



RESOLUTION NO. 046-2016

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO
CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE
GREEN VALLEY CONVENIENCE CENTER (PD12-0003)

WHEREAS, an application for the Green Valley Convenience Center project for eight self-service fuel pumps under a canopy, a convenience store, fast-food restaurant with a drive-through, self-service car wash, and an approximately 20-foot-tall monument sign was submitted to the County on October 18, 2012 as PD 12-0003; and

WHEREAS, A Mitigated Negative Declaration (MND) was prepared to evaluate the environmental effects of the proposed project, and the impacts were determined to be less than significant, identified mitigation measures to reduce significant impacts to less than significant levels, or there was no impact; and

WHEREAS, The Planning Commission considered the proposed project at a meeting July 11, 2013, where a number of issues were raised, prompting a recirculation of a revised MND in August and September 2013; and

WHEREAS, the Planning Commission approved a revised proposed project September 26, 2013, along with conditions of approval and mitigation measures; and

WHEREAS, September 27, 2013, a Notice of Determination was filed in compliance with Section 21152 of the Public Resources Code; and

WHEREAS, Following approval by the Planning Commission, the approval was appealed to the Board of Supervisors and approved December 12, 2013, along with revised conditions of approval and findings, and the revised MND; and

WHEREAS, On January 13, 2014 a petition for a Writ of Mandamus associated with adoption of the revised MND was filed by Friends of Green Valley and Amy Anders; and

WHEREAS, On August 13, 2014, pursuant to the stipulation of the parties, a Judgement and a Peremptory Writ of Mandamus (collectively, the "Judgement") was issued requiring preparation of a focused Environmental Impact Report (EIR) to address traffic impacts, on-site and off-site biological and riparian impacts, potentially significant impacts to automobile, pedestrian, and bicycle safety, and site access alternatives including a full deceleration lane and a "pocket lane"; and

WHEREAS, On May 20, 2015, a revised project was submitted for an ARCO-branded convenience center to include a 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; a 3,058-square-foot convenience store, a 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 to levels that meet County standards; air/water unit and two vacuums; an 18-foot-tall monument site identification sign (67 square feet surface area); 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; and landscaping, hardscaping, and pavement; and

WHEREAS, On December 19, 2014 the County commenced the environmental review process with issuance of a CEQA Notice of Preparation (NOP) soliciting written comments regarding the scope of the focused EIR during a 30-day comment period beginning December 19, 2014 and closing January 20, 2015; and

WHEREAS, A public scoping meeting was held on January 14, 2015, from 6:30 pm to 8:00 pm in the El Dorado Hills Fire Department Conference Room located at 1050 Wilson Boulevard, El Dorado Hills, CA to solicit written comments on the scope of the EIR analysis; and

WHEREAS, the NOP and related materials were also posted on the County's project-dedicated website, e-mail notices were sent out to the subscriber lists, and pursuant to El Dorado County Resolution No. 241-2014 mailed notices were sent to all landowners within a 1-mile radius of the site; and

WHEREAS, The Draft DEIR was released for public review on October 5, 2015 for a 45-day comment period beginning October 6, 2015 and closing November 19, 2015; and

WHEREAS, the Notice of Availability (NOA), Draft EIR, and related materials were posted on the County's project-dedicated website, e-mail notices were sent out to the subscriber lists, and pursuant to El Dorado County Resolution No. 241-2014 mailed notices were sent to all landowners within a 1-mile radius of the site; and

WHEREAS, as stated in the Judgment, the Court found the following environmental issue areas were adequately addressed in the revised MND and did not need to be evaluated in the Draft EIR: aesthetics, agriculture/forestry resources, air quality, cultural resources, geology/soils, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, and utilities/service systems; and

WHEREAS, In accordance with the Judgement, the Draft EIR evaluates in detail potential traffic and circulation impacts and biological resources impacts; and

WHEREAS, The Draft EIR identified traffic impacts that would be mitigated to less than significant levels with mitigation measures as identified in the Draft EIR, to include one intersection impact (Green Valley Road/El Dorado Hills-Salmon Falls Road) under Year 2019 conditions, queuing impacts at the Green Valley Road/Sophia Parkway intersection under existing plus project and 2019 plus project conditions, a potential vehicle and pedestrian/bicycle conflict at the Green Valley Road/Sophia Parkway intersection, and temporary construction-related impacts associated with soil import haul truck activities; and

WHEREAS, The Draft EIR identified potentially significant effects on riparian habitat, water quality in the seasonal stream, and migratory birds, and these biological resources impacts would be mitigated to less than significant levels with mitigation measures identified in the Draft EIR; and

WHEREAS, No significant and unavoidable impacts were identified in the Draft EIR; and

WHEREAS, the EIR Response to Comments document released March 11, 2016 contains individual responses to all written comments received during the 45-day comment period on the Draft EIR; and

WHEREAS, Following the public review period, a Final Environmental Impact Report 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 include copies of public comments and the County's responses to comments pertaining to the environmental analysis presented in the Draft EIR and to analyze the environmental impacts of the planned development; 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, all of which documents and evidence are hereby incorporated by reference into this Resolution;

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

1. Pursuant to Section 15090 of the CEQA Guidelines, the Board of Supervisors hereby certifies that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the Board of Supervisors, and the Board reviewed and considered the information contained in the Final EIR prior to taking action on the Project; and c) the Final EIR reflects the independent judgment and analysis of the County of El Dorado.
2. The Board of Supervisors finds that the EIR shows a good faith effort at full disclosure of environmental information and provides sufficient analysis to allow decisions to be made regarding the project in contemplation of its environmental consequences.
3. The Board of Supervisors hereby adopts the Mitigation Monitoring Plan attached hereto as Exhibit A (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.

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:

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

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

By: 
Deputy Clerk


Ron Mikulaco, Chair, Board of Supervisors

EXHIBIT A

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.

This page intentionally left blank.

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><u>Migratory Birds/Raptors. 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

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