RESOLUTION NO. 233-2019

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

Resolution Certifying the Final Environmental Impact Report (SCH #2011092017) for the Creekside Plaza Project (El Dorado County Files Nos. Z10-0009/P10-0012/PD10-0005), Adopting CEQA Findings, and Adopting the Mitigation Monitoring and Reporting Program

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.), the County of El Dorado (the "County") has prepared an Environmental Impact Report ("EIR") (SCH #2011092017) for the Creekside Plaza Project (the "Project"); and

WHEREAS, the Project would be constructed on an approximately 4.39-acre site, located on the northwest corner intersection of Missouri Flat Road and Forni Road in Diamond Springs; and

WHEREAS, the Project proposes the following discretionary approvals: Rezone (Z10-0009), Tentative Parcel Map (P10-0012), and Planned Development (PD10-0005); and

WHEREAS, the Project proposes to construct a commercial center containing three buildings totaling 30,560 square feet with on-site parking, lighting, signage, and landscaping; and

WHEREAS, on January 27, 2017, the County distributed a Notice of Preparation ("NOP") for the EIR for the Project for a 30-day review period; and

WHEREAS, comments received by the County on the NOP were taken into account during preparation of the Draft Environmental Impact Report ("DEIR") for the Project; and

WHEREAS, on December 12, 2017, a Notice of Availability ("NOA") of the DEIR, and the requisite number of copies of the DEIR, were delivered to the State Clearinghouse and mailed to affected public agencies, organizations, and interested parties; and

WHEREAS, copies of the NOA were mailed to all individuals located within one mile of the project boundaries, and the DEIR and the NOA were posted electronically on the County's website, and hard copies were made available for public review at the Community Development Agency in Placerville, California, and the El Dorado County Main Library and West Slope Branches; and

WHEREAS, the County conducted a 45-day public review and comment period for the DEIR, which ended on February 15, 2018; and

WHEREAS, on January 25, 2018, and therefore during the DEIR comment period, the El Dorado County Planning Commission ("Planning Commission") held a study session and public hearing on the DEIR, for the purpose of discussing the DEIR and receiving public comments on the document; and

WHEREAS, written comments were submitted during the DEIR comment period by public agencies and members of the public, and after consideration thereof, written responses were prepared for said comments; and

WHEREAS, on or about May 14, 2018, the Final EIR, which included written responses to the public and agency comments, was released to the public and posted on the County's website. Upon request, this document was sent by mail to the commenting public agencies and the member(s) of the public in a manner such that public agencies and members of the public received it at least ten (10) days before action was taken by the County with respect to the Final EIR and the Project; and

WHEREAS, the Final EIR for the Project consists of the DEIR, the appendices thereto, the comments on the DEIR, written Responses to said Comments, and certain revisions to the DEIR, all of which documents constitute and shall be collectively referred to herein as the "Final EIR"; and

WHEREAS, the DEIR identifies potentially significant impacts that may result from implementation of the Project and mitigation measures proposed to mitigate those impacts to less-than-significant levels; and

WHEREAS, on June 14, 2018, the Planning Commission held a public hearing noticed and published in accordance with State law and local ordinance to consider the Project. At that scheduled public hearing, the Planning Commission approved the off-calendar continuance of the Project given its relevant elements was subject to the on-going legal challenge on the certification of El Dorado County's Targeted General Plan Amendment and Zoning Ordinance Update (TGPA/ZOU) Environmental Impact Report (EIR) (Case No. PC 20160024 *Rural Communities United vs. El Dorado County Board of Supervisors*) that was pending at that time; and

WHEREAS, in response to litigation on the County's Targeted General Plan Amendment and Zoning Ordinance Update (TGPA/ZOU) Environmental Impact Report (Case No. PC 20160024 *Rural Communities United vs. El Dorado County Board of Supervisors*), the El Dorado Superior Court issued a writ of mandate in July 2018 directing decertification of the EIR; and

WHEREAS, in response to the issued writ of mandate in July 2018, the El Dorado County Board of Supervisors decertified the EIR. An Addendum to the EIR for the TGPA/ZOU was issued in September 2018 and certified by the Board of Supervisors in December 2018. In March 2019, upon consideration of the certification of the Addendum to the EIR, the El Dorado County Superior Court discharged Case No. PC 20160024 *Rural Communities United vs. El Dorado County Board of Supervisors*; and

WHEREAS, the Final EIR for the Project, which was originally prepared on or about May 14, 2018,, was revised to reflect changed circumstances relavant to the County's TGPA/ZOU and litigation. The revisions involved were related to planning, not environmental issues or impact conclusions. There have been no changes to the proposed project. No "significant new information" as defined by CEQA Guidelines Section 15088.5(a) has been added, there would be no new significant impacts or increase in the severity of an impact requiring mitigation, and no considerably different mitigation measure or alternative has been identified. This Revised Final EIR supersedes the May 2018 Final EIR; and

WHEREAS, the Revised Final EIR for the Project consists of the DEIR, the appendices thereto, the comments on the DEIR, written Responses to said Comments, and certain revisions to the DEIR, all of which documents constitute and shall be collectively referred to herein as the "Revised Final EIR"; and

WHEREAS, on or about September 23, 2019, the Revised Final EIR for the Project, which included written responses to the public and agency comments, was released to the public and posted on the County's website. Upon request, this document was sent by mail to the commenting public agencies and the member(s) of the public in a manner such that public agencies and members of the public received it at least ten (10) days before final action was taken by the County with respect to the Revised Final EIR and the Project; and

WHEREAS, the Revised Final EIR identifies potentially significant impacts that may result from implementation of the Project and mitigation measures proposed to mitigate those impacts to less-than-significant levels; and

WHEREAS, CEQA Findings and a Mitigation Monitoring and Reporting Program ("MMRP"), attached hereto as Exhibits "A" and "B", respectively, are proposed for adoption; and

WHEREAS, the Planning Commission originally held a noticed and published public hearing on October 24, 2019 and subsequent continuation on November 14, 2019, in accordance with state law and local ordinance to consider the Project. The Planning Commission received and considered verbal presentations and a written Staff Report and Exhibits related to the Project and the Revised Final EIR from County staff and other interested parties, and said documents were independently reviewed and considered by the Planning Commission; and

WHEREAS, the Planning Commission, after considering all of the evidence presented and based upon substantial evidence, and on the basis of the whole record before it, recommended that the Board of Supervisors certify the Revised Final EIR, adopt CEQA Findings, adopt the MMRP, and approve the Project; and

WHEREAS, in accordance with state law and local ordinance, County staff has given due notice of the Board of Supervisors' public hearing regarding the Project and the Final EIR; and

WHEREAS, on XXXXXX, the Board of Supervisors held its public hearing to consider the Project and received verbal presentations and a written Staff Report and Exhibits from County staff and other interested parties, and said documents were independently reviewed and considered by the Board; and

WHEREAS, the Board reviewed and considered the information presented in the Revised Final EIR and other relevant evidence to determine compliance with CEQA, the State CEQA Guidelines, and the County's procedures for implementing CEQA, and the Board, prior to taking action on the Project, independently reviewed and considered the information contained in the Revised Final EIR and other relevant evidence; and

WHEREAS, based on the Board's exercise of its independent judgment when reviewing and considering the information in the Final EIR and other relevant evidence presented to the Board, the Board finds that the Revised Final EIR prepared for the Project is adequate, and said Revised Final EIR has been prepared and completed in compliance with CEQA, the State CEQA Guidelines, and the County's procedures for implementing CEQA; and

WHEREAS, the Board after considering all of the evidence presented and based on substantial evidence, finds and declares that the foregoing recitals (made a part hereof) are true, and makes further findings concerning the environmental impacts relating to the Project, as described in the Revised Final EIR. These findings are set forth more specifically in attached Exhibit "A," which is incorporated herein by reference. The CEQA Findings, which are based on substantial evidence, were reviewed by the Board. The CEQA Findings reflect that all potentially significant environmental effects will be reduced to a level of less than significant through the adoption and implementation of feasible mitigation measures identified in the Revised Final EIR and set forth in the MMRP, which is attached hereto as Exhibit "B" and incorporated herein by reference; and

NOW, THEREFORE, IT IS HEREBY RESOLVED that the County of El Dorado Board of Supervisors finds as follows:

1. The Revised Final EIR has been completed and processed in compliance with CEQA.

2. The Board of Supervisors has been presented the Revised Final EIR and has reviewed and considered the information contained in the Revised Final EIR prior to approving the Project.

3. The Board of Supervisors hereby adopts the Mitigation Monitoring and Reporting Program attached as Exhibit "B" and incorporated herein by reference and finds that it is adequate with respect to those mitigation measures imposed on the Project.

4. The Revised Final EIR reflects the independent judgment of the County.

5. The Revised Final EIR is thus certified and the Board of Supervisors makes the related CEQA Findings as attached in Exhibit "A."

6. The Clerk of the El Dorado County Board of Supervisors, located at 330 Fair Lane, Placerville, California, is the custodian of the documents and other materials which constitute the record of proceedings upon which the Board's decision is based.

7. The Board of Supervisors further finds that mitigation measures have been required which feasibly mitigate and substantially lessen all significant effects on the environment.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 17th day of December, 2019 by the following vote of said Board:

Ayes: Hidahl, Frentzen, Veerkamp, Novasel
Noes: Parlin
Absent: None

Attest:
Kim Dawson
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

_____
Chair, Board of Supervisors
Sue Novasel

Exhibits Attached:

A: CEQA Findings of Fact
B: Mitigation Monitoring and Reporting Program

EXHIBIT A

CEQA FINDINGS OF FACT
CREEKSIDE PLAZA PROJECT

I.
INTRODUCTION

These Findings of Fact have been prepared in accordance with the California Environmental Quality Act ("CEQA") the CEQA Guidelines (14 CCR § 15000 et seq.), and the local procedures adopted by El Dorado County ("County"). The County is the lead agency for the environmental review of the project and has the principal responsibility for its approval. The project covered by these Findings and the relevant CEQA documents is known as the Creekside Plaza Project ("Project").

II.
STATEMENT OF FINDINGS

The Findings and determinations contained herein are based on the competent and substantial evidence, both verbal and written, contained in the entire record relating to the Project and the draft and final environmental impact report ("DEIR"; "FEIR"; collectively referred to as the "EIR"). The Findings and determinations constitute the independent findings and determinations by the County Board of Supervisors ("Board") in all respects and are fully and completely supported by substantial evidence in the record as a whole.

The Findings made by the Board, pursuant to Section 21081 of CEQA, and Section 15091 of the CEQA Guidelines, on the consideration of the Project are presented below. All potentially significant impacts of the Project identified in the EIR are included herein, and are organized according to the resources affected.

The Findings in this document are supported by information and analysis from the DEIR and FEIR and other evidence in the administrative record. For each significant impact, a Finding has been made regarding the following, in accordance with Public Resources Code Section 21081 and CEQA Guidelines Section 15091:

A. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment. The proposed Project will not result in any significant and unavoidable impacts. A narrative of supporting facts follows the appropriate Finding.

Concurrently with the adoption of these Findings, the Board adopts a Mitigation Monitoring and Reporting Program ("MMRP"), attached hereto as **Exhibit A**. Having received, reviewed and considered the foregoing information, as well as any and all information in the administrative record and the record of proceedings, the Board hereby makes the following Findings pursuant to and in accordance with Public Resources Code Section 21081 and CEQA Guidelines Section 15090:

III.
PROJECT DESCRIPTION

A. PROJECT DESCRIPTION

The proposed Project involves three related actions:

- Rezone (Application File #Z10-0009) of the site from Community Commercial—Design Control (CC-DC) to Community Commercial-Planned Development (CC-PD) and Open Space-Planned Development (OS-PD).

- Tentative Parcel Map (Application File # P10-0012) to subdivide the site into four parcels, including three buildable parcels and one 1.14-acre open space parcel, as well as a general vacation of a 0.22-acre portion of Forni Road Right of Way that would be added to the development.

- Planned Development Permit (Application File # PD10-0005) to establish a Development Plan for the proposed commercial center containing three buildings totaling 30,560 square feet (at maximum buildout), served by on-site parking, lighting, signage, and landscaping.

The three commercial buildings would be located on the south and southwestern portions of the property between Missouri Flat Road and the on-site riparian area. A retaining wall would divide the proposed developed area from the on-site riparian area. Boulders, trees, and other landscaping elements would complement the functionality of the retaining wall by providing a high-quality aesthetic barrier to soften or shield views from along Forni Road and beyond. Additional landscaping located along Project frontages would reduce any potential aesthetic impacts from viewers along local roadways.

Building A would be located in the northernmost section of the property and would contain approximately 20,060 square feet of office and retail space in two-stories. Building B is located southeast of Building A and would contain a retail store of approximately 1,350 square feet and a 2,550-square-foot fast-food restaurant with drive-thru. The third building, Building C, would be located in the southernmost section of the site. Building C would contain approximately 6,600 square feet of retail space. Additionally, the site plan provides a total of 1.14 acres of open space as well as 77 shade trees, 50 percent of which would be evergreen species. The Project would also include installation of bike racks, monument signs, three trash enclosures, on-site landscaping and wrought iron fencing, as well as a 156-stall parking lot and 15-foot-tall pole lights.

B. PROJECT OBJECTIVES

The objectives of the proposed Project are to:

- Positively contribute to the local economy through new capital investment, the creation of new jobs, the provision of new services, and the expansion of the tax base.

- Promote commercial development consistent with County General Plan policies adopted to achieve the objective of providing greater opportunities for County residents to shop within El Dorado County.

- Develop vacant underutilized land within the Missouri Flat Road commercial corridor consistent with existing land use designations.

- Preserve in perpetuity, a portion of the on-site ravine and associated vegetation while maintaining consistency with the applicable United States Army Corps of Engineers 404 permit process.

- Provide for on-site development while maintaining areas of oak woodland and consistency with the Oak Resources Management Plan.

- Promote land use compatibility with Herbert C. Green Middle School by incorporating pedestrian paths of travel, including crosswalks and pathways.

- Develop a modern retail center that employs architecture consistent with the Missouri Flat Design Guidelines and provides ample landscaping, thereby promoting a high-quality visual appearance.

- Promote accessibility to public transit, bicycles, and pedestrians through the accommodation of these modes of transportation in site planning efforts.

IV.
ENVIRONMENTAL REVIEW PROCESS

A previous iteration of the Project was originally processed pursuant to CEQA with a Mitigated Negative Declaration (MND). The Board certified the MND and approved the associated Project entitlements in February 2012. Following these actions, a local community organization filed a lawsuit against the County, contending that the MND was legally inadequate. In light of this development, and at the Project applicant's request, the County rescinded certification of the MND and its approval of the Project. The Project applicant elected to initiate the preparation of a focused EIR in order to maximize legal defensibility.

An Initial Study dated January 25, 2017 was prepared and included in Appendix A of the EIR. Consistent with CEQA Guidelines Section 15063(c)(3), the Initial Study was used to identify which effects of the Project were determined not to be significant; explain the reasons for

determining that those effects would not be significant; and focus the DEIR on only the effects determined to be potentially significant. As indicated in the Initial Study, with the implementation of mitigation, impacts would be less than significant for all impact areas except for those related to air quality, greenhouse gas emissions, and transportation. The Initial Study identified that additional analysis was warranted to fully determine impacts related to these topical areas. As such, the DEIR focuses on air quality, greenhouse gas emissions, and transportation. The findings and conclusions of the Initial Study are incorporated herein by reference.

In accordance with Section 15082 of the CEQA Guidelines, the County issued a Notice of Preparation (NOP) of an EIR on January 27, 2017 (SCH # 2011092017). This notice was circulated to the public, local, State, and Federal agencies, and other interested parties to solicit comments on the proposed Project.

Pursuant to CEQA Guidelines Section 15082(c)(1), El Dorado County held a public scoping meeting for the proposed Project on Wednesday, February 15, 2017 at the Placerville Seventh-Day Adventist Church. The meeting was duly noticed in the NOP that was posted on the County's website and directly mailed to public agencies and private parties.

The EIR includes an analysis of the following issue areas:

- Air Quality/Greenhouse Gas Emissions
- Transportation

In addition, a Biological Resource Assessment Update (BRA Update) was prepared for the Project by Salix Consulting, Inc., dated June 7, 2016. The BRA Update is a review and update of a previously prepared Biological Resource Assessment for the Creekside Plaza Study Area, dated February 14, 2011 (2011 BRA). Consistent with the 2011 BRA, the BRA Update confirmed that mitigation should be required to reduce or avoid impacts to nesting raptors and migratory birds. However, Mitigation Measure BIO-1 (which has been revised in accordance with the recommendations of the BRA Update) would ensure that impacts to nesting raptors and migratory birds would be less than significant. Overall, consistent with the 2011 BRA, the BRA Update found that the Project would not have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, and regulations, or by the CDFW or USFWS after implementation of regulatory requirements and mitigation. The BRA Update is discussed in EIR Section 7, Effects Found Not to be Significant or Less Than Significant. Mitigation Measures BIO-1 to BIO-5a and -5b are included in the MMRP attached hereto as Exhibit A.

All remaining topical areas are addressed in EIR Section 7, Effects Found Not to be Significant or Less Than Significant. For these areas, the January 25, 2017 Initial Study determined that the Project would have a less than significant impact or no impact, and that no mitigation was required. Therefore, impacts to these topical areas were not further studied in the EIR. The County published the DEIR for public and agency review. The public review period was 60 days, beginning December 12, 2017 and ending on February 9, 2018. The County received a

number of comment letters from agencies and the public regarding the DEIR. In April 2018, the County completed a FEIR for the Project.

The project was previously scheduled for the June 14, 2018 Planning Commission public hearing, at which time the Planning Commission was expected to consider EIR certification and project approval. The County received written comments on the project, which are part of the record for the proposed Project. Staff recommended off-calendar continuance of the project to allow time for staff to review public comments and because litigation pertaining to the Targeted General Plan Amendment and Zoning Ordinance Update (TGPA/ZOU), summarized below, was still ongoing. No action was taken to certify the EIR.

In response to a legal challenge regarding certification of the TGPA/ZOU EIR (*Rural Communities United v. County of El Dorado)*, the El Dorado County Superior Court issued a Peremptory Writ of Mandamus in July 2018 that directed the County, among other things, to partially decertify the TGPA/ZOU Final EIR only as it related to 11 specific responses to comments. Comment O-1-62 and its response in the TGPA/ZOU Final EIR, specifically, related to concerns about the scope of impact of development on parcels with slopes exceeding 30 percent and was pertinent to the project.

To comply with the Writ, the County suspended taking any action on proposed projects potentially impacted by the 11 specific responses to comments identified in the Writ, until the County complied with the Writ and the Court discharged the Writ. The proposed Creekside Plaza project was one of the projects put on hold.

The County prepared an Addendum to the TGPA/ZOU EIR in September 2018. The Addendum addressed the specific comments identified in the Writ, which included comments addressing development on parcels with slopes that exceed 30 percent. The Addendum was certified by the Board of Supervisors in December 2018. The Addendum did not affect land use designations, zoning or codification of policies promulgated by the TGPA/ZOU.

On January 31, 2019, the El Dorado County Superior Court judge ordered the discharge of the Writ, indicating that the County had complied with the requirements of the Writ. The order was filed with the Superior Court on March 1, 2019. Following the discharge of the Writ, the processing of the project resumed highlighted by updates to specific elements of the Final Environmental Impact Report (FEIR) and related documents such the Mitigation Monitoring Reporting Program and CEQA Findings. There were no changes to the project.

In August 2019, the County prepared a revised FEIR ("RFEIR"), the primary purpose of which was to reflect changed circumstances between April 2018, when the FEIR was being prepared, and March 2019, as they relate to the County's TGPA/ZOU and related litigation. The revisions to the April 2018 FEIR are editorial, are intended to provide updated planning-related information, and to elaborate on responses to public comments included in the April 2018 FEIR. The RFEIR dated August 2019 supersedes the April 2018 FEIR.

V.
RECORD OF PROCEEDINGS

The record of proceedings for the decision on the Project consists of the following documents, at a minimum:

- The Notice of Preparation dated January 27, 2017, and all other public notices issued by the County in conjunction with the Project;
- Oral testimony received at the February 15, 2017 public scoping meeting;
- All applications for approvals and development entitlements related to the Project and submitted to the County;
- Comments received on the Notice of Preparation issued by the County;
- The DEIR and all appendices to the DEIR for the Project;
- Notices of Completion and of Availability, providing notice that the DEIR had been completed and was available for public review and comment;
- All comments submitted by agencies or members of the public during the comment period on the DEIR;
- All comments and correspondence submitted to the County with respect to the Project, in addition to timely comments on the DEIR;
- The original FEIR for the Project dated April 2018 and the RFEIR dated August 2019, including all documents referred to or relied upon therein, and documents relied upon or referenced in these findings, which include, but are not limited to the following:
    - All timely comments received on the DEIR and responses to those comments;
    - All Technical appendices to the DEIR;
    - Letters and correspondence submitted to the County following the release of the April 2018 FEIR and the August 2019 RFEIR;
    - The Mitigation Monitoring and Reporting Program for the Project;
- The Notices of Public Hearing issued in connection with Planning Commission and Board of Supervisors hearings on the Project;
- All findings and resolutions adopted by the County in connection with the Project approvals, and all documents cited or referred to therein;

- All reports, studies, memoranda (including internal memoranda not protected by the attorney-client privilege), maps, staff reports, or other planning documents relating to the Project prepared by the County, consultants to the County, or responsible or trustee agencies with respect to the County's compliance with the requirements of CEQA and with respect to the County's action on the Project;

- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project cited or referenced in the preparation of the DEIR or FEIR;

- All documents submitted to the County by other public agencies or members of the public in connection with the Project, up through the close of the public hearing.

- Any documentary or other evidence submitted to the County at any other information sessions, public meeting or public hearing;

- The relevant files of the County of El Dorado Planning Services Department for the Project;

- The relevant County files and the materials submitted by the Project applicant;

- The El Dorado County General Plan and Ordinance Code;

- Matters of common knowledge to the County including, but not limited to Federal, State, and local laws and regulations;

- Any documents expressly cited in these Findings, in addition to those cited above; and

- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6(e).

VI.
FINDINGS REGARDING ENVIRONMENTAL EFFECTS AND MITIGATION MEASURES

The DEIR identified several potentially significant environmental effects that the Project may cause. Each of these significant impacts can be reduced to a level of less than significant through the adoption of feasible mitigation measures.

The County finds that all impacts related to Aesthetics, Light and Glare, Agriculture and Forestry Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation and Utilities and Service Systems were all determined to be less than significant without the need for mitigation.

The County's Findings with respect to Project impacts requiring mitigation are made below. With the exception of these identified impacts, the County finds that other impacts within these topical areas do not require mitigation and are less than significant. Likewise, unless otherwise specifically identified below, all cumulative impacts within these impact areas were determined to be less than significant.

A. Air Quality.

1. Impact AIR-2 (Regional Criteria Pollutant Impacts): The DEIR found that construction of the proposed Project would temporarily generate ROG, CO, NOx, PM_{10} and $PM_{2.5}$ emissions. In addition, construction equipment and construction-worker commute vehicles would also generate criteria air pollutant emissions. Criteria pollutant emissions of ROG and NOx from these emissions sources would incrementally add to regional atmospheric loading of ozone precursors during the construction period. Therefore, unmitigated construction dust emissions could result in significant local effects. The El Dorado County Air Quality Management District (EDCAQMD) does not consider fugitive dust emissions associated with construction as significant if complete mitigation is undertaken as part of a proposed project (or made a mandatory condition of the proposed project) in compliance with the requirements of the EDCAQMD Rule 223-1. Based on this requirement, the EDCAQMD does not require estimation of fugitive dust emissions. The EDCAQMD stipulates, however, that the mitigation be such that there will be no visible dust beyond the boundaries of a project site. These requirements are contained in Mitigation Measure AIR-2. **(DEIR at 3.1-40)**. As shown in **DEIR Table 3.1-5**, the estimated emissions during the one-year construction period in 2017 would not exceed the EDCAQMD's ROG and NOx threshold of 82 pounds per day. As discussed in the Guide to Air Quality Assessment (EDCAQMD 2002), if ROG and NOx emissions are below the threshold (based on fuel use), then CO and PM_{10} exhaust emissions from construction equipment, and exhaust emissions of all constituents from worker commute vehicles may also be deemed less than significant, and no additional analysis is warranted for those pollutants. Implementation of Mitigation Measure AIR-2 would ensure that emissions of fugitive dust generated during Project construction would be controlled to the extent feasible and would result in less than significant impacts. **(DEIR at 3.1-41)**.

Once operational, emissions of criteria pollutants emitted by the proposed Project would not exceed the EDCAQMD thresholds for the ozone precursors ROG and NOx. Therefore, ozone impacts are less than significant. **(DEIR at Table 3.1-6)**. The EDCAQMD also considers development projects of the type and size that fall below its significance "cut-off point" (62,000 square feet for a shopping center) for operational ROG and NOx emissions to also be insignificant for operational CO and PM_{10} emissions. As a point of reference, the Project is roughly 50 percent of the size of a project that the EDCAQMD would deem likely to result in potentially significant operational ROG or NOx emissions, and the modeling results contained in **DEIR Table 3.1-6** confirm that long-term operation of the Project would not exceed applicable thresholds for ROG and NOx. Therefore, the EDCAQMD would also consider CO and PM_{10} emissions to be less than significant, and the Project's overall long-term operational air quality impacts would be less than significant.

a. Finding Regarding Impact AIR-2 and Mitigation Measure AIR-2: The incorporation of Mitigation Measure AIR-2 into the Project will ensure that these impacts are reduced to less than significant. The County hereby directs that this mitigation measure be required in or incorporated into the Project. The County therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

2. Impact AIR-4 (Impacts to Sensitive Receptors): The Project traffic study found that no significant reductions in level of service (LOS) would occur with the implementation of planned roadway improvements and mitigation measures. Therefore, no carbon monoxide (CO) hotspot would occur. Thus, mobile-source emissions of CO would not result in or contribute substantially to an air quality violation. In addition, on-site construction activities would not emit CO in quantities that could pose health concerns. The short-term construction and long-term operational mobile-source impact of the proposed Project on CO concentrations would be less than significant and no mitigation is required. The Project does not include land uses identified in the ARB Land Use Air Quality Handbook as facilities that emit pollutants of concern for TAC impacts on sensitive receptors (ARB 2005). The short-term increase in diesel exhaust emissions associated with construction of the proposed Project would be insignificant over the 70-year health risk assessment period, based on the short-term (1-year) duration of construction and the distance to the nearest sensitive receptors. With regard to operations, the proposed Project uses would generate limited numbers of diesel truck trips and the Project is not expected to have permitted sources of TACs. Therefore, the Project would not expose sensitive receptors in the vicinity to substantial pollutant concentrations. Consequently, the proposed Project would result in a less than significant impact. **(DEIR at 3.1-46)**. The EDCAQMD considers fugitive dust impacts from projects that implement the standard dust control measures listed in Mitigation Measure AIR-2 to be less than significant. Therefore, the localized impacts from Project fugitive dust generated during construction would be less than significant with the implementation of Mitigation Measure AIR-2. **(DEIR at 3.1-45)**.

a. Finding Regarding Impact AIR-4 and Mitigation Measure AIR-2: The incorporation of Mitigation Measures AIR-2 into the Project will ensure that these impacts are reduced to less than significant. The County hereby directs that these mitigation measures be required in or incorporated into the Project. The County therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

B. Biological Resources.

1. Impact BIO-1 (Candidate, Sensitive or Special-Status Species): Consistent with the 2011 BRA, the BRA Update confirmed that mitigation should be required to reduce or avoid impacts to nesting raptors and migratory birds. Mitigation Measure BIO-1,

inclusive of the update recommended in the BRA Update, would ensure impacts to nesting raptors and migratory birds would be less than significant. Overall, consistent with the 2011 BRA, the BRA Update found that the Project would not have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, and regulations or by the CDFW or USFWS after implementation of regulatory requirements and mitigation. **(DEIR at 7-2 to 7-3)**.

> **a. Finding Regarding Impact BIO-1 and Mitigation Measure BIO-1:** The incorporation of Mitigation Measure BIO-1 into the Project will ensure that these impacts are reduced to less than significant. The County hereby directs that this mitigation measure be required in or incorporated into the Project. The County therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

2. Impact BIO-2 (Riparian Habitat/Wetlands): As indicated in the BRA Update (Appendix D), approximately 1.1 acres of riparian habitat occurs on the Project site. Within this riparian habitat, 0.50 acre of Waters of the United States is present. The 2011 BRA determined that the unnamed tributary to Weber Creek within the Project boundaries, the associated riparian habitat, and the oak woodland, were potential important habitats present at the site. The 2011 BRA's wetland delineation determined that portions of the proposed development area would occur within the 50-foot setback riparian area shown on the submitted site plan for the construction and installation of the retaining walls and parking areas. Approximately 299 feet of the identified intermittent stream and associated riparian area are proposed to be filled with soil beginning at the culvert under Forni Road then northwest into the Project area. That portion would be routed through a 48-inch-diameter culvert installed underground and routed to the west of proposed Building C, continue to just north of proposed Building B, then back into the remaining creek bed, eventually to join the waters of Weber Creek. The Project has the potential to adversely affect water quality downstream, both during construction and during operation of the Project. This impact would be potentially significant. The applicant would implement mitigation requiring a Water Quality Certification, Section 401 permit to ensure downstream water quality impacts would be less than significant.

North Fork Associates delineated Waters of the United States for the Project site in July of 2006. The USACE verified the revised delineation on September 9, 2008; however, the verification expired in 2013. Salix, Inc. prepared an updated wetland delineation, dated November 2015 **(DEIR Appendix D.3)**. The USACE provided verification of the wetland delineation **(DEIR Appendix D.3)** on April 16, 2016. The letter provided concurrence of preliminary determination of the approximately 0.50 acre of wetlands and other water bodies present within the Project site as potential Waters of the United States regulated under Section 404 of the Clean Water Act. As indicated in the USACE's letter, work within the potentially jurisdictional Waters of the United States should not start until USACE has permitted authorization for the activity. In addition, an approved jurisdictional delineation may later be necessary. Through the required Section 404

permit process, the USACE will analyze the Project's potential impacts to jurisdictional features, including any potential impacts from undergrounding utilities (such as connection to the sewer line and lift station located on the northern adjoining parcel) through the wetland area. The Project applicants have initiated the permit application process for the Project with the USACE, and they in turn are developing mitigation measures through the 404 Permit process. The USACE permit will define terms and conditions, including mitigation, for the fill activities. The Project may also be regulated by potential Streambed Alteration Agreements to be obtained from the CDFW, if applicable, pursuant to Sections 1602 of the California Fish and Game Code, as well as a potential California Water Quality Certification, Section 401 permit from the Regional Water Quality Control Board. All three agencies would require review of the development plans prior to issuance of a grading and/or building permit. **(DEIR at 7-4).** In summary, the Project will affect the bed, bank, and channel of a stream, including the adjacent riparian habitat. The Project as proposed will affect 0.5 acre of riparian habitat, including nearly 300 linear feet of stream channel. In addition, construction and operation of the Project could result in downstream water quality impacts. These impacts are considered potentially significant. However, implementation of Mitigation Measures BIO-2, BIO-3 and BIO-4 would ensure the Project impacts would be reduced to less than significant. **(DEIR at 7-10)**.

> **a. Finding Regarding Impact BIO-2 and Mitigation Measures BIO-2, BIO 3 and BIO-4:** The incorporation of Mitigation Measures BIO-2 into the Project will ensure that these impacts are reduced to less than significant. The County hereby directs that these mitigation measures be required in or incorporated into the Project. The County therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

3. Impact BIO-3 (Native Resident, Migratory Fish or Wildlife Species, Wildlife Movement, Corridors, Nursery Sites): Review of the California Department of Fish and Wildlife California Wildlife Habitat Relationship System indicates that there are no mapped critical deer migration corridors on the Project site. The 2011 BRA found that the Project would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with any established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites. The Project has the potential to impact migratory birds as discussed under checklist question a) above. As conditioned, mitigated (Mitigation Measure BIO-1), and with adherence to County Code, impacts would be less than significant.

> **a. Finding Regarding Impact BIO-3 and Mitigation Measure BIO-1**: The incorporation of Mitigation Measure BIO-1 into the Project will ensure that these impacts are reduced to less than significant. The County hereby directs that this mitigation measure be required in or incorporated into the Project. The County therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

4. Impact BIO-4 (Local Biological Resources Policies or Ordinances): County Zoning Ordinance Section 130.30.030.G requires preparation of a biological resource evaluation (BRE) for all discretionary development that has the potential to impact wetlands or sensitive riparian habitat. The BRE shall establish the area of avoidance and any buffers or setbacks required to reduce impacts to a less than significant level. The BRE may also identify mitigation measures to be employed to reduce identified impacts, including compliance with state or federal permit requirements. As indicated in the 2011 BRA, the Project site has severe constraints to development, including the relative narrowness of the Project site and the steeply graded slope along Missouri Flat Road. As such, the Project includes a request to reduce the on-site wetland setback for the Project to no setback. To support this request, as indicated in the 2011 BRA and the BRA Update, neither the onsite wetlands nor any other area of the Project supports plants or animals identified as threatened, endangered, or of special status on both the Federal or State lists, and the identified wetlands were identified to be seasonal in nature. The Project biological consultant has recommended that the setbacks to the wetland features be waived, because the wetlands are of low habitat value and they are stable from erosion, provided that appropriate stormwater Best Management Practices (BMPs) are in place to catch runoff. **DEIR Table 7-1** provides a list of examples of the BMPs to which the Project would be required to adhere as part of the grading permit requirements by County Code. County staff will review the submitted grading plan and verify that the plan includes BMPs consistent with the County's Grading and Erosion and Sediment Control Ordinance, the County's Stormwater Quality Ordinance, the Stormwater Management Plan (SWMP) for the West Slope, and the California Stormwater Pollution Prevention Plan issued by the State Water Resources Control Board, prior to grading permit issuance. **(DEIR at 7-11)**. With the incorporation of BMPs and Mitigation Measures BIO-2 through BIO-4 to minimize impacts on the wetlands, the request to reduce the required setbacks could be found to be consistent with the County Zoning Ordinance Section 130.30.030.G. Therefore, impacts would be less than significant. **(DEIR at 7-12)**.

Based on the Oak Canopy Cover Analysis prepared in 2016 **(DEIR Appendix A.2)**, approximately 53.8 percent of on-site oak canopy would require removal for construction of the proposed Project. The applicant is in the process of updating the 2016 analysis to determine the percentage of oak woodlands and individual oak trees, as defined in County Ordinance Code Section 130.39 (Oak Resources Management Plan [ORMP]), that would be affected by the proposed Project. This may or may not result in a different value than reported in the 2016 canopy analysis. Nonetheless, because the project would affect oak woodlands and/or native oaks, in accordance with the ORMP, the Project will be required to provide mitigation for oak woodland removal at a 1.5:1 ratio. In addition, as outlined in the ORMP, a deed restriction or conservation easement shall be placed over retained on-site woodlands, and those woodlands retained on-site shall not be counted towards the impacted amount or the towards the required mitigation. Mitigation at the applicable ratio shall be implemented using one or more options, as outlined in the ORMP. Because the Project would impact on-site oak woodlands and would need to comply with the ORMP, an updated Project-specific technical report and a mitigation plan addressing impacts to oak woodlands must be prepared in accordance with the

approved ORMP and approved by the County. Implementation of this mitigation would ensure that impacts to oak woodlands would be less than significant. **(DEIR at 7- 13)**.

a. Finding Regarding Impact BIO-4 and Mitigation Measures BIO-2, BIO-3, BIO-4, and BIO-5: The incorporation of Mitigation Measures BIO-2 through BIO-5 into the Project will ensure that these impacts are reduced to less than significant. The County hereby directs that these mitigation measures be required in or incorporated into the Project. The County therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

C. Transportation.

1. Impact TRANS-1 (Existing Plus Project Conditions): The DEIR concluded that the Missouri Flat Road/Enterprise Drive intersection would meet the peak-hour signal warrant in the PM peak hour with the addition of the Project, resulting in a potentially significant impact. However, implementation of MM TRANS-1 requiring the payment of TIM fees would reduce this impact to less than significant. **(DEIR at 3.2-33)**.

a. Finding Regarding Impact TRANS-1 and Mitigation Measure TRANS-1: The incorporation of Mitigation Measure TRANS-1 into the Project will ensure that these impacts are reduced to less than significant. The County hereby directs that these mitigation measures be required in or incorporated into the Project. The County therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

2. Impact TRANS-2 (2035 Plus Project Conditions): The DEIR found that one intersection, Missouri Flat Road/Enterprise Drive, will operate at LOS F conditions (eastbound approach) with the Proposed Project under 2035 conditions. This is a potentially significant impact. However, Missouri Flat Road is identified to be widened to four lanes in the 2035 scenario, and with signalization the intersection will operate at LOS A in the PM peak hour. The Project will contribute its fair share towards the cost of signalization at this intersection. As such, with implementation of MM TRANS 1, impacts would be less than significant. **(DEIR at 3.2-44)**.

a. Finding Regarding Impact TRANS-2 and Mitigation Measure TRANS-1: The incorporation of Mitigation Measures TRANS-1 into the Project will ensure that these impacts are reduced to less than significant. The County hereby directs that this mitigation measure be required in or incorporated into the Project. The County therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

2. Impact TRANS-5 (Hazards): With regard to the Missouri Flat Road Right-in/ Right-Out driveway, the posted speed limit along Missouri Flat Road is 45 mph. The

corresponding minimum sight distance standard for this speed is 360 feet. Missouri Flat Road is generally a four-lane roadway. Northbound traffic departing the Forni Road intersection Missouri Flat Road will have three northbound lanes extending to Road 2233. This third lane will a provide deceleration and acceleration lane for Project traffic. The lane will end with a mandatory right turn at Road 2233. Any landscaping over 2 feet in height and signage will be placed outside of the sight lines to provide adequate sight distance. This is included as a requirement under MM TRANS-5b. **(DEIR at 3.2- 65)**. The Forni Road driveway will become the fourth leg of the Forni Road/Golden Center Drive intersection. Corner sight distance criterion was used to determine the minimum sight distance required with a presumed 55 mph speed limit along Forni Road. The minimum required sight distance is 430 feet. From the Project driveway, Forni Road has an uphill grade with an approximately 600-foot-radius curve to the east, beginning about 175 feet north of the driveway. Additionally, the grade of the Project site appears to be below the roadway; thus, the sight distance should be longer than the minimum requirement to account for the lower eye height of the driver. While Caltrans notes that driveways can use the MSSD criterion, CSD criterion was considered based on the existing conditions. The current available sight distance is about 400 feet, which corresponds to about a 36-mph design speed. Signs in advance of the Herbert Green Middle School provide a 25-mph speed limit when children are present. The portion of Forni Road between Missouri Flat Road and Heady Lane is reflective of entering into an urbanized area where a 55-mph speed on a two-lane roadway is impractical. Therefore, the completion of a speed survey to identify an appropriate speed limit along Forni Road in the Project vicinity is included in MM-TRANS-5a. In addition, site improvements—including crosswalks, sidewalk, and a no parking zone—are included in MM TRANS-5a and would ensure that pedestrian/vehicle conflicts would be minimized at the Forni Road driveway. **(DEIR at 3.2-65)**.

An on-site review of sight distance was also completed to determine whether any visibility issues may be present. Based on the proposed site plan, the drive aisles appear to provide adequate sight distance for site uses. Pedestrian access within the site is generally along the Missouri Flat Road and Forni Road perimeters, with sidewalk also provided at the fast food restaurant. The entrance and exit to the fast food drive-through lane was reviewed. The entry is located near the Forni Road driveway, and vehicles entering the drive-through from Forni Road have to make a right turn to enter the drive-through lane. This area will have unconstrained sight lines. Vehicles exiting the drive-through lane will exit into the main drive-aisle. Parking is proposed on both sides of the lane with curbing/landscaping separating the drive through lane from the parking spaces. Sight lines to allow exiting motorists to view drive aisle traffic will be provided. A crosswalk is proposed across the exit; however, this will be situated about 25 feet behind the "intersection" to allow pedestrians to cross behind a vehicle waiting to exit the drive-through lane. These site improvements, as well as installation of a stop sign and crosswalk at the drive-through exit, are included in MM TRANS-5b, and would reduce potential impacts to less than significant. It is expected that a California Legal truck (CA-Legal) is the design vehicle that will need access to the fast food restaurant. An AutoTurn assessment was completed and is shown in Exhibit 3.2-9. A CA Legal truck will be able to enter the site from Forni Road and exit via the Missouri Flat Road

driveway. Truck access will be limited to non-operational hours of the fast-food restaurant, as the drive aisle could be blocked while trucks are loading/unloading. This access limitation is included in MM TRANS-5b. Potential impacts would be less than significant. **(DEIR at 3.2-66)**.

a. Finding Regarding Impact TRANS-5 and Mitigation Measures TRANS-5a and 5b: The incorporation of Mitigation Measures TRANS-5a and TRANS-5b into the Project will ensure that these impacts are reduced to less than significant. The County hereby directs that this mitigation measure be required in or incorporated into the Project. The County therefore finds that changes or alterations have been required in, or incorporated into the Project that substantially lessen or avoid this impact's significant effects on the environment.

VII.
PROJECT ALTERNATIVES

A. ALTERNATIVES ANALYSIS

The CEQA Guidelines require that an EIR describe a reasonable range of alternatives to a project that would feasibly attain the basic project objectives but would avoid or substantially lessen one or more of the project's significant effects (CEQA Guidelines Section 15126.6(a)). Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." "[I]n the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects." Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. (CEQA Guidelines, § 15126.6, subd. (f)(1)) The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project.

Where a significant impact can be substantially lessened (i.e., mitigated to an "acceptable level") solely by the adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the project. (Pub. Resources Code, § 21002). In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. The proposed Project will not result in any significant unavoidable impacts.

These Findings of Fact regarding Project alternatives are set forth to comply with Section 21002 of the Public Resources Code and Sections 15091(a)(3) and 15126.6 of the CEQA Guidelines. Three alternatives to the proposed Project described in the DEIR were analyzed and considered as follows: 1) No Project Alternative; 2) Reduced Intensity Alternative; and 3) Wetland Avoidance Alternative. For the reasons set forth below, Alternatives 1 through 3 are rejected as infeasible for the specific economic, legal, social, technological, or other considerations.

Summary of Alternatives Considered

- **Alternative 1 - No Project.**
- **Alternative 2- Reduced Intensity Alternative.**
- **Alternative 3- Wetland Avoidance Alternative.**

The EIR examined a reasonable range of alternatives to the proposed Project to determine whether any of those alternatives could meet most or all of the Project's objectives while avoiding or substantially lessening its potentially significant impacts. However, since all of the Project's impacts can be mitigated to less than significant levels, the alternatives in the EIR were presented for informational purposes and to promote informed decision making, rather than to avoid or reduce any potentially significant environmental impact.

B. APPROACH

For each Project alternative discussed below, the potentially significant environmental impacts of the alternative are identified, as well as impacts of the proposed Project that would be avoided. The same environmental categories presented for the proposed Project in the DEIR, Section 3, Environmental Impact Analysis, have been addressed for each alternative. If a significant Project- related impact would be avoided under the alternative, or if the alternative would cause a significant impact that would not occur under the proposed Project, the impact category is generally discussed below. If a significant impact would not be avoided or created under the alternative, and, therefore, remains similar to that identified for the proposed Project, the impact category is not discussed.

C. FINDINGS REGARDING ALTERNATIVES ANALYZED IN DETAIL

Alternative 1 – No-Project

Characteristics

CEQA Guidelines Section 15126.6(e) requires that a "no-project" alternative be evaluated in an EIR. The "no-project" analysis shall discuss the existing conditions at the time the notice of preparation is published or at the time environmental analysis is commenced. The "no-project" alternative is what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

The purpose of describing and analyzing a no project alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. CEQA Guidelines Section 15126(e)(2) states that "If the environmentally superior alternative is the "no-project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives."

Under the No Project Alternative, the proposed three commercial buildings would not be developed. The rezoning and parcel subdivision would also not occur under this alternative. The site would stay under its general plan current land designation of Commercial (C) and would remain zoned as Community Commercial with a Design Review-Community combining zone (CC-DC). On-site vegetation, including riparian trees and oaks along the ravine, would remain and the site would continue to be undeveloped. No disturbance or new development would occur on the Project site, thereby eliminating the potential for impacts associated with air quality/greenhouse gas emissions, biological resources, and transportation.

Conclusions

This alternative would not meet any of the Project objectives. All Project impacts can be mitigated to less than significant levels, and no significant unavoidable impacts would occur. Based on these considerations, the County finds that the No Project Alternative is less desirable than the proposed Project and is infeasible and, therefore, rejects this alternative.

Alternative 2- Reduced Intensity Alternative

Under this alternative, the proposed Project's square footage would be reduced by 15,280 square feet or 50 percent, which would be proportionately applied to the office, retail, and restaurant uses. Under this alternative, the proposed Project would total 15,280 square feet. All uses would be identical to those proposed by the Project; however, 50 percent less square footage would be applied to each use. Additional landscaping, pedestrian facilities, and outdoor seating areas would be developed in place of the eliminated building square footage. In addition, the site plan would be adjusted to reduce, but not entirely avoid, impacts to the on-site wetland. The buildout potential of this alternative would be less than the proposed Project and, therefore, would result in fewer construction emissions. Although construction emissions impacts can be mitigated to a level of less than significant, the reduction in emissions would be considered more beneficial. The Reduced Intensity Alternative would also generate 823 fewer daily vehicle trips than the proposed Project and, therefore, would reduce operational emissions of criteria pollutants, toxic air contaminants, and greenhouse gas emissions. Therefore, the Reduced Intensity Alternative would have less impact on air quality/greenhouse gas emissions than the proposed Project. While on-site buildings would be situated to reduce impacts to the on-site wetland, some impacts would still occur as a result of accommodating site access points and circulation. Similar ground-disturbing activities would occur and, therefore, mitigation identical to the proposed Project for special-status species, habitat, wetlands, and oak woodlands would be implemented. Therefore, the Reduced Intensity Alternative would have similar biological resource impacts as the proposed Project, although the severity of impacts would be less. The Reduced Intensity Alternative would result in a net reduction of 823 daily trips (50 percent). The reduction in peak-hour trips would avoid or lessen the severity of potentially significant impacts at

intersections and roadway segments; however, the Project would still contribute to facilities experiencing unacceptable operations and would require mitigation measures. Therefore, the Reduced Intensity Alternative would have similar transportation impacts as the proposed Project, although the severity of impacts would be less. **(DEIR at 5-4)**.

Conclusions

The Reduced Intensity Alternative would reduce the air quality/greenhouse gas, biological resources, and transportation impacts associated with the proposed Project, which can all be mitigated to below a level of significance. The Reduced Intensity Alternative would advance all of the Project objectives, although one objective would be advanced to a significantly lesser degree than the proposed Project due to fewer positive economic benefits resulting from the reduced development square footage. This includes the objective of positively contributing to the local economy through new capital investment, the creation of new jobs, the provision of new services, and the expansion of the tax base. Based on these considerations, the County finds that the Reduced Intensity Alternative is less desirable than the proposed Project, and rejects this alternative.

Alternative 3- Wetland Avoidance Alternative

Characteristics

The Wetland Avoidance Alternative consists of developing 20,060 square feet of office and retail space in a two-story building. The building and associated infrastructure (parking, landscaping, access points) would be situated to avoid the on-site wetland and riparian area, including a 50-foot buffer. Under this alternative the Project footprint would be limited to approximately 1.55 acres on the western half of the Project site along Missouri Flat Road. The remainder of the Project site, containing the wetland and riparian habitat, would be designated as open space and left undeveloped in perpetuity.

The buildout potential of this alternative would be less than the proposed Project and, therefore, would result in fewer construction emissions. Although construction emissions impacts can be mitigated to a level of less than significant, the reduction in emissions would be considered more beneficial. **(DEIR at 5-5)**. The Wetland Avoidance Alternative would generate fewer daily vehicle trips than the proposed Project and, therefore, would reduce operational emissions of criteria pollutants, toxic air contaminants, and greenhouse gas emissions Therefore, the Wetland Avoidance Alternative would have similar air quality and greenhouse gas impacts as the proposed Project, although the severity of impacts would be less. Under this alternative the Project footprint would be limited to approximately 1.55 acres on the western half of the Project site along Missouri Flat Road, avoiding the on-site wetland and riparian habitat, which would be designated as open space and left undeveloped in perpetuity. Unlike the proposed Project, this alternative would not result in impacts to the wetland and riparian habitat and would not require a Streambed Alteration Agreement, Section 404 permit, or Section 401 Water Quality Certification. Therefore, the Wetland Avoidance Alternative would have less impact on biological resources than the proposed Project. Under this alternative, fewer corresponding daily vehicle trips would be generated as compared to the proposed Project. The reduction in

peak-hour trips would avoid or lessen the severity of significant impacts at several intersections and roadway segments; however, this alternative would still contribute to facilities experiencing unacceptable operations and would require mitigation measures, similar to the proposed Project. Therefore, the Wetland Avoidance Alternative would have similar less than significant transportation impacts as the proposed Project, although the severity of impacts would be reduced. **(DEIR at 5-6)**.

Conclusions

The Wetland Avoidance Alternative would advance all of the Project objectives, although one objective would be advanced to a lesser degree than the proposed Project due to fewer positive economic benefits resulting from the reduced development square footage. This includes the objective of positively contributing to the local economy through new capital investment, the creation of new jobs, the provision of new services, and the expansion of the tax base. Based on these considerations, the County finds that the Wetland Avoidance Alternative is less desirable than the proposed Project, and rejects this alternative.

VIII.
FINDINGS REGARDING RECIRCULATION OF THE EIR

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of a Draft EIR, but before certification. Such new information includes: (i) significant changes to the project; (ii) significant changes in the environmental setting; or (iii) significant additional data or other information. Section 15088.5 further provides that "[n]ew information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

No "significant new information" as defined by CEQA Guidelines Section 15088.5(a) has been added to the RFEIR. The events resulting in the RFEIR described in Section IV., Environmental Review Process, above, relate to planning issues, not environmental impact conclusions, and do not trigger the need for recirculation of the EIR. The August 2019 revised FEIR makes only minor technical changes, clarifications, or additions to the DEIR and April 2018 FEIR. The minor changes, clarifications, or additions to the DEIR and FEIR do not identify any new significant environmental impacts or substantial increase in the severity of any environmental impacts, and do not include any new mitigation measures that would have a potentially significant impact. Therefore, recirculation of the FEIR is not required, because none of the changes involve "significant new information," and were either environmentally benign or environmentally neutral, and thus represent the kinds of changes that commonly occur as the environmental review process works toward its conclusion.

The Board finds that recirculation of the EIR is not required: (1) because recirculation is not required where the new information added to the EIR merely clarifies, amplifies, or makes insignificant modifications in an adequate EIR (CEQA Guidelines Section 15088.5, subd. (b); and (2) because no "substantial adverse" impact would result from any of the revisions to the portions of the EIR that were not recirculated (CEQA Guidelines Section 15088.5, subd. (e)).

IX.
CEQA GUIDELINES SECTION 15084(D)(3) AND 15084(D)(4) FINDINGS

The County has relied on Sections 15084(d)(3) of the State CEQA guidelines, which allow acceptance of working drafts prepared by the Applicant, a consultant retained by the Applicant, DEIR to be prepared directly by, or under contract by the lead agency. The County has reviewed and edited as necessary the submitted drafts to reflect the County's own independent judgment, including reliance on County technical personnel from other departments.

X.
PUBLIC RESOURCE CODE 21082.1(C) FINDINGS

Pursuant to Public Resources Code Section 21082.1(c), the Board hereby finds that the lead agency has independently reviewed and analyzed the FEIR, and that the FEIR reflects the independent judgment of the lead agency.

XI.
NATURE OF FINDINGS

Any finding made by this Board shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by this Board, whether or not any particular sentence or clause includes a statement to that effect. This Board intends that these Findings be considered as an integrated whole and, whether or not any part of these Findings fail to cross reference or incorporate by reference any other part of these Findings, that any finding required or committed to be made by this Board with respect to any particular subject matter of the EIR, shall be deemed to be made if it appears in any portion of these Findings.

XII.
RELIANCE ON RECORD

Each and all of the Findings and determinations contained herein are based on the competent and substantial evidence, both oral and written, contained in the entire administrative record relating to the Project. These Findings and determinations constitute the independent Findings and determinations of this Board in all respects, and are fully and completely supported by substantial evidence in the record as a whole.

XIII.
RELATIONSHIP OF FINDINGS TO EIR

The County finds and declares that substantial evidence for each and every Finding made herein is contained in the EIR or is in the record of proceedings in the matter.

XIV.
CUSTODIAN OF RECORD

The custodian of the documents or other material which constitute the record of proceedings upon which the County's decision is based is the Planning Services Director of El Dorado County, located at 2850 Fairlane Court, Placerville, CA 95667.

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: • 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-Sa: The project shall construct the following improvements at the Forni Road/Golden Center Drive/Project intersection: • 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		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
into the project site.					
• 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.					
MM TRANS-5b: The following on-site circulation improvements and requirements shall be implemented: • 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		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
• 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		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
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. In addition to obtaining a Section 1602 Streambed Alteration Agreement: 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. b. The applicant shall: 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.					

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
vi. Provisions a. and b. must be completed before County permits are issued. 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: 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; 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) 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. v. Submission of annual reports for the restoration project to the CDFW. vi. This plan must be approved by the CDFW and proof of approval must be provided to the County before County permits are issued. 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. e. The County shall not issue a grading permit for the project until the applicant has submitted documentation that the Streambed					

CREEKSIDE PLAZA PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Alteration Agreement has been obtained.					
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. 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. 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.	Submittal of documentation	Prior to issuance of grading permit	El Dorado County Planning Department		
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. Additionally, the following avoidance and minimization measures shall be implemented by the applicant during construction and	Submittal of documentation; site visit	Prior to issuance of grading permit; during construction	El Dorado County Planning Department El Dorado County Transportation Department (SWPPP)		

CREEKSIDE PLAZA PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
operation to reduce project impacts on water quality in the intermittent tributary to Weber Creek to less than significant: 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. 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. 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. 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.					

CREEKSIDE PLAZA PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
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		

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: • 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: • 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.	Incorporation in plans; site visit	Prior to issuance of building permits; during construction; at project completion	El Dorado County Transportation Department		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
• A pathway/sidewalk shall be constructed connecting the pedestrian crossing on the north side of Golden Center Drive into the project site.					
• 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.					
MM TRANS-5b: The following on-site circulation improvements and requirements shall be implemented: • 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.	Incorporation in plans; site visit	Prior to issuance of building permits; during construction; at project completion	El Dorado County Transportation Department		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
• 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.					
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	Submittal of documentation	Prior to ground disturbance	El Dorado County Planning Department		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
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.					
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 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. In addition to obtaining a Section 1602 Streambed Alteration Agreement:	Submittal of documentation	Prior to issuance of grading permit	El Dorado County Planning Department		

CREEKSIDE PLAZA PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
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. b. The applicant shall: 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. 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: 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;					

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
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) 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. v. Submission of annual reports for the restoration project to the CDFW. vi. This plan must be approved by the CDFW and proof of approval must be provided to the County before County permits are issued. 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. 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.					
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	Submittal of documentation	Prior to issuance of grading permit	El Dorado County Planning Department		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
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. 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. 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.					
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. 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:	Submittal of documentation; site visit	Prior to issuance of grading permit; during construction	El Dorado County Planning Department El Dorado County Transportation Department (SWPPP)		

CREEKSIDE PLAZA PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
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. 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. 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. 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					

CREEKSIDE PLAZA PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
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. 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		