

Findings

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 Through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description, conditions of approval, and mitigation measures with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 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 at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 The project is consistent with the Commercial (C) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The project proposes a commercial retail structure consistent within the C land use designation which provides for a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.
- 2.2 As conditioned, and with adherence to County Code, the project is consistent with all applicable Policies of the General Plan, including:
 - 2.2.1 Policy 2.2.5.21 (compatibility with surroundings) and Policy 7.5.2.3 (new buildings in historic communities), because the development is located in a manner that avoids incompatibility with adjoining land uses and the proposed structure generally conforms to the types of architecture prevalent in the gold mining areas of California during the period of 1850 to 1910. The project was reviewed against the Board of Supervisor's adopted El Dorado County Historic Design Guidelines (HDG). The project, as designed

and conditioned, has been determined to substantially conform to the HDG and would be compatible with the surrounding residential, community park, and commercial uses within the Georgetown Main Street commercial area;

- 2.2.2 2.8.1.1 (excess nighttime light and glare) because all outdoor lighting is required to conform to Section 130.14.170 of the Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation.
- 2.2.3 5.1.2.1 (adequate utilities and public services), 5.2.1.2 (water for emergency), and 5.2.1.5 (adequate quantity and quality of water), because the project provides for necessary utilities to the site and would provide adequate quantity and quality of water for all uses including fire protection service through expansion of existing on-site GDPUD facilities;
- 2.2.4 Policy 6.2.3.2 (adequate emergency vehicle ingress/egress) because the Georgetown Fire Protection District found the current project configuration has adequate emergency vehicle ingress/egress;
- 2.2.5 Policy 6.5.1.7 (noise created by proposed non-transportation noise sources) because mitigation measure NOISE-1 has been included to reduce noise related impacts from the arrival, unloading, and departure of delivery trucks;
- 2.2.6 Policy 7.3.3.4 (buffers and setbacks for protection of riparian areas and wetlands) because mitigation measures BIO-2 through BIO-4 have been included to allow a reduction of the wetland setback from 50 feet to no setback with construction and structures within the required setback resulting in the fill the 0.05 acres of wetlands while minimizing the impacts on the intermittent stream. The project would be required to fulfill the mitigation measures, and Best Management Practices would be included during the fill of the 0.05 acre wetland, and for the protection of the seasonal drainage, and during the project grading and construction processes;
- 2.2.7 Policy 7.4.4.4 (oak canopy retention) because oak tree canopy coverage of less than one percent on parcels of land that are more than one acre in size are not subject to the oak tree canopy cover retention requirements of Policy 7.4.4.4 Option A.
- 2.2.8 Policy 10.1.5.5 (greater opportunities to satisfy retail shopping demands) because the project provides for greater retail shopping opportunities in an area defined as a Rural Center by the General Plan, and on land with an existing Commercial General Plan land use designation.

3.0 ZONING FINDINGS

- 3.1 With an approved Design Review, the project is consistent with the El Dorado County Zoning Ordinance designation of Commercial-Design Community (C-DC) because the proposed project is a retail commercial use which would be allowed by right within the C

Zone because it is equivalent to listed uses in Zoning Ordinance Section 130.32.020 (B and E). The project has been reviewed in accordance with Section 130.74 of the zoning ordinance as identified in the Design Review Findings below.

- 3.2 The project is consistent with the Commercial Zone development standards as the proposed site modifications are in compliance with Section 130.32.040 of the County Zoning Ordinance.

4.0 DESIGN REVIEW FINDINGS

- 4.1 The project has been reviewed in accordance with Section 130.74 of the County Zoning Ordinance. The project design, architectural treatments, and associated improvements substantially conform to the El Dorado County Historic Design Guide and would not substantially detract from Georgetown's historic commercial district.

Conditions of Approval

Planning Services

1. This Design Review 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-1	Site Plan, Sheet A1.0, date stamped February 23, 2016
Exhibit F-2	Signage Plan, Sheet A1.1, date stamped February 23, 2016
Exhibit F-3	Site Lighting Plan, Sheet A1.2, date stamped February 23, 2016
Exhibit F-4	Floor Plan, Sheet A2.0, date stamped February 23, 2016
Exhibit F-5	Exterior Elevations, Sheet A3.0, date stamped February 23, 2016
Exhibit G	Landscaping Plan, date stamped June 9, 2015
Exhibit H	Color Elevation, date stamped February 23, 2016
Exhibit I-1	Improvement Plan Cover Sheet, Sheet C1, date stamped June 12, 2015
Exhibit I-2	Grading and Drainage Plan, Sheet C2, date stamped June 12, 2015
Exhibit I-3	Grading and Paving Plan, Sheet C3, date stamped February 23, 2016
Exhibit I-4	Horizontal Control Plan and Storm Water Management Detail, Sheet C4, date stamped June 12, 2015

Exhibit I-5	Utility Plan, Sheet C5, date stamped June 12, 2015
Exhibit I-6	Storm Water Soil Loss Prevention Plan, Sheet C6, date stamped June 12, 2015
Exhibit I-7	Storm Water Soil Loss Prevention Plan Details, Sheet C7, date stamped June 12, 2015
Exhibit I-8	Grading and Drainage Details, Sheet C8
Exhibit I-9	Details, Sheet C9, date stamped June 12, 2015
Exhibit I-10	Retaining Wall Detail, Sheet S1, date stamped June 12, 2015
Exhibit J-1	Lot Line Adjustment-Merge Legal Description, date stamped December 18, 2014
Exhibit J-2	Lot Line Adjustment-Merge Exhibit, date stamped December 18, 2014
Exhibit K-1	Domestic Waste Water Disposal System, Sheet SS1.0, date stamped April 2, 2015
Exhibit K-2	Domestic Waste Water Disposal System, Sheet SS2.0, date stamped April 2, 2015
Exhibit P	Building Section, Sheet A4.0, date stamped February 23, 2016
Exhibit Q-1	Trash Enclosure Elevation, date stamped January 5, 2016
Exhibit Q-2	Trash Enclosure Simulation, date stamped January 5, 2016

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. Design review and boundary line merge request to allow the construction of the following:
 - a. 9,100 square foot retail structure with two wall identification signs;
 - b. Eight-foot tall, 32 square-foot wooden monument sign;
 - c. Parking lot containing 31 off-street parking spaces, including two ADA compliant spaces;
 - d. Drop off and loading area;
 - e. One bicycle rack containing three bicycle parking spaces;
 - f. Perimeter and parking lot landscaping and irrigation;
 - g. Six exterior wall mounted lantern-style lighting fixtures and three 13-foot tall pole lights, containing a total of four lighting fixtures, with a concrete base that is 2 feet above natural grade;
 - h. Eight-foot high retaining wall with railing;
 - i. A covered trash enclosure;

- j. Drainage improvements to accommodate both on- and off-site flows;
 - k. An advanced treatment system for wastewater treatment consisting of an aerobic treatment unit and subsurface drip system;
 - l. Sidewalk improvements along the project frontage on Main Street, School Zone crosswalk improvements at the intersection of Main Street and Harkness Street, and a standard crosswalk across Orleans Street along Main Street; and
 - m. A paved driveway encroachment onto Main Street.
- B. Finding of Consistency with General Plan Policy 7.3.3.4 to allow a reduction of the wetland setback from 50 feet to no setback with construction and structures within the required setback to allow the fill of an approximately 0.05 acre wetland;
- C. Site clearing and removal of three on-site existing canyon live oak trees, the removal of which would be exempt from the retention standards of General Plan Policy 7.4.4.4 Option A as the project site is greater than an acre and oak canopy covers less than one percent of the site; and
- D. An irrevocable offer to dedicate in fee, a 25 foot wide (1/2 width) right-of-way along the entire frontage of Harkness Street or an offer of dedication in the form of an easement for “Road, Slope, Drainage, Pedestrian and Public Utility purposes.”

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 plans shall be substantially consistent with Exhibit G and comply with Zoning Ordinance Section 130.18.090, General Plan Policy 7.3.5.1, and the County Water Efficiency Landscape Ordinance, if applicable. The applicant shall install and maintain the landscaping in accordance with the approved final landscaping plan in perpetuity.
- 3. **Lighting:** The final project lighting plans shall be substantially consistent with Exhibit F-3. Exterior lighting shall be limited to six exterior wall mounted lantern-style lighting fixtures and three 13-foot tall pole lights, containing a total of four lighting fixtures, with a concrete base that is 2 feet above natural grade. All outdoor lighting shall conform to Section 130.14.170 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.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Development Services.

4. **Parking:** Parking shall be improved consistent with Chapter 130.18 of the County Code. Parking shall conform to the approved Site Plan (Exhibit F-1) and have 31 total parking spaces, including two ADA compliant parking spaces.
5. **Signage:** All signage installed as part of the project shall be consistent with Exhibits F-2, F-5, and H for location, materials, sizes, and colors. One monument sign is approved and shall not exceed eight feet in height measured from ground. The overall size of the monument sign area shall not exceed 32 square feet.
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. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval by El Dorado County. County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

8. **Permit Implementation:** In compliance with Section 130.22.250 of the Zoning Ordinance, implementation of the project must occur within 24 months of approval of this Design Review Permit, 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 conditions of approval.
9. **Archeological Resources:** The following shall be incorporated as a note on the grading plans:

In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a “unique archaeological resource”, contingency funding and a time allotment

sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archaeological mitigation takes place.

If the find is determined to be a “unique archeological resource”, the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a “nonunique archeological resource”.

Development Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit

10. **Human Remains:** The following shall be incorporated as a note on the grading plans:

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

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

Development Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

11. **Lot Line Adjustment-Merge:** Prior to the issuance of any County Permits, the proposed Lot Line Adjustment-Merge shall be finalized with the El Dorado County Surveyor's Office. The Lot Line Adjustment-Merge application is valid for one year. A time extension may be approved by written request to Planning Services prior to the expiration date, along with a \$50.00 extension fee. The Lot Line Adjustment-Merge shall be forwarded by Planning Services to the County Surveyor's Office. To complete the Lot Line Adjustment-Merge, the applicant's land surveyor shall process the necessary record map and documents.

Building Services

12. The project will require an on-site grading permit and a building permit.

Transportation Division (EDCTD)

13. **Road Improvements:** Main Street shall be widened along the project frontage to a total width of 32 feet. This includes one 12-foot wide lane in each direction and an 8-foot wide paved shoulder on the project side of Main Street. The structural section of the widened portion of Main Street shall be determined in accordance with the California State Department of Transportation Highway Design Manual and included in the project final geotechnical report based on the "R" value of the subgrade soil and a Traffic Index (TI) of 7.5.

The area outside the 8-foot wide shoulder shall be graded at a 5% slope away from the pavement to ensure runoff from Main Street is collected and accommodated by the project drainage improvements. A 2-foot wide area adjacent to the pavement shall be "backed" with Class 2 Aggregate Base.

The project shall install "No Parking Zone" signs on Main Street along the project frontage to prevent vehicles from obstructing sight distance for vehicles entering Main Street from Orleans Street, the project entrance, and Harkness Street.

The project shall construct public sidewalks or equivalent alternative pedestrian facilities (subject to review and approval by the Transportation Division) along the entire frontage of Main Street. Such facilities may be located within the County right of way, or on the project site as necessary to accommodate the project design and roadway conditions. Pedestrian easements may be required for portions of the sidewalk on private property.

A School Zone Cross Walk shall be constructed across Harkness Street, to provide pedestrian connectivity to the existing sidewalk on the east side of Harkness Street, and the existing School Zone Cross Walk crossing Main Street just east of Harkness Street. These improvements shall include completion of the sidewalk on the east side of Harkness Street to connect to the existing Main Street cross walk.

A standard crosswalk shall be constructed across Orleans Street from the project sidewalk as shown on the revised Grading and Paving Plan, Sheet C3.

Roadway improvements shall be completed to the satisfaction of the Transportation Division prior to occupancy of the building.

14. **Offer of Dedication (In Fee):** The applicant shall irrevocably offer to dedicate in fee, a 25 foot wide (1/2 width) right-of-way along the entire frontage of Harkness Street, prior to issuance of a building permit. Slope easements shall be included as necessary. This offer will be accepted by the County.

As an alternative, the County may accept an offer of dedication in the form of an easement for "Road, Slope, Drainage, Pedestrian and Public Utility purposes."

15. **Encroachment Permit:** The applicant shall obtain an encroachment permit or Road Improvement Agreement from EDCDT for the improvements to Main Street and Harkness Street within the County right of way. The driveway encroachment onto Main Street shall be constructed to the provisions of County Design Standard Plan **103C**.
16. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees at issuance of building permit.
17. **Signing and Striping:** All necessary signing and striping shall be included in the project improvement plans and constructed by the developer to the satisfaction of the Transportation Division prior to occupancy. Signing and striping shall conform to the latest version of the California Manual Uniform Traffic Control Devices (MUTCD).
18. **Curb Returns:** All curb returns, at pedestrian crossings, will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and 4 feet of sidewalk/landing at the back of the ramp.
19. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element of the General Plan 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.
20. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from the Transportation Division, and pay all applicable fees prior to filing of the final map.
21. **Road Improvement Agreement & Security:** If the value of the public improvements exceeds \$100,000, the developer shall enter into a Road Improvement Agreement (RIA) with the County for all roadway, frontage, and intersection improvements within the

County right of way. The developer shall complete the improvements to the satisfaction of the Transportation Division or provide security to guarantee performance of the RIA prior to occupancy.

22. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that off-site grading.
23. **Grading Permit / Plan:** The applicant shall submit a site improvement /grading plan prepared by a professional civil engineer to the County for review and approval. The plan shall be in conformance with the County of El Dorado “*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 County prior to occupancy clearance.
24. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Transportation Division. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Transportation Division 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 El Dorado County Grading Ordinance, Drainage Manual and as required otherwise by Law.
25. **RCD Coordination:** The timing of construction and method of re-vegetation 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 Transportation Division. The Transportation Division 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 the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from, the El Dorado County Community Development Agency. 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. **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 El Dorado County inspector prior to being used.
28. **Drainage Study / NPDES Compliance:** The project proposes to render more than 5000 square feet impervious to surface runoff. This qualifies the project as a “Regulated Project” under section E.12.c of the California State Water Resources Control Board (SWRCB) Water Quality Order No. 2013-0001-DWQ (Order).

The project shall incorporate Site Design Measures, Source Control Measures, and Low Impact Development (LID) Design Standards consistent with the Order into the project design, and construct such measures with the project. If the Order is amended or replaced by action of the SWRCB, the applicant shall comply with the Order in place at the time of issuance of construction permits.

The applicant shall provide a drainage report at time of grading permit application, consistent with the Drainage Manual and the Order. The Drainage Report shall address storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Transportation Division.

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 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 Transportation Division prior to occupancy.

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 site grading plans.

30. **NPDES Construction Permit:** The project proposes to disturb more than 1 acre of land and therefore, is required to obtain coverage under the California State Water Resources Control Board Construction General Permit Order No. 2009-0009-DWQ (CGP), including any and all amendments or revised orders issued by the SWRCB.

The applicant shall demonstrate compliance with the CGP (or equivalent permit issued by the SWRCB) prior to issuance of construction permits by the County.

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 EDCTD with the record drawings, drainage report, structural wall calculations, and geotechnical reports and record drawings in PDF format (TIF format optional for record drawings only).

Georgetown Fire Protection District

32. Construction plans shall be submitted to the Georgetown Fire Department for review and approval.
33. Sprinkler and fire alarm plans shall be submitted to the Georgetown Fire Department for review and approval.
- a. Plans to show proposed placement of fire hydrant and FDC.
34. Fire flow, based on V-B construction, is estimated to be approximately 4,000 gallons per minute, prior to any allowance for sprinkler and alarm system.
35. Vegetation/fuel modification will be required along the riparian zone, adjacent to the project.

County of El Dorado Air Quality Management District

36. **Fugitive Dust:** The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM₁₀) in the form of 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 (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction (Rules 223 and 223.1).
37. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
38. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.

39. **Open Burning:** Burning of wastes that result from “Land Development Clearing” must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
40. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>. An applicability flow chart can be found here: http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf. Questions on applicability should be directed to ARB at [1-866-634-3735](tel:1-866-634-3735). ARB is responsible for enforcement of this regulation.
41. **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).
42. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with ARB. 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, and daily hours of operations of each piece of equipment.

Environmental Management Division – Environmental Health

43. Septic system must be installed under permit from Environmental Management Division. The septic system must meet a minimum 50-foot setback from the swale.
44. The facility will need to undergo a plan review and obtain an annual food facility permit prior to commencement of operation.

Environmental Management Division – Solid Waste and Hazardous Materials

45. **Solid Waste:** All refuse collection/storage areas (enclosures) shall include room for both trash and recycling dumpsters. The enclosures shall be accessible to service trucks.

Please visit our website to review the State requirements for biohazard/medical waste.
www.co.el-dorado.ca.us/emd/solidwaste/med_waste_mgmt_act.html.

46. Hazardous Materials: If the commercial facilitates will store reportable quantities of hazardous materials (55 gallons) or generate hazardous waste, prior to commencing operations the owner/operator must:
- a. Prepare, submit, and implement a hazardous materials business plan and pay appropriate fees.
 - b. Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
 - c. Train all employees to properly handle hazardous materials and wastes.
 - d. Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

El Dorado County and Georgetown Divide Resource Conservation District

47. The district will require an erosion control plan delineating surface water flows, lot drainage easements, standard details of culvert inlets and outlets and pre and post construction erosion control practices.

County of El Dorado Office of County Surveyor

48. Any irrevocable offers of dedication will require an application through the County Surveyor's Office. Applicant will be responsible for any associated fees.
49. Situs addressing for the project shall be coordinated with the County Surveyor's Office prior to development.

Mitigation Measures

BIO-1: Pre-construction Survey Required: For construction activities between March 1 and August 31, pre-construction surveys for nesting raptors and migratory birds shall be conducted by a qualified biologist pursuant to California and Federal requirements. These surveys should be completed no sooner than 7 days prior to commencement of grading activities. If active nests are found, a quarter-mile (1320 feet) initial temporary nest disturbance buffer shall be established, which may be reduced after consultation with CDFW.

If project-related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an on-site biologist/monitor shall be retained by the project proponent to monitor the nest, and shall, along with the project proponent, consult with CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if the nesting raptors and/or migratory birds are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated on-site biologist/monitor shall be on-site daily while construction related

activities are taking place and shall have the authority to stop work if the birds are exhibiting agitated behavior. In consultation with CDFW and depending on the behavior of the raptors and/or migratory birds, over time it may be determined that the on-site biologist/monitor may no longer be necessary due to the birds' acclimation to construction related activities.

Any trees containing nests that must be removed as a result of the project implementation shall be removed during the non-breeding season; and the project proponent shall be responsible for off-setting the loss of any nesting trees. The extent of any necessary compensatory mitigation shall be determined by the project proponent in consultation with the CDFW.

Monitoring Responsibility: Planning Services.

Monitoring Requirement: The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and obtain all necessary permits prior to initiation of construction activities. This requirement shall be placed on all grading plans. Planning Services shall review the surveys prior to issuance of a grading permit and/or removal of any trees within the entire project parcel.

BIO-2: Streambed Alteration Agreement: A Streambed Alteration Agreement, pursuant to Fish and Game Code 1602, shall be obtained by the applicants, from CDFW, if applicable, for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. The applicant has proposed to implement the mitigations identified in the *Addendum: Biological Inventory for the Dollar General Store* (Costella, 2015a) (Attachment 6 of Staff Report Exhibit N) and the *Nationwide Permit Pre-Construction Notification Form, Cultural Report, Wetland Delineation Report, and Biological Report* (Costella, 2015c) (Attachment 8 of Staff Report Exhibit N) as discussed in more detail in BIO-3 below. The applicant shall incorporate these proposed mitigation measures in addition to any appropriate mitigation measures developed in coordination with CDFW in the context of the agreement process. Additional mitigation may include:

- a. *Erosion Control methods or techniques that will prevent sediment from entering any watercourses during and after construction;*
- b. *Protection measures to avoid or minimize impacts to fish, wildlife, and plant resources; and*
- c. *Measures for mitigation or compensation of impacts to fish, wildlife, and plant resources.*

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall provide a copy of the 1602 Streambed Alteration Agreement to Development Services, if applicable, prior to

issuance of the grading permit. If it has been determined by CDFW that said permit does not apply after their review of the development plans for the project, the applicant shall provide Planning Services with verification from CDFW that no Agreement is needed for the project, prior to issuance of a building and/or grading permit for the project area.

BIO-3: Wetland Delineation Verification: The on-site intermittent stream (0.01 acres) and two small wetlands (0.05 acres) shall be verified by the ACOE as to whether or not they are considered waters of the U.S. If determined to be waters of the U.S., the applicant shall request a Department of the Army authorization through the Section 404 Permit process prior to placement of any fill material. Along with the request, the applicants shall provide project construction and development drawings or maps including, but not limited to, wetland areas denoting all proposed improvements in relation to the Ordinary High Water Mark (OHWM).

Applicant shall strive to avoid adverse effects and minimize impacts to waters of the U.S., and to achieve a goal of no net loss of wetlands functions and values. The ACOE permit will define the terms and conditions, including mitigation, for the fill activities. The applicant has proposed the following appropriate mitigation for unavoidable losses to waters of the U.S. using ACOE mitigation guidelines and regulations, and shall incorporate these proposed mitigation measures in addition to any appropriate mitigation measures developed in coordination with ACOE in the context of the permit process:

- a. *The applicant will purchase credits in the National Fish and Wildlife Foundation Fund for impacts to the stream and riparian habitat. Credits will be obtained at a minimum ratio of 1:1. This shall be done before County permits are issued.*
- b. *The applicant will implement the mitigation plans identified in the Addendum: Biological Inventory For the Dollar General Store (Costella, 2015a) (Attachment 6 of Staff Report Exhibit N) and the Nationwide Permit Pre-Construction Notification Form, Cultural Report, Wetland Delineation Report, and Biological Report (Costella, 2015c) (Attachment 8 of Staff Report Exhibit N). Elements of those plans include, but are not limited to:*
 - i. *Limiting construction near the seasonal drainage to the dry season;*
 - ii. *Establishing the area surrounding the seasonal drainage as an Environmentally Sensitive Area (ESA) during construction;*
 - iii. *Implementing Best Management Practices during and following construction;*
 - iv. *Implementing additional Best Management Practices during grading and construction; and*

- v. *Providing copies of the permit conditions to contractors prior to grading and construction near the ESAs and adjacent non-disturbance buffer.*

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall provide either a copy of the ACOE permit or no permit required letter to Planning Services prior to issuance of a building, and/or grading permit for the project.

BIO-4: Water Quality Certification: If an ACOE Section 404 permit is required, a Water Quality Certification, Section 401 permit shall be obtained by the applicant from the California Regional Water Quality Control Board (RWQCB) for applicable project improvements. Appropriate mitigation measures shall be developed in coordination with the RWQCB in the context of the agreement process.

Additionally, because the project proposes to disturb more than 1 acre of land, the project is required to obtain coverage under the California State Water Resources Control Board Construction General Permit Order Number 2009-0009-DWQ (CGP). Further, the following shall be included to the satisfaction of the RWQCB:

- a. *The applicant will prepare a Storm Water Pollution Prevention Plan (SWPPP) for approval. That plan will describe the methods for ensuring downstream water quality during construction and will be implemented before construction begins;*
- b. *Work areas to be separated by buffers and orange construction fencing to delineate the preserved riparian areas (No grading will be allowed within the fenced-off buffer zones); and*
- c. *Waste and construction materials will be placed where they will not run off into the seasonal drainage, or they will immediately be removed off-site.*

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall provide a copy of the Section 401 permit to Planning Services prior to issuance of the grading permit, if applicable. If, after their review of the development plans for the project, the RWQCB determines that said permit does not apply, the applicant shall provide Planning Services with confirmation of that determination prior to issuance of a building and/or grading permit for the project. The SWPPP shall be reviewed and approved by Building Services prior to issuance of a grading permit.

NOISE-1: The project shall comply with the noise level standards of the El Dorado County General Plan noise level criteria by ensuring that all truck deliveries are restricted to be conducted between the hours of 7:00 a.m. and 7:00 p.m.

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall provide Planning Services with documentation that all deliveries will be conducted between the daytime hours of 7 a.m. to 7 p.m. prior to issuance of the building permit for the commercial structure.