Assessment
Exhibit R.....	Transportation Impact Study
Exhibit S.....	Vehicle Miles Traveled (VMT) Analysis
Exhibit T.....	Air Quality & Greenhouse Gas Impact Analysis
Exhibit II.....	Urban Decay Analysis
Exhibit JJ.....	Mitigated Negative Declaration and Initial Study

Any deviations from the project description, conditions, or exhibits shall be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

A Planned Development Permit Revision, PD-R20-0009, to modify an approved development plan, PD05-0004 Green Valley Station, to allow development of a new 16,061 square foot market, Grocery Outlet, on a 2.0-acre portion of the 5.37-acre parcel. In accordance with the Parking and Loading Standards in the Community Design Standards, the project includes associated improvements for 77 standard parking spaces, four handicapped-accessible parking spaces, lighting, landscaping, recycling/trash enclosures, building signage, and one freestanding monument sign. Access would be from Green Valley Road, a County-maintained roadway. The project includes road improvements to Green Valley Road, with a 6-ft wide meandering sidewalk along part of

the northern property boundary line adjacent to Green Valley Road, and expansion of the existing utilities on-site by extending the public utility lines with 400-ft of sewer force main and 1,400-ft of waterline. Electricity/utilities would be provided by connecting to PG&E. Typical hours of operation are 8:00am-9:00pm 7 days per week, and the number of employees would be 30. There would be mutual access and reciprocal shared parking between both developments for Phase I and a portion of Phase II for the Green Valley Station.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. Landscaping: The final landscape and irrigation plans shall be substantially consistent with the Preliminary Landscape Plans (Exhibit H) and comply with Zoning Ordinance Chapter 130.33 Landscaping Standards and the County Model Water Efficient Landscape Ordinance (MWELo). The applicant shall install and maintain the landscaping in accordance with the approved final landscaping plan in perpetuity.
3. Lighting: All exterior lighting shall adhere to the lighting shown on the Lighting Plans (Exhibit L). All outdoor lighting shall conform to Chapter 130.34 Outdoor Lighting of the Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Any light fixture that does not have a specification sheet submitted with the building permit that specifically states that fixture meets the full cutoff standards, shall require a fixture substitution that meets that requirement.
4. Parking: Parking shall be improved consistent with Chapter 130.35 Parking and Loading of the Zoning Ordinance. Parking shall conform to the approved Site Plan (Exhibit F) which includes 77 standard parking spaces and four handicapped-accessible parking spaces.
5. Signage: All signage installed as part of the project shall be consistent with the Building Elevations (Exhibit G) and Sign Plan (Exhibit M) for location, materials, sizes, and colors.
6. Condition Compliance: Prior to issuance of any building permit or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.

7. Indemnity: 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 (County) harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless County and its agents, officers, and employees from any claim, action, or proceeding against County or its agents, officers, or employees to attack, set aside, void, or annul an approval of County concerning a Planned Development revision. The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

8. Permit Implementation: In compliance with Chapter 130.54 - Permit Implementation, Time Limits, and Extensions of the Zoning Ordinance, implementation of the project must occur within 24 months of approval of this Planned Development Permit Revision otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with COA.

9. Archeological Resources: In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision(c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or in his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

Planning Services: (Mitigation Measures - Mitigated Negative Declaration and Initial Study)

10. MM BIO-01 Pre-Construction Breeding Bird Surveys:

To comply with the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code, and to avoid and reduce direct and indirect impacts on migratory, non-game breeding birds and their nests, young, and eggs to less than significant levels, the following measures would be implemented to any future development:

- a) Project activities that would remove or disturb potential nest sites shall be scheduled outside the breeding bird season, if feasible. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions.
- b) If project activities that would remove or disturb potential nest sites cannot be avoided during February 15 through September 15, a qualified biologist shall conduct a pre-construction clearance and nesting bird survey to search for all potential nesting areas, breeding birds, and active nests or nest sites within the limits of project disturbance up to 30 days prior to mobilization, staging, and other disturbances.
- c) If no breeding birds or active nests are observed during the pre-construction survey(s), or if they are observed and would not be disturbed, then project activities may begin and no further mitigation would be required.
- d) If a breeding bird territory or active bird nest is located during the pre-construction survey and potentially would be disturbed, a no-activity buffer zone shall be delineated on maps and marked (flagging or other means) up to 500 feet for special-status avian species or raptors, or 100 feet for non-special status avian species. The limits of the buffer shall be demarcated so as not to provide a specific indicator of the location of the nest to predators or people. Materials used to demarcate the nests shall be removed as soon as work is complete or the fledglings have left the nest. The biologist shall determine the appropriate size of the buffer zone based on the type of activities planned near the nest and bird species because some bird species are more tolerant than others to noise and other disturbances. The nest and buffer zone shall be field-checked weekly by a qualified biologist. The nest and buffer zone shall not be disturbed until the biologist has determined that the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young would no longer be impacted by project activities.

Monitoring Requirement: Planning Services shall verify completion of the pre-construction survey prior to issuance of grading and building permits in coordination with the applicant.

Monitoring Responsibility: El Dorado County Planning and Building Department, Planning Services.

11. **MM BIO-02 Protection of Blue Oak:**

There is one native oak tree on-site, a large Blue Oak, identified by the Tree Inventory prepared by HELIX Environmental. The tree is large enough to be protected as it has a total of three stems measuring 5.0, 4.5, and 2.0 inches DBH for a total of 11.5 DBH. The Blue Oak shall be protected from development with installation of temporary neon orange plastic fencing. Protective fencing shall remain in place throughout construction, and until project completion.

Monitoring Requirement: Planning Services shall verify protection of the Blue Oak tree on-site prior to issuance of grading and building permits, in coordination with the project applicant.

Monitoring Responsibility: El Dorado County Planning and Building Department, Planning Services.

12. **MM CUL-01 Protection of Cultural Resources:**

The following Mitigation Measure is intended to address the evaluation and treatment of inadvertent/unanticipated discoveries of potential tribal cultural resources (TCRs), archaeological, or cultural resources during a project's ground disturbing activities.

If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB 52, has been satisfied.

Monitoring Requirement: Planning Services shall verify prior to issuance of grading and building permits, in coordination with the project applicant and the Tribe.

Monitoring Responsibility: El Dorado County Planning and Building Department, Planning Services.

13. **MM NOI-01 Construction Hours:**

Construction activities shall not occur outside the hours of 7:00am and 7:00pm, Monday through Friday, or outside the hours of 8:00am and 5:00pm on weekends, or at all on federally recognized holidays. The project applicant or construction contractor shall post a publically visible sign at the entrance to the project site listing the allowable construction hours and the contact information, including telephone numbers, to report noise violations to the County and the contractor.

Monitoring Requirement: The County shall verify inclusion of the posted signage prior to commencement of construction of the project and incorporation of this measure as a note in the building permit plans.

Monitoring Responsibility: El Dorado County Planning and Building Department, Planning Services.

14. **MM NOI-02 Noise Barrier:**

The applicant shall construct a sound wall with a minimum height of 8 feet along the project's southern boundary extending from the existing sound wall to the west past the easternmost extent of project improvements (e.g., buildings, parking lot, paving). The sound attenuation wall shall be solid and may be constructed of masonry, wood, plastic, fiberglass, steel, or a combination of those materials, as long as there are no cracks or gaps, through or below the wall. Any seams or cracks must be filled or caulked. The noise barriers shall meet a minimum Sound Transmission Class (STC) rating of 22 to 23 to adequately ensure noise reduction.

Monitoring Requirement: The County shall verify the inclusion of noise barrier in the project plans and specifications prior to issuance of building permit.

Monitoring Responsibility: El Dorado County Planning and Building Department, Planning Services.

15. **MM NOI-03 Delivery and Loading Dock Operating Time:**

The applicant shall prohibit product deliveries and operation of the loading dock outside the hours between 7:00am and 7:00pm. The applicant shall work with vendors to ensure that delivery trucks do not circulate around the project site, or park on the project site with engines, or internal combustion engine powered transportation refrigeration units, operating outside of the hours between 7:00am and 7:00pm. The project applicant or store manager shall post publicly visible signs near the store entrance and near the loading bay listing the allowable truck delivery hours and the contact information, including telephone numbers, to report noise violations to the County and the store management.

Monitoring Requirement: The County shall verify the inclusion of posted visible signage prior to final project approval.

Monitoring Responsibility: El Dorado County Planning and Building Department, Planning Services.

16. **MM TCR-01 Protection of Tribal Cultural Resources:**

The following Mitigation Measure is intended to address the evaluation and treatment of inadvertent/unanticipated discoveries of potential tribal cultural resources (TCRs), archaeological, or cultural resources during a project's ground disturbing activities.

If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

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appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB 52, has been satisfied.

Monitoring Requirement: Planning Services shall verify prior to issuance of grading and building permits, in coordination with the project applicant and the Tribe.

Monitoring Responsibility: El Dorado County Planning and Building Department, Planning Services.

Department of Transportation:

Project Specific Conditions

17. Frontage improvements to Green Valley Road: Obtain an encroachment permit from El Dorado County DOT and construct the following frontage improvements along Green Valley Road: CalTrans Type A2-6 or County Type 2 curb and gutter (match existing); and construct a 6-foot wide meandering sidewalk.

Standard Conditions

18. Consistency with County Codes and Standards: Obtain approval of project improvement plans and cost estimates consistent with County Standards (as may be modified by these COA or by approved Design Waivers) from DOT and pay all applicable fees prior to implementing the approved use. Ensure the project improvement plans and grading plans conform to the County *Grading, Erosion and Sediment Control Ordinance, Grading Design Manual, the Drainage Manual, Storm Water Ordinance (Ord. No. 5022), Off-Street Parking and Loading Ordinance, all applicable State of California Water Quality Orders, the State of California Handicapped Accessibility Standards, and the California Manual on Uniform Traffic Control Devices (MUTCD).*
19. Stormwater Management: Construct post construction storm water mitigation measures to capture and treat the 85th percentile 24 hour storm event as outlined in the CA Phase II MS4 Permit and the County's West Slope Development and Redevelopment Standards and Post Construction Storm Water Plan.

Show detention, retention, and/or treatment facilities on the project improvement plans to fully mitigate any increased runoff peak flows and volumes in accordance with the County Drainage Manual. As an alternative to treating the entire project with a regional treatment system, the project may propose distributed source control measures to be constructed for the roadways, any other impervious surfaces and on each lot with the individual lot building permits to achieve the same effect. In which case, a deed restriction shall be recorded on the final map to ensure construction of individual lot source control measures.

20. Geotechnical Report: For any public improvements, prepare and submit a Geotechnical Report with the Project Grading or Improvement Plans for review by the County Engineer. Incorporate the findings of the report into Grading and Improvement Plans. The El Dorado County Grading Design Manual contains standards for content and scope of Geotechnical Reports; however, the County Engineer may require additional or specialized information.
21. Water Quality Stamp: Include a storm water quality message stamped into the concrete on all new or reconstructed drainage inlets. Use 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 El Dorado County inspector prior to being used.
22. Regulatory Permits and Documents: Incorporate all regulatory permits and agreements between the project and any State or Federal Agency into the Project Grading and Improvement Plans prior to the start of construction of improvements.

Grading or Improvement Plans for any phase may be approved prior to obtaining regulatory permits or agreements for that phase, but grading/construction of improvements may not proceed until the appropriate permits or agreements are obtained and the grading/improvement plans reflect any necessary changes or modifications to reflect such permits or agreements.

Project conditions of approval shall be incorporated into the Project Improvement Plans when submitted for review.

23. Electronic Documentation: Upon completion of the required public improvements, provide As-Built Plans to the County Engineer in TIFF format, and provide final Drainage and Geotechnical reports, and structural wall calculations to the County Engineer in PDF format.

Environmental Management Department (EMD):

24. Solid Waste Division - Construction and Demolition (C&D) Debris Recycling: State Law mandates that a minimum of 65% of the waste materials generated from covered Construction and Demolition projects must be diverted from being landfilled by being recycled or reused on site. Please visit the El Dorado County's Construction and

Demolition Debris Recycling Ordinance Program information and requirements. If there are any questions please contact EMD at (530) 621-5300.

25. AB 341 - Mandatory Commercial Recycling (Non-Residential): State Law requires that all non-residential dwellings that generate at least two cubic yards of solid waste per week to have a recycling program for common recyclable materials such as bottles, cans, and paper.
26. AB 1826 - Mandatory Commercial Organics Recycling (Non-Residential): State Law requires that all non-residential dwellings that generate at least two cubic yards of solid waste per week to have an organics recycling program for the following types of organic wastes: green waste, landscape and pruning waste, non-hazardous waste, food waste and food-soiled paper.
27. Trash and Recycling Enclosures: Cal Green Section 5.410.1: Recycling by occupants requires that new projects provide readily accessible areas that serve the entire building and are identified for the depositing, storage and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals or meet a lawfully enacted local recycling ordinance, if more restrictive. Please contact any questions about this provision to the County Building Services.
28. El Dorado Disposal: The franchise waste hauler for the location of this parcel is El Dorado Disposal (EDD). The can help businesses determine how much waste they generate when/if they exceed waste amounts and complying with state law. Before the facility opens please contact the EDD to set up a waste and recycling service.

Air Quality Management District (AQMD):

29. Fugitive Dust: The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (FDP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction if a Grading Permit is required from the Building Dept. (Rules 223 and 223.1).
30. Paving: Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
31. Painting/Coating: The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
32. Open Burning: Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire (Rule 300 Open Burning).

33. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (CARB). A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operation of each piece of equipment.
34. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (CARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, Chapter 9, California Code of Regulations. Questions on applicability should be directed to CARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
35. **New Point Source:** Prior to construction/installation of any new point source emissions units (e.g., emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501 and 523).

County Surveyor's Office:

36. All boundary monuments disturbed during project construction shall be reset by a Professional Land Surveyor or Qualified Engineer as defined by Section 8771 of the California Business and Professions Code (Land Surveyors Act).
37. Addressing assignments must be coordinated through the El Dorado County Surveyor's Office. Please do not post any Address Numbers until they are approved through the Surveyor's Office.

El Dorado Irrigation District (EID):

38. As shown in the Facilities Improvement Letter (Exhibit Y), the project shall adhere to applicable requirements from the El Dorado Irrigation District for connection to public sewer and water services, prior to issuance of grading and building permits.

Cameron Park Fire Department:

39. The developer shall submit Civil Plans to the Cameron Park Fire Department for review, prior to issuance of grading and building permits. The project shall adhere to applicable requirements from the Cameron Park Fire Department.

Cameron Park Airport District:

40. The overall height of the structures and landscaping (both present and future) shall not penetrate the transitional surface along the runway approach per the Comprehensive Land

Use Plan. An FAA request form 7460-1, Notice of Proposed Construction or Alteration shall be filed with the FAA copied to CalTrans Division of Aeronautics and Cameron Park Airport District to determine if any project remediation is necessary. Proof of the filing including the FAA response shall be submitted to Planning Services prior to issuance of Building Permit. The Airport District requests that it is also provided with a copy of the proof of filing and any associated correspondence.

41. The developer shall file a current El Dorado County Avigation and Noise Easement to the title of the property, which shall be submitted to Planning Services prior to issuance of a Building Permit.
42. The developer shall submit the plans for review to CalTrans, Division of Aeronautics and Cameron Park Airport District. Proof of review by CalTrans and Cameron Park Airport District shall be submitted to Planning Services prior to issuance of a Building Permit.

Use of equipment such as cranes, boom-type concrete pumps, etc., must comply with the notice and marking requirements of 14CFR Part 77©, California Public Utilities Code 21659, and FAA AC 70/7460-1M (obstruction marking and lighting). Such equipment may cause significant safety hazard; as such, the Airport District requests notice of any intended use of such obstruction equipment be provided to the Airport Manager (530) 676-8316 and manager@cameronparkairport.org at least three business days prior to the work for purposes of publishing required Notices to Airmen with the FAA.