

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

CREEKSIDE PLAZA PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Section 3.1—Air Quality/Greenhouse Gas Emissions					
MM AIR-2: Reduce Construction-related Emissions of Fugitive Dust. The developer shall comply with all applicable provisions of El Dorado County Air Quality Management District Rule 223-1 rules and regulations and shall require the contractor to submit a Fugitive Dust Plan that includes best management practices from Rule 223-1 Tables 1 through 4. The Dust Plan shall include the following key elements: <ul style="list-style-type: none">• Construction and earthmoving activities• Bulk material handling• Removal and prevention of trackout	Submittal of documentation to Planning Division and Air Quality management District; site visit	Prior to and during construction	El Dorado County Air Quality Management District		
Section 3.2—Transportation					
MM TRANS-1: Prior to the issuance of building permits, the project applicant shall contribute its fair share to the cost of regional circulation improvements via the El Dorado County Traffic Impact Mitigation fee program for impacts related to signalization of Missouri Flat Road at Enterprise Drive.	Submittal of fees	Prior to construction	El Dorado County Transportation Department		
MM TRANS-5a: The project shall construct the following improvements at the Forni Road/Golden Center Drive/Project intersection: <ul style="list-style-type: none">• Install a crosswalk along the north side of the intersection to indicate the preferred crossing location for pedestrians. The installation of a crosswalk on the north side will reduce the number of potential conflicts with motor vehicles as most vehicles at this intersection travel between Missouri Flat Road and Forni Road.• Sidewalk shall be installed along the entire project frontage on Forni Road.• A pathway/sidewalk shall be constructed connecting the pedestrian crossing on the north side of Golden Center Drive	Incorporation in plans; site visit	Prior to issuance of building permits; during construction; at project completion	El Dorado County Transportation Department		

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into the project site.					
<ul style="list-style-type: none"> • Install a No Parking Zone along the Forni Road project frontage to maximize sight distance at the driveway. • Install a crosswalk across the project driveway. • A speed survey on Forni Road east of Golden Center Drive shall be conducted by a licensed Traffic Engineer, at the applicant's expense, to identify an appropriate speed limit along Forni Road in the project vicinity. Currently, with the exception of 25 mph when children present signs in advance of the Herbert Green Middle School, the roadway is not signed, indicating a presumed speed limit of 55 mph, although the design speed is approximately 36 mph based on sight distance. The survey shall be presented to the El Dorado County Department of Transportation (DOT). DOT staff shall review the survey and present it to the Traffic Advisory Committee for consideration. 					
<p>MM TRANS-5b: The following on-site circulation improvements and requirements shall be implemented:</p> <ul style="list-style-type: none"> • Any landscaping over 2 feet in height and signage shall be placed outside of the sight lines of the Missouri Flat Road Right-In/Right-Out driveway to provide adequate sight distance. • A crosswalk at the drive-through lane entrance shall be installed to provide pedestrian access to the fast food restaurant. • Landscaping adjacent to the drive-through entrance shall be limited to vegetation no higher than 2 feet to provide visibility of the crosswalk area for inbound traffic from the Forni Road driveway. • Landscaping adjacent to the drive-through exit shall be limited to vegetation no higher than 2 feet to maintain visibility for exiting vehicles. • Install a stop sign with limit line at the drive-through exit. 	Incorporation in plans; site visit	Prior to issuance of building permits; during construction; at project completion	El Dorado County Transportation Department		

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<ul style="list-style-type: none"> • Install a crosswalk 25 feet behind the limit line of the drive-through exit. • Truck access shall be limited to non-operational hours of the fast-food restaurant to prevent the drive aisle from being blocked while trucks are loading/unloading. • Install “Do Not Block” markings at internal intersections where blocking would hinder traffic flow. 					
Section 7.2.3—Biological Resources					
MM BIO-1: Pre-construction Survey Required: If vegetation removal is conducted within the nesting period for most migratory bird species and nesting raptor species (between March 1 and August 15), a pre-construction survey for active bird nests shall be conducted no more than 15 days prior to initiation of ground-disturbing activities by a qualified biologist. If vegetation removal activities are delayed or suspended more than one month after the pre-construction survey, the area shall be re-surveyed. If active bird nests are identified, vegetation removal in these areas shall be postponed until after the nesting season, or a qualified biologist has determined the young have fledged and are independent of the nest site. No known active nests shall be disturbed without a permit or other authorization from the United States Fish and Wildlife Service or the California Department of Fish and Wildlife.	Submittal of documentation	Prior to ground disturbance	El Dorado County Planning Department		
MM BIO-2: The project applicant shall ensure there is no net loss of riparian vegetation. Mitigation as required in regulatory permits issued through the CDFW may be applied to satisfy this measure. Evidence of compliance with this mitigation measure shall be provided prior to grading or construction activities. Fish and Game Code Section 1602 Streambed Alteration Agreement: A Streambed Alteration Agreement, pursuant to Fish	Submittal of documentation	Prior to issuance of grading permit	El Dorado County Planning Department		

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<p>and Game Code 1602, shall be obtained by the applicants, from the California Department of Fish and Wildlife (CDFW) for activities affecting the bed, bank, or associated riparian vegetation of the intermittent stream on the site. The applicant shall comply with all specified terms and conditions as deemed necessary by CDFW. Authorization prior to placement of fill is also required from the United States Army Corps of Engineers (USACE) for impacts to jurisdictional riparian habitat, as set forth in MM BIO-3. This authorization will specify terms and conditions as deemed necessary by the USACE.</p> <p>In addition to obtaining a Section 1602 Streambed Alteration Agreement:</p> <p>a. The applicant shall purchase credits in the National Fish and Wildlife Foundation Fund for impacts to the stream and riparian habitat. Credits shall be obtained at a minimum ratio of 1:1 to achieve no net loss of riparian habitat, which reduce impacts to less than significant. This must be done before County permits are issued.</p> <p>b. The applicant shall:</p> <ol style="list-style-type: none"> i. Set aside the unimpacted portion of the stream and adjacent riparian habitat (approximately 0.9 acre) in a separate legal parcel; ii. Place the preserved parcel in a Conservation Easement; iii. Obtain an approved 501(c)(3) non-profit organization to hold the Conservation Easement; iv. Provide a Long-term Operations and Management Plan describing activities for managing the preserved parcel, and v. Provide a long-term funding mechanism to be approved by the Department of Fish and Game. 					

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<p>vi. Provisions a. and b. must be completed before County permits are issued.</p> <p>c. The applicant shall prepare a restoration plan for riparian planting, which shall be submitted to CDFW as part of the application for the Streambed Alteration Agreement. Elements of that plan shall include:</p> <p>i. A map of locations and species for the plants installed in the restoration area;</p> <p>ii. A discussion of performance standards stating that 80 percent of the planted trees will be alive at the end of the five-year monitoring;</p> <p>iii. The method for determining whether plantings are alive at the end of each monitoring year (that is, each tree will be counted and determined to be dead or alive; dead trees will be replanted)</p> <p>iv. A discussion of contingency measures that could be used in the event that the restoration plantings fail. These measures could include, but are not limited to, making additional plantings and extending the monitoring period or purchasing additional credits in an acceptable fund or mitigation bank.</p> <p>v. Submission of annual reports for the restoration project to the CDFW.</p> <p>vi. This plan must be approved by the CDFW and proof of approval must be provided to the County before County permits are issued.</p> <p>d. The applicant shall implement the riparian planting within one year of initiation of project construction. Proof of restoration planting shall be submitted to the County prior to its final inspection for occupancy.</p> <p>e. The County shall not issue a grading permit for the project until the applicant has submitted documentation that the Streambed</p>					

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Alteration Agreement has been obtained.					
<p>MM BIO-3: Clean Water Act Section 404 Permit: Prior to placement of fill material in on-site Waters of the U.S., the applicants shall request authorization from the United States Army Corps of Engineers (USACE) through the Section 404 Permit process. Along with the request, the applicants shall provide project construction and development drawings or maps, including, for example, wetland areas, denoting all proposed improvements in relation to the Ordinary High Water Mark (OHWM). The applicant shall implement the USACE mitigation guidelines and regulations. The USACE Section 404 permit terms and conditions for the fill activities.</p> <p>The applicant shall purchase mitigation credits from a USACE- and/or CDFW-approved mitigation bank at a minimum of 1:1 ratio (1 acre habitat replaced for every 1 acre filled), which will achieve no net loss of wetlands functions and values, thus reducing impacts to less than significant.</p> <p>The County shall not issue a grading permit for the project until the applicant has submitted documentation that the Section 404 permit has been issued by the USACE and that mitigation credits have been purchased.</p>	Submittal of documentation	Prior to issuance of grading permit	El Dorado County Planning Department		
<p>MM BIO-4: Clean Water Act Section 401 Water Quality Certification: A Water Quality Certification, pursuant to Clean Water Act Section 401 shall be obtained by the applicant from the Regional Water Quality Control Board for applicable project improvements.</p> <p>Additionally, the following avoidance and minimization measures shall be implemented by the applicant during construction and</p>	Submittal of documentation; site visit	Prior to issuance of grading permit; during construction	<p>El Dorado County Planning Department</p> <p>El Dorado County Transportation Department (SWPPP)</p>		

CREEKSIDE PLAZA PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

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<p>operation to reduce project impacts on water quality in the intermittent tributary to Weber Creek to less than significant:</p> <p>a. In accordance with the State Water Resources Control Board Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order 2009-000-DWQ, as amended by 2010-0014 DWQ and 2012-0006-DWQ) and the County's Grading, Erosion and Sediment Control Ordinance, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for County approval. The SWPPP shall describe methods for ensuring downstream water quality protection during construction. The County shall ensure SWPPP implementation through routine inspection during construction.</p> <p>b. Work areas shall be separated by buffers and orange construction fencing to delineate the preserved riparian areas. No grading will be allowed within the fenced-off buffer zones.</p> <p>c. Waste and construction materials shall be placed where they will not run off into the stream, or they shall immediately be removed off-site.</p> <p>d. The project shall include a Continuous Deflection Separation (CDS) system to remove oil and other substances from runoff generated by new impervious surfaces within the project area before it is discharged to the unnamed seasonal tributary to Weber Creek. This system shall be maintained by the property owner as described in the Contech Stormwater Solutions technical manuals. Prior to issuance of a grading permit for the project, the County shall ensure the CDS system is shown on project improvements plans, and conditions of approval shall require the applicant to construct and maintain this feature. The County shall not issue a certificate of occupancy until it has verified the CDS system has been installed and is functioning properly.</p>					

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e. Prior to issuance of a grading permit for the project, the County shall verify the applicant has obtained the Section 401 permit from the Regional Water Quality Control Board.					
MM BIO-5: Prior to site disturbance, the project applicant shall provide the County an updated project-specific technical report and mitigation plan addressing impacts to on-site oak woodlands and/or native oaks consistent with the guidelines and regulations of the El Dorado County Oak Resources Management Plan County Ordinance Code Section 130.39). The technical report shall disclose the percentage of impacted oak woodland and/or native oaks on-site and the related mitigation plan shall indicate the appropriate mitigation ratio and mitigation type, consistent with the requirements of the ORMP. The identified mitigation shall be subject to County approval and shall be implemented prior to site disturbance or in accordance with timing identified in the project-specific technical report and mitigation plan in accordance with the ORMP.	Submittal of documentation	Prior to site disturbance	El Dorado County Planning Department		

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<ul style="list-style-type: none"> A pathway/sidewalk shall be constructed connecting the pedestrian crossing on the north side of Golden Center Drive into the project site. 					
<ul style="list-style-type: none"> Install a No Parking Zone along the Forni Road project frontage to maximize sight distance at the driveway. Install a crosswalk across the project driveway. A speed survey on Forni Road east of Golden Center Drive shall be conducted by a licensed Traffic Engineer, at the applicant's expense, to identify an appropriate speed limit along Forni Road in the project vicinity. Currently, with the exception of 25 mph when children present signs in advance of the Herbert Green Middle School, the roadway is not signed, indicating a presumed speed limit of 55 mph, although the design speed is approximately 36 mph based on sight distance. The survey shall be presented to the El Dorado County Department of Transportation (DOT). DOT staff shall review the survey and present it to the Traffic Advisory Committee for consideration. 					
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<ul style="list-style-type: none"> Landscaping adjacent to the drive-through entrance shall be limited to vegetation no higher than 2 feet to provide visibility of the crosswalk area for inbound traffic from the Forni Road driveway. Landscaping adjacent to the drive-through exit shall be limited to vegetation no higher than 2 feet to maintain visibility for exiting vehicles. Install a stop sign with limit line at the drive-through exit. Install a crosswalk 25 feet behind the limit line of the drive-through exit. Truck access shall be limited to non-operational hours of the fast-food restaurant to prevent the drive aisle from being blocked while trucks are loading/unloading. Install “Do Not Block” markings at internal intersections where blocking would hinder traffic flow. 					
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independent of the nest site. No known active nests shall be disturbed without a permit or other authorization from the United States Fish and Wildlife Service or the California Department of Fish and Wildlife.					
<p>MM BIO-2: The project applicant shall ensure there is no net loss of riparian vegetation. Mitigation as required in regulatory permits issued through the CDFW may be applied to satisfy this measure. Evidence of compliance with this mitigation measure shall be provided prior to grading or construction activities.</p> <p>Fish and Game Code Section 1602 Streambed Alteration Agreement: A Streambed Alteration Agreement, pursuant to Fish and Game Code 1602, shall be obtained by the applicants, from the California Department of Fish and Wildlife (CDFW) for activities affecting the bed, bank, or associated riparian vegetation of the intermittent stream on the site. The applicant shall comply with all specified terms and conditions as deemed necessary by CDFW.</p> <p>Authorization prior to placement of fill is also required from the United States Army Corps of Engineers (USACE) for impacts to jurisdictional riparian habitat, as set forth in MM BIO-3. This authorization will specify terms and conditions as deemed necessary by the USACE.</p> <p>In addition to obtaining a Section 1602 Streambed Alteration Agreement:</p>	Submittal of documentation	Prior to issuance of grading permit	El Dorado County Planning Department		

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<p>a. The applicant shall purchase credits in the National Fish and Wildlife Foundation Fund for impacts to the stream and riparian habitat. Credits shall be obtained at a minimum ratio of 1:1 to achieve no net loss of riparian habitat, which reduce impacts to less than significant. This must be done before County permits are issued.</p> <p>b. The applicant shall:</p> <ul style="list-style-type: none"> i. Set aside the unimpacted portion of the stream and adjacent riparian habitat (approximately 0.9 acre) in a separate legal parcel; ii. Place the preserved parcel in a Conservation Easement; iii. Obtain an approved 501(c)(3) non-profit organization to hold the Conservation Easement; iv. Provide a Long-term Operations and Management Plan describing activities for managing the preserved parcel, and v. Provide a long-term funding mechanism to be approved by the Department of Fish and Game. vi. Provisions a. and b. must be completed before County permits are issued. <p>c. The applicant shall prepare a restoration plan for riparian planting, which shall be submitted to CDFW as part of the application for the Streambed Alteration Agreement. Elements of that plan shall include:</p> <ul style="list-style-type: none"> i. A map of locations and species for the plants installed in the restoration area; ii. A discussion of performance standards stating that 80 percent of the planted trees will be alive at the end of the five-year monitoring; 					

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<p>iii. The method for determining whether plantings are alive at the end of each monitoring year (that is, each tree will be counted and determined to be dead or alive; dead trees will be replanted)</p> <p>iv. A discussion of contingency measures that could be used in the event that the restoration plantings fail. These measures could include, but are not limited to, making additional plantings and extending the monitoring period or purchasing additional credits in an acceptable fund or mitigation bank.</p> <p>v. Submission of annual reports for the restoration project to the CDFW.</p> <p>vi. This plan must be approved by the CDFW and proof of approval must be provided to the County before County permits are issued.</p> <p>d. The applicant shall implement the riparian planting within one year of initiation of project construction. Proof of restoration planting shall be submitted to the County prior to its final inspection for occupancy.</p> <p>e. The County shall not issue a grading permit for the project until the applicant has submitted documentation that the Streambed Alteration Agreement has been obtained.</p>					
<p>MM BIO-3: Clean Water Act Section 404 Permit: Prior to placement of fill material in on-site Waters of the U.S., the applicants shall request authorization from the United States Army Corps of Engineers (USACE) through the Section 404 Permit process. Along with the request, the applicants shall provide project construction and development drawings or</p>	Submittal of documentation	Prior to issuance of grading permit	El Dorado County Planning Department		

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<p>maps, including, for example, wetland areas, denoting all proposed improvements in relation to the Ordinary High Water Mark (OHWM). The applicant shall implement the USACE mitigation guidelines and regulations. The USACE Section 404 permit terms and conditions for the fill activities.</p> <p>The applicant shall purchase mitigation credits from a USACE- and/or CDFW-approved mitigation bank at a minimum of 1:1 ratio (1 acre habitat replaced for every 1 acre filled), which will achieve no net loss of wetlands functions and values, thus reducing impacts to less than significant.</p> <p>The County shall not issue a grading permit for the project until the applicant has submitted documentation that the Section 404 permit has been issued by the USACE and that mitigation credits have been purchased.</p>					
<p>MM BIO-4: Clean Water Act Section 401 Water Quality Certification: A Water Quality Certification, pursuant to Clean Water Act Section 401 shall be obtained by the applicant from the Regional Water Quality Control Board for applicable project improvements.</p> <p>Additionally, the following avoidance and minimization measures shall be implemented by the applicant during construction and operation to reduce project impacts on water quality in the intermittent tributary to Weber Creek to less than significant:</p>	Submittal of documentation; site visit	Prior to issuance of grading permit; during construction	<p>El Dorado County Planning Department</p> <p>El Dorado County Transportation Department (SWPPP)</p>		

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<p>a. In accordance with the State Water Resources Control Board Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order 2009-000-DWQ, as amended by 2010-0014 DWQ and 2012-0006-DWQ) and the County's Grading, Erosion and Sediment Control Ordinance, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for County approval. The SWPPP shall describe methods for ensuring downstream water quality protection during construction. The County shall ensure SWPPP implementation through routine inspection during construction.</p> <p>b. Work areas shall be separated by buffers and orange construction fencing to delineate the preserved riparian areas. No grading will be allowed within the fenced-off buffer zones.</p> <p>c. Waste and construction materials shall be placed where they will not run off into the stream, or they shall immediately be removed off-site.</p> <p>d. The project shall include a Continuous Deflection Separation (CDS) system to remove oil and other substances from runoff generated by new impervious surfaces within the project area before it is discharged to the unnamed seasonal tributary to Weber Creek. This system shall be maintained by the property owner as described in the Contech Stormwater Solutions technical manuals. Prior to issuance of a grading permit for the project, the County shall ensure the CDS system is shown on project improvements plans, and conditions of</p>					

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<p>approval shall require the applicant to construct and maintain this feature. The County shall not issue a certificate of occupancy until it has verified the CDS system has been installed and is functioning properly.</p> <p>e. Prior to issuance of a grading permit for the project, the County shall verify the applicant has obtained the Section 401 permit from the Regional Water Quality Control Board.</p>					
<p>MM BIO-5: Prior to site disturbance, the project applicant shall provide the County an updated project-specific technical report and mitigation plan addressing impacts to on-site oak woodlands and/or native oaks consistent with the guidelines and regulations of the El Dorado County Oak Resources Management Plan County Ordinance Code Section 130.39). The technical report shall disclose the percentage of impacted oak woodland and/or native oaks on-site and the related mitigation plan shall indicate the appropriate mitigation ratio and mitigation type, consistent with the requirements of the ORMP. The identified mitigation shall be subject to County approval and shall be implemented prior to site disturbance or in accordance with timing identified in the project-specific technical report and mitigation plan in accordance with the ORMP.</p>	Submittal of documentation	Prior to site disturbance	El Dorado County Planning Department		