



RESOLUTION NO. 047-2016

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO
APPROVING PLANNED DEVELOPMENT PD12-0003 FOR
THE GREEN VALLEY CONVENIENCE CENTER

WHEREAS, an application for the Green Valley Convenience Center project for an ARCO-branded convenience center to include the following: a 4,872-square-foot open-sided canopy with eight self-service fuel pumps; two underground fuel storage tanks; 3,058-square-foot convenience store; 1,804-square-foot single-bay self-service car wash, with doors at the entrance and exit of the car wash to reduce exterior noise levels; air/water unit and two vacuums; monument site identification sign; on-site parking spaces for vehicles and bicycles; trash enclosure; on-site stormwater runoff collection system; on-site lighting, consisting of wall lights, canopy lights, and 12-foot-tall pole lights with full cutoff fixtures; and landscaping, hardscaping, and pavement; and

WHEREAS, an Environmental Impact Report (EIR) on the Green Valley Convenience Center (SCH #2013062011) has been prepared pursuant to the California Environmental Quality Act (CEQA, Public Resources Code, Section 21000 et seq.) to analyze the environmental impacts of the planned development; and

WHEREAS, the project review process included a noticed hearing on the CEQA Notice of Preparation; three noticed hearings on the project application and Draft EIR; the preparation of detailed responses to 308 written comments received during the 45-day comment period on the Draft EIR; and

WHEREAS, The applicant has developed a revised project design that incorporates design-related conditions of approval from the prior approval, and, in addition, the applicant has removed the fast-food restaurant component of the project; and

WHEREAS, The proposed project would result in grading and permanent hardscape within 50 feet of the seasonal stream and wetland, and as such, the County of El Dorado will need to make a determination of consistency with General Plan Policy 7.3.3.4 and its interim interpretive guidelines for wetland setbacks. This determination is considered part of the proposed project because the finding would be required in conjunction with project approvals; and

WHEREAS, the Board of Supervisors, by Resolution No.046-2016 has certified the Environmental Impact Report on the Project (SCH #2013062011) pursuant to the California Environmental Quality Act (CEQA, Public Resources Code, Section 21000 et seq.); and

WHEREAS, the Board of Supervisors independently reviewed the EIR, related staff reports, the record of the Planning Commission, and all evidence including testimony and correspondence received at the Planning Commission and Board hearings;


NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of El Dorado as follows:

1. The Board of Supervisors finds that the project is consistent with General Plan Policy 7.3.3.4 and its interim interpretive guidelines for wetland setbacks.
2. The Board of Supervisors hereby approves Planned Development PD12-0003 consisting of the documents attached hereto and incorporated herein as Exhibits A (Findings) and B (Conditions of Approval).
3. The Board of Supervisors hereby adopts the Mitigation Monitoring Plan attached hereto as Exhibit C (Mitigation Monitoring Plan) to ensure implementation of feasible mitigation measures identified in the EIR. The Board of Supervisors finds that these mitigation measures are fully enforceable as policies and/or implementation measures of the Project, and shall be binding upon the County and affected parties.
4. The Board of Supervisors hereby directs staff to immediately commence to: a) file of a Notice of Determination documenting these decisions; b) retain a copy of the certified Final EIR as a public record; and c) prepare any filings required by the Superior Court to discharge the Preemptory Writ of Mandamus.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 22nd day of March, 2016, by the following vote of said Board:

Ayes: Veerkamp, Ranalli, Mikulaco, Novasel
Noes: Frentzen
Absent: None

Attest:
James S. Mitrisin
Clerk of the Board of Supervisors

By: 
Deputy Clerk

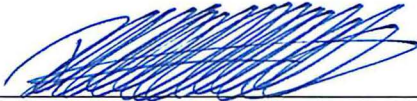

Ron Mikulaco, Chair, Board of Supervisors

EXHIBIT A

FINDINGS OF CONSISTENCY

Planned Development PD12-0003/Green Valley Convenience Center Board of Supervisors/March 22, 2016

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 CEQA FINDINGS

1.1 The Green Valley Convenience Center Environmental Impact Report (EIR) is consistent with California Environmental Quality Act (CEQA) Guidelines Section 15090.

According to CEQA Guidelines Section 15090, Prior to approving a project the lead agency shall certify that: (1) The final EIR has been completed in compliance with CEQA; (2) The final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and (3) The final EIR reflects the lead agency's independent judgment and analysis.

Rationale: Staff recommends that the Board of Supervisors find that the Final EIR constitutes a complete, accurate, adequate, and good faith effort at full disclosure under CEQA, and to certify the Final EIR as completed in compliance with CEQA. The Final EIR will be presented to the El Dorado County Board of Supervisors for review and recommendation of the Final EIR, including its attachments and exhibits. In addition, the Board of Supervisors will review and consider all testimony and additional information presented at or prior to the public hearing on March 22, 2016.

1.2 The EIR is consistent with CEQA Guidelines Section 15091(a).

According to CEQA Guidelines Section 15091(a), no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR;

Rationale: The Final EIR for the Green Valley Convenience Center Planned Development project does not identify any environmental impacts that cannot be mitigated to a less than significant level, and there will be no significant and unavoidable effects as a result of the project. Because the

EIR for the proposed project has identified potentially significant impacts, and measures have been identified to mitigate those impacts, a Mitigation Monitoring and Reporting Program is required and has been prepared for the proposed project.

- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency;

Rationale: The County of El Dorado is the lead agency for this project and will be the primary agency, but not the only agency, responsible for implementing project mitigation measures. In some cases, other public agencies will implement measures. In other cases, the project applicant will be responsible for implementation of measures and the County's role is exclusively to monitor and/or measure implementation. The County will continue to monitor mitigation measures that are required to be implemented during the operation of the project. The Mitigation Monitoring and Reporting Program describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures.

- 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Rationale: The Final EIR evaluated a no project alternative and three alternatives, which were all found to be feasible alternatives.

1.3 **The EIR is consistent with CEQA Guidelines Section 15091(b).**

According to CEQA Guidelines Section 15091(b), the findings required by 15091(a) (above) shall be supported by substantial evidence in the record.

Rationale: The documents and other materials, which constitute the record of proceedings, are in the custody of the El Dorado County Community Development Agency, Development Services Division, located at 2850 Fairlane Court, Building C, Placerville, CA 95667.

1.4 **The EIR is consistent with CEQA Guidelines Section 15091(c).**

According to CEQA Guidelines Section 15091(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

Rationale: Staff requests the Board of Supervisors to adopt the project description for the Green Valley Convenience Center and Conditions of Approval, with the corresponding permit monitoring requirements, as the Mitigation Monitoring and Reporting Program for the project. 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 and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation, and mitigation or avoidance of significant effects on the environment.

1.5 **The EIR is consistent with CEQA Guidelines Section 15091(d).**

This section says that when making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

Rationale: The Final EIR identified two subject areas for which the project is considered to cause or contribute to significant, but mitigable environmental impacts. The Mitigation Monitoring and Reporting Plan provides a detailed description of the environmental impacts, required mitigation, responsible lead agency, and monitoring timeline. Each of these impacts is summarized below, along with the mitigation measures intended to reduce these impacts to a less than significant level for consistency with CEQA Guideline 15091(1)(a):

Transportation: The Final EIR identifies four potentially significant, but mitigable impacts within the project area pertaining to increase of summer vehicle miles of travel, decreased level of service (LOS), increased parking demand, and increased pedestrian congestion. Mitigation measures include Traffic Impact Mitigation fee payment, signal timing adjustments, road restriping, and the addition of a leading pedestrian interval (LPI) to the Sophia Parkway traffic signal's northbound phase.

Wildlife and Fisheries: The Final EIR identifies potentially significant but mitigable impacts within the project area pertaining to habitat of special status fish and wildlife species; active raptor nests, migratory bird nests, and wildlife nursery sites; and impacts to sensitive wildlife individuals or habitat. Mitigation includes, but is not limited to, monitoring and protection active raptor and migratory bird nests, construction fencing to avoid the seasonal stream, and revegetation plantings in the riparian area.

1.6 The EIR is consistent with CEQA Guidelines Section 15091(e).

According to subsection (e), The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

Rationale: The documents and other materials, which constitute the record of proceedings, are in the custody of the El Dorado County Community Development Agency, Development Services Division, located at 2850 Fairlane Court, Building C, Placerville, CA 95667.

1.7 The EIR is consistent with CEQA Guidelines Section 15092.

EIR approval is required as follows: a) After considering the final EIR and in conjunction with making findings under Section 15091, the Lead Agency may decide whether or how to approve or carry out the project. b) A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either: (1) The project as approved will not have a significant effect on the environment, or (2) The agency has: (A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and (B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093. (c) With respect to a project which includes housing development, the public agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.

Rationale: The Final EIR for the Green Valley Convenience Center Planned Development project does not identify any environmental impacts that cannot be mitigated to a less than significant level, and no statement of overriding concerns is needed as described in Section 15093. The project is for a commercial and use and does not propose any housing units.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

The purpose of the Commercial land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.

Rationale: 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 consists of a service station, carwash, and a convenience store, which is consistent with the allowed uses for the C Zone District with an approved Development Plan.

2.2 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The project site is surrounded by other commercial areas and residential areas to the south. Mitigation measures are included that will require landscaping to create a visual buffer and avoid aesthetic impacts to the surrounding neighborhood. The noise analysis has demonstrated that the carwash-related noise would not exceed General Plan noise standards. The building's architecture, materials, and colors would be consistent with those of other commercial businesses along Green Valley Road between the El Dorado/Sacramento county line and Salmon Falls Road. The design is consistent with the design of the buildings approved in the Green Valley Market Place (the Safeway Shopping Center). As conditioned and mitigated, there are no significant conflicts anticipated with any other existing or proposed commercial uses in the area. The proposed project is consistent and compatible with the development pattern in the immediate surroundings.

2.3 The project is consistent with General Plan Policy 2.8.1.1.

Policy 2.8.1.1 directs that excess nighttime light and glare be limited from the parking area lighting, signage and buildings.

Rationale: The Site Lighting Photometric (Sheet ES1.2, Exhibit K), shows the project would include shielded wall lights, recessed canopy lights, and the pole lights would be 12-feet tall with a three-foot concrete base with full cutoff fixtures. The photometric analysis demonstrates that the project would not create significant amounts of light outside of the parcel boundaries. A condition of approval is recommended to assure that the lights are compliant with Section 130.14.170 of the Zoning Ordinance, be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation, and that the pole lights do not exceed 16 feet tall. As proposed, the lighting plan would be compliant with this policy.

2.4 The project is consistent with General Plan Policy TC-Xf.

TC-Xf directs that all discretionary projects that worsen traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County's 20-year CIP.

Rationale: The project proposes two new encroachments, one each onto Green Valley Road and Sophia Parkway. Access and circulation driveways have been analyzed by the Transportation Division and the El Dorado Hills Fire Department and found by both to be adequate for interior circulation. Encroachment improvements would be designed to meet County standards. This project would add to traffic at the Green Valley Road/Francisco Drive, Green Valley Road/El Dorado Hills Boulevard, and El Dorado Hills Boulevard/Francisco Drive intersections.

The El Dorado Hills Boulevard/Francisco Drive intersection is presently operating at LOS F and queue lengths currently exceed available lengths at Green Valley Road/El Dorado Hills Boulevard. The County has included improvements to the first intersection in its 2014 Capital Improvement Program (CIP 71358 Francisco Drive Right-Turn Pocket). The construction for this project is currently underway. CIP 72332, the El Dorado Hills Boulevard/Francisco Drive Intersection Alignment project, is presently unfunded but is included in the 20-year CIP. The queuing issue will be resolved with the improvements to Green Valley Road planned with CIP GP159, Green Valley Road Widening from Salmon Falls Road to Deer Valley Road. The project will be required to pay Traffic Impact Mitigation (TIM) fees based on the formula adopted by the County. The payment of fees would be considered their fair share of the impact improvements. Since the road improvements necessary to serve this project are included in the 20-year CIP, the project is consistent with applicable General Plan policies. Encroachment and frontage improvements and the payment of TIM fees satisfy the General Plan and design requirements to ensure safe ingress and egress and maintain LOS standards at all applicable roadways and intersections.

2.5 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The project was reviewed by the County Transportation Division, El Dorado Hills Fire Department, and the El Dorado Irrigation District for adequate public services capacity. The applicants propose to connect to existing water and sewer service from EID. The El Dorado Irrigation District Facility Improvement Letter dated December 7, 2012 reported there was adequate capacity in their existing facilities to serve the project, with District-approved extensions. An FIL extension was issued January 14, 2016.

2.6 The project is consistent with General Plan Policy 5.4.1.1.

Policy 5.4.1.1 requires storm drainage systems for discretionary development that protect public health and safety, preserve natural resources, prevent erosion of adjacent and downstream lands, prevent the increase in potential for flood hazard or damage on either adjacent, upstream or downstream properties, minimize impacts to existing facilities, meet the National Pollution Discharge Elimination System (NPDES) requirements, and preserve natural resources such as wetlands and riparian areas.

Rationale: All grading activities exceeding 250 cubic yards of graded material or grading completed for the purpose of supporting a structure must meet the provisions contained in the County of El Dorado Grading, Erosion, and Sediment Control Ordinance. The post-project drainage would be handled by an underground vault system and drainage volumes would be required to be substantially the same pre and post project. As conditioned for stream restoration, mitigated for compliance with California Water Quality Control Board standards, and with implementation of Best Management Practices during the grading permit process, no adverse increase in the overall runoff and flows are expected.

2.7 The project is consistent with General Plan Policy 5.7.1.1.

General Plan Policy 5.7.1.1, Fire Protection in Community Regions, requires adequate emergency water supply, storage, conveyance facilities, and access for fire protection would be provided concurrent with development.

Rationale: The El Dorado Hills Fire Department would provide fire protection service to the project site and ensure that water supplied to the parcels is adequate to meet emergency fire needs. The El Dorado Hills Fire Department provided comments and conditions of approval to be incorporated into the project design, including that the water system provide a minimum fire flow of 1,500 gallons per minute with a minimum residual pressure of 20 psi for a two-hour duration. Additionally, the Fire Department requires that the applicants install two fire hydrants. With the incorporation of these requirements, the project is in compliance with these General Plan policies related to fire protection.

2.8 The project is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2 requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: The Fire Department requires fire apparatus access to within 150 feet of all portions of the exterior walls of the building. Fire access is required to be capable of supporting fire apparatus weighing at least 40,000 pounds. The project, as designed, meets these requirements and is in compliance with this policy.

2.9 The project is consistent with General Plan Policy 6.5.1.7.

General Plan Policy 6.5.1.7 states that noise created by new non-transportation noise sources shall be mitigated so as not to exceed any of the noise level standards of Table 6.2, as measured immediately within the property line of the receiving property.

Rationale: An Environmental Noise Analysis dated July 18, 2013 evaluated project-related noises and determined that the carwash and vacuums elements of the project would create the most noise. Vacuum noise levels are predicted to be approximately 36-40 dB Leq/Lmax, at the nearest noise-sensitive receiver locations. These levels would be in compliance with the applicable daytime noise level standard of 55 dB Leq, as well as the evening noise level standard of 50 dB Leq. The Noise Analysis reported that noise levels generated by car washes are primarily due to the drying portion of car wash operations. Car wash noise levels would be in compliance with the applicable daytime noise level standards (55 dB Leq, 70 dB Lmax) as well as the evening maximum noise level standard (60 dB Lmax). However, the predicted carwash noise levels would exceed the evening hourly average standard (50 dB Leq) and nighttime noise level standards (45 dB Leq, 55 dB Lmax). The project includes conditions and mitigations that require the doors on the carwash be lowered during operation to address impacts on the existing ambient noise levels.

2.10 The project is consistent with General Plan Policy 7.1.2.1.

General Plan Policy 7.1.2.1 directs that development or disturbance shall be restricted on slopes exceeding 30 percent unless necessary for access.

Rationale: The existing structures are built on areas of the property that avoid any slopes exceeding 30 percent. The area proposed for new development is in an area that is relatively flat and avoids any steep slopes of 30 percent. The proposed new road would be improved from an existing driveway and does not traverse any slopes of 30 percent or greater. The project is in compliance with the policy related to steep slopes.

2.11 The project is consistent with General Plan Policy 7.3.3.4.

General Plan Policy 7.3.3.4 requires that intermittent streams have a 50-foot setback. The policy allows that setback to be modified if information is received that demonstrates a different setback is necessary or would be sufficient to protect the waterway.

Rationale: The Biological and Jurisdictional Delineation Report Updates for the Green Valley Convenience Center, dated May 1, 2013, determined there were no isolated wetlands but that the intermittent stream constituted 0.47 acre of potential jurisdictional wetlands. The applicants submitted a biological report required by the Guidelines to support their request.

There has been a U.S. Army Corps verification of the wetland delineation. The project is proposing to install a retaining wall, a parking area, a driveway and, a building within the required wetland setback. The Interim Interpretive Guidelines allows an alternative setback when the applicant demonstrates that the alternative setback will still provide sufficient protection of the biological resources and avoids or minimizes impacts as required by the General Plan. Impacts have been reduced to a less than significant level by incorporation of Mitigation Measures, Conditions of Approval, and with required adherence to County Code. As such, the alternative setback is found to be consistent with Policy 7.3.3.4.

2.12 This project is consistent with General Plan Policy 7.4.4.4.

Policy 7.4.4.4 establishes the native oak tree canopy retention and replacement standards.

Rationale: There is one blue oak along the eastern perimeter of the project site, and valley oaks south of the seasonal creek. There would be no disturbance in either of these areas as part of the proposed project. Because the proposed project would not result in the removal or any individual oak trees or oak canopy, the retention and replacement requirements would not be required for the proposed project, and there would be no conflict with Policy 7.4.4.4. The proposed project's landscape plan includes three valley oaks on the south and east side to buffer views into the project from the east and south sides. As proposed, the project would retain 100 percent of the oak tree canopy at the site consistent with General Plan Policy 7.4.4.4, Option A and the El Dorado County Oak Woodland Management Plan.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Section 130.28 of the Zoning Ordinance.

The parcel is zoned Commercial-Planned Development (CC-PD). The project has been analyzed in accordance with Zoning Ordinance Section 130.22.030 (Development Standards) for minimum lot size, widths and building setbacks.

Rationale: With an approved Development Plan, the project is consistent with the El Dorado County Zoning Ordinance designation of Commercial-Planned Development because the proposed project provides areas for retail sales and service station use pursuant to Section 130.22.010 of the Zoning Code. The buildings meet the development standards pursuant to Section 130.32.040 of County Code.

3.2 The proposed use is consistent with Section 130.14.170 of the Zoning Ordinance.

Chapter 130.14.170 provides requirements for Outdoor Lighting.

Rationale: The lighting for the project is limited to a height of 16 feet and would be full cutoff fixtures that would prevent sky lighting and trespass horizontally off the parcel. A condition of approval is included to assure that the lights are fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation, and that the pole lights do not exceed 16 feet tall.

3.3 **The proposed use is consistent with Section 130.18 of the Zoning Ordinance.**

Chapter 130.18 provides requirements for off-street parking and loading.

Rationale: Zoning Ordinance Section 130.18.060 requires that the convenience store include one space per 300 square feet of enclosed gross retail sales floor area. Because the convenience store is 3,180 square feet, 10.6 spaces are required. Eighteen spaces are proposed in total. Of those 18 spaces, one is required to be accessible and one of those with van accessibility (Table 11B-6, 2010 California Building Code). Of the 18 spaces, 35 percent, or 6.3 of them are permitted to be compact spaces. The applicants are proposing 15 standard spaces, two compact spaces, and one accessible space (one of those with van accessibility) which Planning has determined would be adequate for the project.

The project would need to include provisions for bicycle parking on the site by providing bicycle spaces/racks, within 100 feet of the building (five percent of total parking spaces, and pursuant to Section 5.105.4.1 and 2 of the 1020 California Green Building Standards Code), at locations at the discretion of the applicants but convenient from adjoining streets and distributed proportionally. Because 18 total spaces are included, 3.6 bicycle parking spaces are required. The project plans include four spaces.

Section 130.18.080.C requires one 12 foot by 40 foot off-street loading space. The project includes that space, shown on the site plan in the northern portion of the site.

3.4 **The proposed use is consistent with Section 130.16 of the Zoning Ordinance.**

Chapter 130.16, updated in July of 2015, regulates signs throughout the county.

Rationale: The applicants have proposed one 18-foot-tall monument sign and wall signs on the canopy, store, and car wash. The total square footage of the proposed monument sign is 67 square feet. The final design of the site will be required to comply with the Sign Ordinance, which currently stipulates that for building-attached signs in the Commercial zone district, where the floor area is less than 10,000 square feet, the sign shall be no more than 50 total square feet. No more than one freestanding sign per street frontage is

allowed. For individual establishments, the sign may be a maximum of 50 square feet and 12 feet maximum height on the first street frontage, and 30 square feet and 10 feet high at the second street frontage. The final design would be reviewed by Planning for compliance with the applicable provisions of the sign ordinance. Motor vehicle fuel pricing signs, as required by state law, which identify the brand, types, octane rating, etc., of motor vehicle fuel for sale within the county (Sections 13470 and 13530 of the Business and Professional Code) are exempt from the sign ordinance. This does not limit requirements of sign review or for maintaining motorist line of sight. The final location of all signs will be reviewed by the Transportation Division during the Building Permit process for any potential conflict. Planning is recommending restricting signs proposed for the south and east-facing building walls because they are facing residential and commercial areas where there would be no traffic viewing the site.

4.0 PLANNED DEVELOPMENT FINDINGS

4.1 The proposed planned development, including design and improvements, is consistent with the General Plan.

Rationale: The planned development request is consistent with the General Plan because the application is for a commercial development, being developed to serve the residents, businesses and visitors, consistent with the Commercial land use designation, and is consistent with applicable policies as outlined in Finding 2.2.

4.2 The proposed development is so designed to provide a desirable environment within its own boundaries.

Rationale: The proposed development is mitigated and conditioned to provide a desirable environment within its own boundaries. As conditioned, the proposed development provides landscaping, lighting, parking and interior circulation, and design features which will fit within the local commercial district.

4.3 Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.

Rationale: The project is being developed or conditioned to comply with all County Code requirements.

4.4 The site is physically suitable for the proposed type and density of development.

Rationale: The site is physically suited for the proposed uses since it is located within a business, commercial environment and the development area is

concentrated along the existing roads, allowing for preservation of the existing intermittent stream as dictated by the U.S. Army Corps of Engineers regulations.

4.5 **Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.**

Rationale: As conditioned, adequate services and utilities are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.

4.6 **The proposed uses do not significantly detract from the natural land and scenic values of the site.**

Rationale: The proposed uses do not significantly detract from the natural land and scenic values of the site since it will provide the required landscaping and restore the riparian habitat.

EXHIBIT B

CONDITIONS OF APPROVAL

**Planned Development PD12-0003/Green Valley Convenience Center
Board of Supervisors/March 22, 2016**

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

Exhibit D Preliminary Site Plan, Sheet PS-1; May 20, 2015

Exhibit J Preliminary Landscape Plan, Sheet L1; May 20, 2015

Any deviations from the project description, exhibits, or conditions must 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:

- 4,872-square-foot open-sided canopy with eight self-service fuel pumps (16 fueling positions and two payment island cashiers) and solar panels on the canopy
- Two underground fuel storage tanks
- 3,058-square-foot convenience store
- 1,804-square-foot single-bay self-service car wash, with doors at the entrance and exit of the car wash to reduce exterior noise levels
- Air/water unit and two vacuums
- Monument site identification sign
- On-site parking spaces for vehicles (18 spaces) and bicycles (4 spaces)
- Trash enclosure
- On-site stormwater runoff collection system
- On-site lighting, consisting of wall lights, canopy lights, and 12-foot-tall pole lights with full cutoff fixtures
- Landscaping, hardscaping, and pavement

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 attached hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Mitigation Measures from the Environmental Impact Report

The following Mitigation Measures are required as a means to reduce potential significant environmental effects to a level of insignificance:

2. **MM TRA-2:** The applicant shall pay applicable TIM fees.
3. **MM TRA-3:** The applicant shall prepare and implement a signal timing plan for the Green Valley Road/Sophia Parkway intersection to provide a longer green phase for the westbound left-turn movement. The plan shall be prepared by a California-licensed civil engineer or traffic engineer and shall be submitted to the County Transportation Division. The applicant shall also restripe the protected left-turn pocket on westbound Green Valley Road to extend the length to 350 feet to coincide with the length of the raised median. The applicant shall ensure the signal timing is adjusted and restriping is completed in coordination with the County Transportation Division prior to the issuance of the occupancy permit.

Monitoring Responsibility: Transportation Division.

Monitoring Requirement: The field inspector shall verify compliance with said mitigations upon during encroachment activities and site inspection.

4. **MM TRA-10:** A portion of the curb along Sophia Parkway adjoining the project driveway south of project shall be marked as "No Parking." The applicant shall coordinate with the County Transportation Division to determine the specific distance where parking would be prohibited. In conjunction with the signal timing change required under mitigation measure MM TRA-3, a leading pedestrian interval (LPI) shall be added to the Sophia Parkway traffic signal's northbound phase.

Monitoring Responsibility: Transportation Division.

Monitoring Requirement: The field inspector shall verify compliance with said mitigations upon during encroachment activities and site inspection.

5. **MM TRA-11:** Project conditions of approval shall require the following:
 - a. Soil import haul truck traffic shall be limited to non-peak hours only. The exact hours will be determined when the encroachment permit is issued, based on the most recent traffic counts available from the Transportation Division at the time

the permit is issued. Haul trucks may not exit the site via left turn onto Green Valley Road.

- b. Prior to activities that would involve improvements on Green Valley Road and Sophia Parkway, the applicant's contractor shall notify the El Dorado County Transportation Division to determine specific traffic controls that shall be implemented, including but not limited to signage, barriers, flaggers, and notifications to public regarding potential lane closures or narrowing.
- c. The applicant's contractor shall maintain one open lane on Green Valley Road and Sophia Parkway at all times.

Monitoring Responsibility: Transportation Division.

Monitoring Requirement: This requirement shall be placed on all grading plans. Transportation Division shall review the encroachment permit plans to ensure their inclusion prior to issuance of an encroachment permit. The field inspector shall verify compliance with said mitigations upon during encroachment activities and site inspection.

6. **MM BIO-2:** Preconstruction Surveys and Protection/Avoidance Measures. If construction begins outside the 1 February to 31 August breeding season, there will be no need to conduct a preconstruction survey for active bird and raptor nests. If construction is scheduled to begin between 1 February and 31 August, then a qualified biologist shall conduct a preconstruction survey for active nests at the construction site. In order to avoid take (Fish and Game Code Section 86) of protected birds and raptors (Fish and Game Code Sections 3503, 3503.5, 3511, and 3513), a preconstruction bird and raptor nest survey shall be conducted within 10 days prior to the beginning of construction activities by a California Department of Fish and Wildlife (CDFW)-approved biologist in order to identify active nests in the project site vicinity. The results of the survey shall be submitted to the CDFW and County of El Dorado Development Services Division. If active raptor nests are found, a quarter-mile (1,320 feet) initial temporary nest disturbance buffer shall be established. If active passerine nests are found, a 200-foot (500 feet for special-status species) initial temporary nest disturbance buffer shall be established. 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 experienced with the species' behavior shall be retained by the project proponent to monitor the nest and shall, along with the project proponent, consult with the 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 birds/raptors are not exhibiting agitated behavior. In consultation with the CDFW and depending on the behavior of the birds/raptors, over time it may be determined that the on-site biologist/monitor may no longer be necessary due to the birds/raptors' acclimation to construction-related activities. The proposed actions shall be included in a work plan, approved by the CDFW, and submitted to the County of El

Dorado Development Services Division. Take of a nesting bird listed under the California Endangered Species Act would require an incidental take permit.

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.

7. **MM BIO-3:**

- a. Best management practices that conform with the County's California Stormwater Pollution Prevention Plan, issued by the State Water Resources Control Board for erosion and sediment control, shall be incorporated into the project development plans and implemented as approved by Building Services during the grading permit process.
- b. No equipment shall be allowed within the seasonal stream.
- c. Construction fencing shall be installed between the edge of construction disturbance and the seasonal stream to prevent and avoid accidental fill and/or equipment entering the setback and creek. The fencing shall be installed prior to initiation of any grading.
- d. The project applicant shall have the current Streambed Alteration Agreement issued by the CDFW revalidated, or the applicant shall submit a new Section 1600 notification to the CDFW. A grading permit shall not be issued until documentation has been provided to the County that the existing Streambed Alteration Agreement has been revalidated, or that a Streambed Alteration Agreement is not required by the CDFW.
- e. Within one year of the initiation of project construction, the project applicant shall implement the revegetation plantings identified in the project landscaping plan (Figure 2.0-8 of the Draft EIR).
- f. Proof of planting shall be submitted to County of El Dorado Development Services Division prior to final inspection. The revegetation plantings shall be monitored annually, in the late summer or early autumn. The number and species of surviving trees shall be counted and their condition and general health recorded. A monitoring report of the number and condition of surviving trees shall be made annually for a period of five years, no later than 31 December, to the County and the CDFW. The monitoring report shall discuss the overall site conditions, compare the surviving trees to the success criterion, and recommend

contingency measures if appropriate.

Monitoring Responsibility: Planning Services and Building Services

Monitoring Requirement: The applicant shall include mitigation measures MM BIO-3 a-d above on the grading permit plans. Planning Services shall review the grading permit plans to ensure their inclusion prior to issuance of a grading permit. The Building Services field inspector shall verify compliance with said mitigations upon site inspection for the grading permit. Planning Services shall make a field inspection of the planted area prior to finaling the grading permit.

Development Services Division (Planning)

8. **Outdoor Display:** Outdoor vending machines, kiosks, etc. shall not be permitted unless such outdoor vending can be fully screened from off site.
9. **Roof Mounted Equipment:** The roof-mounted equipment shall be located inside a roof parapet wall and shall not be visible from ground level.
10. **Noise:** Noise levels shall not exceed those prescribed for Community Regions in Table 130.37.060.1 of the El Dorado County Zoning Ordinance:

	Daytime (7am-7pm)	Evening (7pm-10pm)	Night (10pm-7am)
Hourly dB	55	50	45
Max. dB	70	60	55

The vacuum model to be installed shall have the equivalent noise output or less than that analyzed in the Environmental Noise Analysis, dated April 27, 2015. The carwash shall be limited to use of a dryer with the equivalent noise output or less as that analyzed in the Environmental Noise Analysis, dated April 27, 2015.

The applicant shall provide Planning Services with proof that the carwash will include the dryer type and doors as described above and within the Environmental Noise Analysis dated April 27, 2015, prior to issuance of the building permit for the carwash. Planning shall verify installation of the dryer type and doors prior to building permit final for the carwash. Prior to occupancy permit, the applicant shall provide a report verifying that exterior noise during the carwash cycles and vacuum operation does not exceed the prescribed noise level limits.

11. **Landscaping:** The final landscape plan shall be consistent with Exhibit J and comply with Zoning Code Chapter 130.33, the El Dorado County Community Landscaping and Irrigation Standards, and General Plan Policy 7.3.5.1; and be approved by Planning Services prior to issuance of a building permit. The following additional information shall be submitted prior to final inspection of installed landscaping:

- a. Completed, signed Model Water Efficient Landscape documents consistent with the new County Model Water Efficient Landscape Ordinance.
- b. A filed copy of an irrigation audit report or survey approved by El Dorado Irrigation District with the Certificate of Completion.

All trees installed below the screen wall shall conform to Exhibit J. The applicant shall install and maintain the landscaping in accordance with the approved final landscaping plan in perpetuity.

12. **Lighting:** An updated sight lighting plan shall be submitted and approved by Planning Services prior to issuance of a building permit. All outdoor lighting shall conform to Sheet ES1.2 dated April 12, 2013 (Site Lighting Photometric), as revised by the updated plan, and Section 130.34.020 of the Zoning Ordinance and the Outdoor Lighting Community Design Standards. Any light fixture shown on the updated sight lighting plan 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. In addition, the following apply:

- a. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.
- b. Any lighting for outdoor display areas shall be turned off within 30 minutes after the closing of the business. No more than 50 percent of the parking lot lighting may remain on during hours of non-operation. Any security lighting on the buildings shall be designed with motion-sensor activation.
- c. No pole light shall exceed 12 feet in height measured from ground level.

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 Planning Services.

13. **Signs:** All signage installed as part of the project shall be consistent with the existing Sign Ordinance (Chapter 130.16 of Title 130 in the El Dorado County Code of Ordinances). There shall be no wall signs permitted on the south and east sides of the buildings. Window signs shall not exceed 25 percent coverage of any window pursuant to industry best practice for natural surveillance that serves to increase the risk of detection for offenders, enable evasive actions by potential victims, and facilitate intervention by police (Crime Prevention through Environmental Design and Defensible Space).

14. **Parking:** Parking shall be improved consistent with Chapter 130.35 of the County Code and the Parking and Loading Community Design Standards, and shall be constructed in accordance with Title 24 of the current Building Code. There shall be one 12 foot by 40-foot loading zone. There shall be four bicycle parking spaces, consistent with Section 130.35 of the County Code and the Parking and Loading Community Design Standards. A sign shall be placed at the west entrance of the car wash entrance, before the overhead bar as shown on Exhibit D that states, "Vehicle stacking in front of this sign is prohibited."
15. **Permit Implementation:** Pursuant to 130.22.250 Time Limits, Extensions, and Permit Expiration implementation and approval of the project conditions must occur within 24 months of approval of this Planned Development or as otherwise required by the conditions of approval. 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. If all project related conditions are not completed within that time frame, the project will be scheduled for revocation and commencement of the Code Compliance action.
16. **Condition Compliance:** Prior to issuance of certificate of occupancy of a 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.
17. **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.
18. **California Fish and Wildlife Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and the appropriate Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.
19. **Archeological Resources:** The following shall be incorporated as a note on the grading/improvement 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”.

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

20. **Human Remains:** The following shall be incorporated as a note on the grading/improvement 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.

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

21. **Air Quality:** The following shall be incorporated as a note on the bid specifications, construction contract, and grading/improvement plans:

The Contractor shall adhere to all applicable El Dorado County AQMD rules, including but not necessarily limited to Rules 215, 223, 223-1, and 224. Copies of these rules are available from the El Dorado County AQMD website (www.arb.ca.gov/drdb/ed/cur.htm). The Contractor shall prepare a Fugitive Dust Control Plan for review and approval by the El Dorado County Air Pollution Control Officer pursuant to Rule 223-1 – Fugitive Dust Construction. After construction, the Project shall comply with AQMD Rule 238 “Gasoline Transfer and Dispensing.”

The applicant shall provide proof to Planning Services that this condition was included on the specifications and construction contract for the contractor, and is included on all grading and building permits, prior to issuance of any grading and/or building permit.

Transportation Division

22. **Encroachment Permit:** The applicant shall obtain an encroachment permit from Transportation Division and shall construct the roadway encroachments from the access roadway onto Green Valley Road and Sophia Parkway to the County Design Standard 110 as modified below, and as shown on Exhibit D, Preliminary Site Plan. The improvements shall be completed to the satisfaction of the Transportation Division prior to the issuance of final occupancy for any building permit.
23. **Extended Median on Green Valley Road:** The applicant shall install a raised median on Green Valley Road to restrict left turns. The length shall be 350 feet. Details for the exact location of the raised median and lane lines are subject to the application of the standards contained in the California Manual on Uniform Traffic Control Devices (California MUTCD) 2014 edition, and approval by the Transportation Division. The improvements shall be completed to the satisfaction of the Transportation Division prior to issuance of final occupancy for any building permit.
24. **Delivery Trucks:** All delivery vehicles shall approach the site from either Green Valley Road west of Sophia Parkway or north along Sophia Parkway.
25. **Signal Modification Green Valley Road and Sophia Parkway:** The applicant shall design and construct the signal modification plans for the southeast corner of the Green Valley Road/Sophia Parkway intersection as identified on Exhibit D. The improvements shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved improvement agreement with security, prior to the issuance of a building permit.

26. **Truck Turning Exhibit:** The applicant shall provide a truck turning exhibit with the improvement plans to demonstrate how fuel trucks can enter and exit correctly. This exhibit is to be filed with the improvement plans prior to issuance of a building permit.
27. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Transportation Division 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 as set forth within the County of El Dorado Subdivision Division Ordinance, prior to the issuance of a building permit.

Transportation Division Standard Conditions

28. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
29. **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 Transportation Division 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 Transportation Division prior to improvement plan approval.
30. **Curb Returns:** All curb returns, at pedestrian crossing, 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.
31. **Signage:** The applicant shall install all necessary signage such as U-turn, and bike lane signs as required by the Transportation Division prior to the issuance of a building permit. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
32. **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.
33. **Construction Hours:** Construction activities shall be conducted in accordance with the County 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.

34. **DISM Consistency:** The developer shall obtain approval (as modified by these conditions herein) of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (dated May 1986, revised May 1990), from the County Department of Transportation, and pay all applicable fees prior to the issuance of a building permit.
35. **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 offsite grading.
36. **Grading Permit / Plan:** The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Transportation Division 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 Transportation Division prior to occupancy clearance.
37. **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 and El Dorado County 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.
38. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (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.
39. **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 Transportation Division. 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.

40. **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 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:

- a. The site can be adequately drained.
- b. The development of the site will not cause problems to nearby properties, particularly downstream sites.
- c. 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.
- d. 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 the issuance of a building permit or the applicant shall obtain an approved improvement agreement with security.

41. **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 and / or on the final map.
42. **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) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A

filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

43. **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 Transportation Division with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
44. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

Air Quality Management District

45. **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).
46. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
47. **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).
48. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Architectural Coatings AQMD (Rule 215).
49. **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. ARB is responsible for enforcement of this regulation.

50. **New Point Source:** Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, 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)
51. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be under permit from the California Air Resources Board (CARB). A copy of the current portable equipment permit 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 operations of each piece of equipment.

Environmental Management-Environmental Health Division

52. **Service Request:** Upon approval of the Development Plan, the applicant shall submit a Service Request form along with two sets of plans and manufacturer's specification sheets for the proposed equipment to be installed in order to verify compliance with the California Retail Food Code. An annual Health Permit shall be obtained prior to operation.

Environmental Management-Solid Waste & Hazardous Materials Division

53. **Construction Waste:** The applicant shall comply with CALGreen Section: 5.408. 1 Construction waste management. Recycle and/or salvage for reuse a minimum of 50 percent of the non-hazardous construction waste in accordance with Section 5.408.1.1, 5.408.1.2 or 5.408.1.3; or meet a local construction and demolition waste management ordinance, whichever is more stringent.
54. **Solid Waste:** The applicant shall provide sufficient space for both trash and recycling dumpsters. All solid waste, including animal waste must be stored in trash containers with tight fitting lids and hauled from the site at least once every seven days for proper disposal.
55. **Underground Storage Tanks:** The applicant shall submit an application for a permit for New Installation of Underground Storage Tanks (UST) prior to beginning any work pertaining to the installation of the USTs. Upon completion of UST installation, additional documents pertaining to USTs, and a Hazardous Materials Business Plan, must be submitted using the California Electronic Reporting System (CERS) and approved prior to operation of the fueling system.

El Dorado Hills Fire Department

56. **Water System Requirements:** The potable water system with the purpose of fire protection for this commercial development shall provide a minimum fire flow of 1,500 gallons per minute with a minimum residual pressure of 20 psi for a two-hour duration. This requirement is based on a structure 11,300 square feet or less in size, Type V-B construction. All structures shall be fire sprinklered in accordance with NFPA 13 and Fire Department requirements. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire Department for review and approval.
57. **Fire Hydrants:** This development shall install two (2) Mueller Dry Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The exact location of the hydrant shall be determined by the Fire Department; and shall be located within 150 feet of the building (per El Dorado County Water District Ordinance 35). One hydrant will be located near the driveway entrance off Sophia Parkway and the other hydrant will be located near the driveway off Green Valley Road.
58. **Hydrant Appearance:** In order to enhance nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and State Fire Safe Regulations.
59. **Water Connection:** Any fire department connection to the sprinkler system shall be positioned so as not to be obstructed by a parked vehicle.
60. **Fencing:** All fencing that backs up to wildland open space shall be required to use non-combustible type fencing.
61. **Access Roads:** All fire apparatus access roads shall be an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 40,000 pounds.
62. **Fire Alarm:** Any building greater than 500 square feet shall be equipped with an approved fire alarm/detection system (per El Dorado County Water District Ordinance 35).
63. **Knox Box:** A Knox Box is required for nighttime and afterhours access to the alarmed buildings.
64. **Addressing:** Addressing is required as described in the in accordance with the El Dorado Hills Fire Department Addressing of Buildings Standard B-001.

65. **Traffic Calming:** This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway.
66. **No Parking:** No parking will be allowed on the west side of the convenience store with the exception of the designated parking stalls. The curb on the west side of the convenience store shall be painted red with white letters indicating "No Parking Fire Lane."
67. **Plan Copies:** A PDF electronic copy of all plans shall be provided to the fire department for electronic storage and use for engine company pre-fire planning. Please send the electronic copy to mcox@edhfire.com.
68. **Fire Protection Systems**
 - a. Installation of all on-site fire protection systems shall be in accordance with NFPA 24 and Fire Department Standards;
 - b. All on-site fire protection systems shall be tested in accordance with the requirements of NFPA 24 and shall be witnessed by the Fire Department;
 - c. The installing contractor, or sub-contractor, for all on-site fire protection systems shall notify the Fire Department at least 24 hours in advance of requesting a date and time for inspections;
 - d. If plastic pipe is installed for fire protection systems, the pipe used shall be C-900 Class 200;
 - e. After installation, rods, nuts, bolts, washers, clamps, and other restraining devices, except truss blocks, used on-site fire protection systems shall be cleaned and thoroughly coated with an acceptable corrosion-retarding material; and
 - f. The section of private fire service piping within five feet of the building foundation and the fire sprinkler riser shall be ductile iron piping.
69. **Median Design:** The raised median proposed along the Green Valley Frontage that impedes fire apparatus access shall be designed so that it is mountable for fire apparatus. A fire engine must be able to drive over the median and enter the parking lot of the proposed gas station.

EXHIBIT C

MITIGATION MONITORING AND
REPORTING PROGRAM

COUNTY OF EL DORADO
GREEN VALLEY CONVENIENCE CENTER
(PD12-0003)

ENVIRONMENTAL IMPACT REPORT
STATE CLEARINGHOUSE No. 2013062011

Prepared for:

COUNTY OF EL DORADO
2850 FAIRLANE COURT
PLACERVILLE, CA 95667

Prepared by:

Michael Baker
INTERNATIONAL

2729 PROSPECT PARK DRIVE, SUITE 220
RANCHO CORDOVA, CA 95670

DECEMBER 2015

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the Green Valley Convenience Center (PD 12-0003). This MMRP has been prepared pursuant to California Public Resources Code Section 21081.6, which requires public agencies to "adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." An MMRP is required for the proposed project because the EIR for the proposed project has identified potentially significant impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the EIR. All revisions to mitigation measures that were necessary as a result of responding to public comments and incorporating staff-initiated revisions have been incorporated into this MMRP.

MITIGATION MONITORING AND REPORTING PROGRAM

The MMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in the EIR.

The County of El Dorado will be the primary agency, but not the only agency, responsible for implementing the mitigation measures. In some cases, other public agencies will implement measures. In other cases, the project applicant will be responsible for implementation of measures and the County's role is exclusively to monitor measure implementation. In those cases, the project applicant may choose to require the construction contractor to implement specific mitigation measures prior to and/or during construction. The County will continue to monitor mitigation measures that are required to be implemented during the operation of the project.

The MMRP is presented in tabular form on the following pages. The components of the MMRP are described below.

- **Mitigation Measure:** The mitigation measures are taken verbatim from the ER, in the same order that they appear in the EIR.
- **Implementation Responsibility:** Identifies the department within the County, project applicant, or consultant responsible for implementing the mitigation measure.
- **Timing:** Identifies at which stage of the project mitigation must be completed.
- **Compliance Verification Responsibility:** Identifies the County department responsible for verifying compliance with the mitigation.
- **Verification:** Indicates date mitigation measure requirements were implemented (if ongoing) or completed.

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MITIGATION MONITORING AND REPORTING PROGRAM

GREEN VALLEY CONVENIENCE CENTER
MITIGATION MONITORING AND REPORTING PROGRAM

MM #	Mitigation Measure	Implementation Responsibility	Timing	County Department Compliance Verification Responsibility	Verification (Date and Initials)
Transportation and Circulation					
TRA-3	The applicant shall prepare and implement a signal timing plan for the Green Valley Road/Sophia Parkway intersection to provide a longer green phase for the westbound left-turn movement. The plan shall be prepared by a California-licensed civil engineer or traffic engineer and shall be submitted to the County Transportation Division. The applicant shall also restripe the protected left-turn pocket on westbound Green Valley Road to extend the length to 350 feet to coincide with the length of the raised median. The applicant shall ensure the signal timing is adjusted and restriping is completed in coordination with the County Transportation Division prior to the issuance of the occupancy permit.	Project applicant	Prior to occupancy	Transportation Division	
TRA-10	A portion of the curb along Sophia Parkway adjoining the project driveway south of project shall be marked as "No Parking." The applicant shall coordinate with the County Transportation Division to determine the specific distance where parking would be prohibited.	Project applicant	Prior to occupancy	Transportation Division	
TRA-11	Project conditions of approval shall require the following: a. Soil import haul truck traffic shall be limited to non-peak hours only. The exact hours will be determined when the encroachment permit is issued, based on the most recent traffic counts available from the Transportation Division at the time the permit is issued. Haul trucks may not exit the site via left turn onto Green Valley Road. b. Prior to activities that would involve improvements on Green Valley Road and Sophia Parkway, the applicant's contractor shall notify the El Dorado County Transportation Division to determine specific traffic controls that shall be implemented, including but not limited to signage, barriers,	Project applicant	Prior to and during construction	Transportation Division	

MITIGATION MONITORING AND REPORTING PROGRAM

MM #	Mitigation Measure	Implementation Responsibility	Timing	County Department Compliance Verification Responsibility	Verification (Date and Initials)
	flaggers, and notifications to public regarding potential lane closures or narrowing.				
Biological Resources					
BIO-2	<p>Migratory Birds/Raptors. <u>Preconstruction Surveys and Protection/Avoidance Measures.</u> If construction begins outside the 1 February to 31 August breeding season, there will be no need to conduct a preconstruction survey for active bird and raptor nests. If construction is scheduled to begin between 1 February and 31 August, then a qualified biologist shall conduct a preconstruction survey for active nests at the construction site. In order to avoid take (Fish and Game Code Section 86) of protected birds and raptors (Fish and Game Code Sections 3503, 3503.5, 3511, and 3513), a preconstruction bird and raptor nest survey shall be conducted within 10 days prior to the beginning of construction activities by a California Department of Fish and Wildlife (CDFW)-approved biologist in order to identify active nests in the project site vicinity. The results of the survey shall be submitted to the CDFW and County of El Dorado Development Services Division. If active raptor nests are found, a quarter-mile (1,320 feet) initial temporary nest disturbance buffer shall be established. If active passerine nests are found, a 200-foot (500 feet for special-status species) initial temporary nest disturbance buffer shall be established. If project-related activities within the temporary net disturbance buffer are determined to be necessary during the nesting season, then an on-site biologist/monitor experienced with the species' behavior shall be retained by the project proponent to monitor the nest and shall, along with the project proponent, consult with the 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</p>	Project applicant	Prior to and during construction	Planning Division	

MITIGATION MONITORING AND REPORTING PROGRAM

MM #	Mitigation Measure	Implementation Responsibility	Timing	County Department Compliance Verification Responsibility	Verification (Date and Initials)
	<p>disturbance buffer if birds/raptors are not exhibiting agitated behavior. In consultation with the CDFW and depending on the behavior of the birds/raptors, over time it may be determined that the on-site biologist/monitor may no longer be necessary due to the birds/raptors' acclimation to construction-related activities. The proposed actions shall be included in a work plan, approved by the CDFW, and submitted to the County of El Dorado Development Services Division. Take of a nesting bird listed under the California Endangered Species Act would require an incidental take permit.</p>				
BIO-3	<p>Riparian Vegetation</p> <p>a. Best management practices that conform with the County's California Stormwater Pollution Prevention Plan, issued by the State Water Resources Control Board for erosion and sediment control, shall be incorporated into the project development plans and implemented as approved by Building Services during the grading permit process.</p> <p>b. No equipment shall be allowed within the seasonal stream.</p> <p>c. Construction fencing shall be installed between the edge of construction disturbance and the seasonal stream to prevent and avoid accidental fill and/or equipment entering the setback and creek. The fencing shall be installed prior to initiation of any grading.</p> <p>d. The project applicant shall have the current Streambed Alteration Agreement issued by the CDFW revalidated, or the applicant shall submit a new Section 1600 notification to the CDFW. A grading permit shall not be issued until documentation has been provided to the County that the existing Streambed Alteration Agreement has been revalidated, or that a Streambed Alteration Agreement is not required by the CDFW.</p> <p>e. Within one year of the initiation of project construction, the project applicant shall implement the revegetation plantings identified in the project landscaping plan (Figure 2.0-8 of the Draft EIR).</p>	Project applicant	<p>a-c) prior to and during construction</p> <p>d) prior to construction</p> <p>e) within one year of project construction</p> <p>f) prior to final inspection and annually for five years thereafter</p>	Planning Division	

MITIGATION MONITORING AND REPORTING PROGRAM

MM #	Mitigation Measure	Implementation Responsibility	Timing	County Department Compliance Verification Responsibility	Verification (Date and Initials)
	<p>f. Proof of planting shall be submitted to County of El Dorado Development Services Division prior to final inspection. The revegetation plantings shall be monitored annually, in the late summer or early autumn. The number and species of surviving trees shall be counted and their condition and general health recorded. A monitoring report of the number and condition of surviving trees shall be made annually for a period of five years, no later than 31 December, to the County and the CDFW. The monitoring report shall discuss the overall site conditions, compare the surviving trees to the success criterion, and recommend contingency measures if appropriate.</p>				

Mitigation Measures Agreement
Project: PD12-0003 Green Valley Convenience Center

As the applicant, owner, or their legal agent, I hereby agree to incorporate all required mitigation measures, as identified in the related Mitigation Monitoring and Reporting Program, which are necessary in order to avoid or reduce potentially significant environmental effect that would occur as a result of project implementation.

I understand that by agreeing to incorporate the identified mitigation measures, all potentially adverse environmental impacts will be reduced to an acceptable level and a "Draft Environmental Impact Report" will be prepared and circulated in accordance with County procedures for implementing the California Environmental Quality Act (CEQA). I also understand that additional mitigation measures may be required following the review of the "Draft Environmental Impact Report" by the public, affected agencies, and by the applicable advisory and final decision making bodies.

I understand the required mitigation measures incorporated into the project will be subject to the El Dorado County Mitigation Monitoring and Reporting Program adopted in conjunction with the Final Environmental Impact Report.

This agreement shall be binding on the applicant/property owner and on any successors or assigns in interest.

IN WITNESS WHEREOF, the Planning Director or his assign, representing the County of El Dorado, and the applicant/owner or his legal agent have executed this agreement on this 24 day of December, 2015.

El Dorado County Planning Services

By: _____

Jennifer Franich, Associate Planner
Print name and title above

Signature of Applicant/Owner/Agent:

Cameron PARK Petroleum, Inc
Marc Strauch, President

Print name and address below:

Cameron PARK Petroleum, Inc
MARC Strauch, President
301 Natoma st suite 202
Folsom, Ca 95630