

EXHIBIT L



**EL DORADO COUNTY PLANNING SERVICES
2850 FAIRLANE COURT
PLACERVILLE, CA 95667**

**ENVIRONMENTAL CHECKLIST FORM
AND DISCUSSION OF IMPACTS**

Project Title: Design Review Application DR05-0005/Diamond Springs Retail Center

Lead Agency Name and Address: El Dorado County, 2850 Fairlane Court, Placerville, CA 95667

Contact Person: Jason R. Hade, AICP, Senior Planner **Phone Number:** (530) 621-5355

Project Owner's Name and Address: Neil Winstead, 445 Crittenden Street, Red Bluff, CA 96080

Project Applicant's Name and Address: Leonard Grado, 476 Main Street, Placerville, CA 95667

Project Location: The subject property is located on the north side of Pleasant Valley Road east of the intersection with State Route 49, in the Diamond Springs area.

Assessor's Parcel No(s): 054-342-24; 25; 26; and 27 **Parcel Size:** 6.11 acres

Zoning: Commercial – Community Design Review (C-DC) **Section:** 30 **T:** 10N **R:** 11E

General Plan Designation: Commercial (C)

Description of Project: Design Review DR05-0005 consist of the construction of a 12-pump fueling station with an 8,628 square foot retail center to include: 5,628 square foot retail shop; 1,200 square foot fast food restaurant within the retail shop; 3,000 square foot convenience market; drive through automated car wash; and fueling station canopy. A tenant directory monument sign and fuel price monument sign are to be constructed at a height of nine feet with 50.4 square feet of sign area for each sign. The sign plan also includes wall signage for both buildings and gas station canopy signs.

Surrounding Land Uses and Setting:

	<u>Zoning</u>	<u>General Plan</u>	<u>Land Use</u> (e.g., Single Family Residences, Grazing, Park, School)
North:	C-DC	C	Residential structures
East:	C-DC & R1A	C	Vacant
South:	CP	C	Commercial structures
West:	CP	C	Residential structures

Briefly Describe the environmental setting: The project site lies at an elevation of approximately 1,800 feet. Topography of the property is gently sloping to the south. An inactive hand-dug well and a concrete footing for a small structure are located in the southeastern portion of the property. The northern and western portions of the subject site are densely vegetated with blackberry thicket. Access to the parcel is provided by State Highway 49 and Pleasant Valley Road. The project is within the Missouri Flat Master Circulation and Funding Plan area.

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):

- U.S. Army Corps of Engineers: Section 404 permit
- Regional Water Quality Control Board: Clean Water Act Section 401 Water Quality Certification
- California Department of Transportation: Encroachment Permit
- El Dorado County Department of Transportation: Commercial Grading Permit
- El Dorado County Building Services: Building Permit

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages. The environmental factors checked below contain mitigation measures which reduce any potential impacts to a less than significant level.

X	Aesthetics		Agriculture Resources	X	Air Quality
X	Biological Resources	X	Cultural Resources		Geology / Soils
	Hazards & Hazardous Materials	X	Hydrology / Water Quality		Land Use / Planning
	Mineral Resources	X	Noise		Population / Housing
	Public Services		Recreation		Transportation/Traffic
X	Utilities / Service Systems		Mandatory Findings of Significance		

DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards; and 2) has been addressed by mitigation measures based on the earlier analysis as described in attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects: a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION**, pursuant to applicable standards; and b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____ Date: _____

Printed Name: Jason R. Hade, AICP For: El Dorado County

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is a fair argument that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. the significance criteria or threshold, if any, used to evaluate each question; and
 - b. the mitigation measure identified, if any, to reduce the impact to less than significant.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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ENVIRONMENTAL IMPACTS

I. AESTHETICS. <i>Would the project:</i>			
a. Have a substantial adverse effect on a scenic vista?			✓
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			✓
c. Substantially degrade the existing visual character quality of the site and its surroundings?			✓
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		✓	

Discussion:

A substantial adverse effect to Visual Resources would result in the introduction of physical features that are not characteristic of the surrounding development, substantially change the natural landscape, or obstruct an identified public scenic vista.

- a) No identified public scenic vistas or designated scenic highway will be affected by this project. The applicant is proposing landscaping on the site along Highway 49 and Pleasant Valley Road to provide visual buffering. The existing site has no landscaping along Highway 49 and Pleasant Valley Road. A minimum 5-foot-wide landscape strip is required pursuant to the Zoning Ordinance.
- b) The proposed project will have a less than significant impact on existing scenic resources including, but not limited to, trees, rock outcroppings, and historic resources within a corridor defined as a State scenic highway adjacent to the project site.
- c) The proposed project will not degrade the visual character or quality of the site and its surroundings. As proposed, the project is designed in a manner that is architecturally consistent with surrounding commercial structures and uses.
- d) Additional light and glare may result from the addition of the commercial structures on the parcels. These increases may have a significant effect or adversely affect day or nighttime views adjacent to the project site. The following mitigation measures shall be included in the project design addressing proposed outdoor lighting, pursuant to Section 17.14.170 of County Code:
 - (d.1) **Parking lot and any outdoor security lighting shall be side and top shielded to prevent any light or glare from leaking onto adjacent properties or roadways (street lights for illumination of public roads are excluded from this provision).**
 - (d.2) **External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.**
 - (d.3) **No outdoor floodlights shall project above 20° below the horizontal plan.**
 - (d.4) **Parking lot standards (poles) shall not exceed twenty-five feet in height above grade.**

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(d.5) All lighting under the gas station canopy shall be recessed and shall not protrude beyond the bottom surface to be illuminated.

(d.6) All lighting shall be fully shielded pursuant to IESNA full cut-off designation.

The application of the lighting standards in County Code (Section 17.14.170) are designed to reduce lighting and glare impacts by the uses of mandated and side shielding and the placement of light poles and fixtures so that no light and glare will escape onto any neighboring property.

FINDING: It has been determined that there will be no impacts to aesthetic or visual resources. Potential impacts from lighting and glare are expected from the proposed development. Inclusion of the identified mitigation measures will reduce light and glare to a less than significant level. Identified thresholds of significance for the “Aesthetics” category have not been exceeded and with the mitigation measures proposed, no significant adverse environmental effects will result from the project.

II. AGRICULTURE RESOURCES. <i>Would the project:</i>			
a. Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Locally Important Farmland (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			✓
b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?			✓
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?			✓

Discussion:

A substantial adverse effect to Agricultural Resources would occur if:

- There is a conversion of choice agricultural land to nonagricultural use, or impairment of the agricultural productivity of agricultural land;
 - The amount of agricultural land in the County is substantially reduced; or
 - Agricultural uses are subjected to impacts from adjacent incompatible land uses.
- a) Review of the Important Farmland GIS map layer for El Dorado County developed under the Farmland Mapping and Monitoring Program indicates that no areas of Prime, Unique, or Farmland of Statewide Importance will be affected by the project. In addition, El Dorado County has established the Agricultural (-A) General Plan land use map for the project and included this overlay on the General Plan Land Use Maps. Review of the General Plan land use map for the project area indicates that there are no areas of “Prime Farmland” or properties designated as being within the Agricultural (-A) General Plan land use overlay district area adjacent to the project site. The project will not result in the conversion of farmland to non-agricultural uses.

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- b) The proposed project will not conflict with existing agricultural zoning in the project vicinity, and will not adversely impact any properties currently under a Williamson Act Contract.
- c) No existing agricultural land will be converted to non-agricultural use as a result of the proposed project.

FINDING: It has been determined that the project will not result in any impacts to agricultural lands, or properties subject to a Williamson Act Contract. The surrounding area is developed with residential and commercial development. For this “Agriculture” category, the identified thresholds of significance have not been exceeded and no significant adverse environmental effects will result from the project.

III. AIR QUALITY. <i>Would the project:</i>				
a. Conflict with or obstruct implementation of the applicable air quality plan?			✓	
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		✓		
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		✓		
d. Expose sensitive receptors to substantial pollutant concentrations?			✓	
e. Create objectionable odors affecting a substantial number of people?			✓	

Discussion:

A substantial adverse effect on Air Quality would occur if:

- Emissions of ROG and No_x, will result in construction or operation emissions greater than 82lbs/day (See Table 5.2, of the El Dorado County Air Pollution Control District – CEQA Guide);
 - Emissions of PM₁₀, CO, SO₂ and No_x, as a result of construction or operation emissions, will result in ambient pollutant concentrations in excess of the applicable National or State Ambient Air Quality Standard (AAQS). Special standards for ozone, CO, and visibility apply in the Lake Tahoe Air Basin portion of the County; or
 - Emissions of toxic air contaminants cause cancer risk greater than 1 in 1 million (10 in 1 million if best available control technology for toxics is used) or a non-cancer Hazard Index greater than 1. In addition, the project must demonstrate compliance with all applicable District, State and U.S. EPA regulations governing toxic and hazardous emissions.
- a) El Dorado County has adopted the *Rules and Regulations of the El Dorado County Air Pollution Control District* (February 15, 2000) establishing rules and standards for the reduction of stationary source air pollutants (ROG/VOC, NO_x, and O₃). The proposed project will not conflict with or obstruct the implementation of the applicable air quality plan. Implementation measures from this plan are required to be implemented at the project level. In addition, a project is required to comply with the National Ambient Air Quality Standards as required under the Federal Clean Air Act as

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well as the State of California Ambient Air Quality Standards, which are equal to or more stringent than the National Standards as discussed below.

b & c)

Currently, El Dorado County is classified as being in “severe non-attainment” status for the Federal ambient air quality standard for ozone and “non-attainment” for the California ambient air quality standard for ozone. Additionally, the County is classified as being in “non-attainment” status for particulate matter (PM₁₀) under the State’s standard. A “non-attainment” designation indicates that the pollutant concentration violates, or has violated, the applicable standard at least once. The California Clean Air Act of 1988 requires the County’s Air Pollution Control Program to meet the State’s ambient air quality standards. The El Dorado County Air Quality Management District (EDCAQMD) administers standard practices and enforcement for stationary point and mobile source pollution sources.

Project related air quality impacts are divided into two categories:

1. Short-term impacts related to construction activities; and
2. Long-term impacts related to project operation.

Short-term air quality impacts are generated by the use of heavy construction equipment, transport of materials on and off the site, and employee commute trips during construction. Emissions related to short-term impacts generally consist of reactive organic gases (ROG), oxides of nitrogen (NO_x), and fugitive dust (PM₁₀). Emissions of ROG and NO_x are generated from the operation of gas and diesel powered equipment and vehicles, asphalt paving activities, and the application of various architectural coatings. Fugitive dust and particulate matter is generated from grading activities, and wind erosion of graded surfaces.

Long-term air quality impacts are associated with the operational aspects of a project. Such emissions are associated with mobile emissions (vehicle trips by employees, or site users), space and water heating (use of natural gas), and potential electrical generation from fueled generators on the site. The El Dorado County Air Quality Management District has adopted short-term and long-term air quality impact thresholds as identified in the *Guide to Air Quality Assessment*.

All mobile emissions related to a project are required to comply with either the National Ambient Air Quality Standards, or the California Ambient Air Quality Standards, whichever is more restrictive. Mobile emission sources such as automobiles, trucks, buses, and other internal combustion vehicles are responsible for more than 70 percent of the air pollution within El Dorado County, and more than one-half of the California’s air pollution. In addition to pollution generated by mobile emission sources, additional vehicle emission pollutants are carried into the western slope portion of El Dorado County from the greater Sacramento metropolitan area by prevailing winds. Long-term mobile emission amounts can be modeled using the URBEMIS 2002 (or other acceptable) computer modeling programs. URBEMIS 2002 utilizes vehicle trip generation or land use information for the proposed uses to aid in calculation of emission amounts from mobile sources tied to the project.

An additional area of concern is a form of pollution known as Toxic Air Contaminants (TACs). These air pollutants and chemicals which are believed to result in an increase in mortality or serious illness, or which may pose a present or potential hazard to human health. Health affects commonly associated with TACs include cancer, birth defects, neurological damage, damage to the body’s natural defense system, and diseases, which lead to death. TACs can be separated into carcinogens and non-carcinogens based on the nature of the physiological degradation associated with exposure to the pollutant. For regulatory purposes, carcinogens are assumed to have no safe threshold below which health impacts will not occur. Non-carcinogenic TACs differ in that there is generally assumed a safe level of exposure which no negative health impact is believed to occur. The proposed gas station portion of the project may potentially

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result in the emissions of benzene, methyl-tertiary butyl ether (MTBE), toluene and xylene. Release of these TACs may occur during any one or all of the following processes:

Loading – Loading emissions occur when a cargo tank truck unloads gasoline to the storage tank at the gasoline fueling facility. Storage tank vapors are emitted from the vent pipe during the fuel transfer process.

Breathing – Gasoline vapors are emitted from the storage tank vent pipe due to temperature and pressure changes within the storage tank vapor space.

Refueling – During the refueling process, gasoline vapors are emitted at the vehicle/nozzle interface.

Spillage – Spillage emissions occur from spills during the vehicle refueling process.

Any source of Toxic Air Contaminant is required to comply with all applicable State and El Dorado County AQMD rules and regulations. The El Dorado County AQMD requires the submission of an Authority to Construct application prior to any construction activity or installation of an individual point source emission unit. In addition, *California Code of Regulations and Statutes* Title 23, Division 3, Chapter 16, Article 3, Section 2633 and Section 2634 as well as *Health and Safety Code* Chapter 6.7, Sections 25291 (a) (1-6), Section 25291 (a) (7)(E), and Section 25291 (c), (e), and (f) require that all underground storage tanks be secondarily contained.

Storage tanks that are secondarily contained are double walled tanks, allowing all leaks and spills to be contained. In addition, all dispensers are required to have a non-pressurized vapor recovery system to prevent the venting of gasoline fumes and vapor. This system is also double walled.

All Vent systems are installed and monitored as required by the California Air Resources Board to limit the release of gasoline fumes and vapors. However, to ensure that any potential impacts remain less than significant, the following mitigation measures are required:

- (b/c.1) The proposed project shall comply with all applicable National, State, and local rules and regulations pertaining to TACs and gasoline stations, specifically Rule IX, Section A relating to benzene emissions.**
- (b/c.2) Prior to building permit issuance, the project applicant shall apply for an Authority to Construct and Permit to Operate from the El Dorado County Air Quality Management District for any major on-site point source emissions in accordance with existing El Dorado AQMD rules and regulations. A health risk assessment shall be prepared for point sources that have the potential to emit toxic air contaminants. Resultant health risks from toxic air contaminants shall not exceed the State of California thresholds for cancer and non-cancer risks.**

The applicant submitted a copy of the *URBEMIS 2002 Air Quality Analysis for the Proposed Diamond Springs Retail Center* prepared by North Fork Associates in January 2005. The report analyzed air quality emissions related to project construction in three phases: demolition, grading and construction. According to the analysis, “none of these emissions exceed the significance criteria established by the El Dorado County Air Quality Management District.” The following mitigation measures should be implemented during project construction to reduce potential emissions to a less than significant level:

- (b/c.3) Water exposed areas at least two times daily.**
- (b/c.4) Cover all soil stockpiles with tarps.**

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- (b/c.5) Water haul routes at least two times daily.
- (b/c.6) Reduce speeds on unpaved roads to 15 mph or less.
- (b/c.7) Require the prime contractor to provide an approved plan demonstrating that heavy-duty equipment (50 horsepower or greater) will achieve, at a minimum, a fleet-averaged 20 percent reduction in NOx compared to the most California Air Resources Board fleet average. Successful implementation of this measure requires the prime contractor to submit a comprehensive inventory of all the heavy-duty off-road construction equipment that will be used an aggregate of 40 or more hours during the construction project. Usually the inventory includes the horsepower rating, engine production year, and hours of use or fuel throughput for each unit of equipment. In addition, the inventory list is updated and submitted monthly throughout the duration of construction activity.
- (b/c.8) Maintain all construction equipment according to manufacturer’s recommendations.
- (b/c.9) Clean earth moving equipment with water once daily.
- (b/c.10) Wet broom or wash streets is silt is carried over to adjacent public thoroughfares.
- (b/c.11) Suspend all grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour.
- (b/c.12) Minimize construction equipment idling time to 10 minutes.
- (b/c.13) Employ construction activity management techniques, such as: extending the construction period outside the ozone season of May through October; reducing or eliminating construction hours on designated Spare the Air days; reducing the number of pieces used simultaneously; increasing the distance between emission sources; reducing or changing the hours of construction; and scheduling activity during off-peak hours.
- (b/c.14) Provide a flag person to guide traffic properly and ensure the safety at construction sites.
- (b/c.15) Schedule operations that may result in general traffic congestion for off-peak hours.
- (b/c.16) District Rule 223, which addresses the regulation and mitigation measures for fugitive dust emissions, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 403 of the South Coast Air Quality Management District. A fugitive dust prevention and control plan and contingent asbestos hazard dust mitigation plan shall be submitted to and approved by the Air Pollution Control District prior to the start of project construction.
- (b/c.17) Burning of wastes that result from “Land Development Clearing” must be permitted through the District. Only vegetative waste material may be disposed of using an open outdoor fire (Rule 300)
- (b/c.18) Project construction involving the application of architectural coating shall adhere to District Rule 215 regarding Architectural Coatings.
- (b/c.19) Prior to construction/installation of any new point source emission units or non-permitted emission units (i.e. gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construct

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applications shall be submitted to the District. Submittal of applications shall include facility diagrams(s), equipment specifications and emission factors.

(b/c.20) Project construction may involve road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials and county ordinance concerning asbestos dust.

URBEMIS 2002 modeling was completed in the *Air Quality Analysis for the Proposed Diamond Springs Retail Center* for operational and area emissions in the target year of 2005 to determine short-term impacts of the project. According to the analysis, “based on Table 5.2 of the CEQA Guide, the proposed project falls below the thresholds for development projects that have been determined to generate significant levels of ROG and NOx.” The El Dorado County Air Quality Management District also assumes that development projects that fall below the size thresholds in Table 5.2 of the Guide will also be less than significant for emissions of other pollutants. Based on the project information provided, the proposed project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard. The Air Quality Management District reviewed the *Air Quality Analysis for the Proposed Diamond Springs Retail Center*, including the proposed mitigation measures, as discussed above, and concurs with the URBEMIS default assumptions included in the URBEMIS program to determine the numbers and types of grading and construction equipment to be used for this project.

- d) The proposed retail center is not considered to be a sensitive receptor. There are no existing uses considered to be sensitive receptors located nearby the proposed project site. Therefore, the proposed project will not expose sensitive receptors to substantial pollutant concentrations
- e) The project will include grading and the construction of the structures associated with the retail center as well as the removal of the inactive hand dug well and concrete footings which may generate some odors; however, the construction period will be temporary and the odors will dissipate upon completion of development activities. Potential odors related to benzene emissions will be reduced to a less than significant level through the implementation of mitigation measures (b/c.1) and (b/c.2), as discussed above. Therefore, there is no potential for a significant impact from exposure of a significant number of people to objectionable odors.

FINDING: Although the project has the potential to create significant impacts to air quality, mitigation measures have been incorporated into the project design to reduce the potentially significant impacts to a less than significant level. It was determined that a less than significant impact will result from the project in that no sensitive receptors will be adversely impacted, no objectionable odors will be created, and the project will not obstruct the implementation of the El Dorado County California Clean Air Act Plan. Based on the inclusion of mitigation measures proposed, no significant adverse environmental effects will result from the project.

IV. BIOLOGICAL RESOURCES. <i>Would the project:</i>			
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			✓
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife		✓	

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IV. BIOLOGICAL RESOURCES. <i>Would the project:</i>			
Service?			
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		✓	
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			✓
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			✓
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			✓

Discussion:

A substantial adverse effect on Biological Resources would occur if the implementation of the project would:

- Substantially reduce or diminish habitat for native fish, wildlife or plants;
- Cause a fish or wildlife population to drop below self-sustaining levels;
- Threaten to eliminate a native plant or animal community;
- Reduce the number or restrict the range of a rare or endangered plant or animal;
- Substantially affect a rare or endangered species of animal or plant or the habitat of the species; or
- Interfere substantially with the movement of any resident or migratory fish or wildlife species.

a) In response to a request for concurrence from the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service determined that the proposed action, the authorization of the fill of jurisdictional waters of the United States for the construction of the proposed 2-acre Diamond Springs Retail Center project, is not likely to adversely affect the federally threatened California red-legged frog (*Rana aurora draytonii*) pursuant to the Endangered Species Act of 1973, as amended. The U.S. Fish and Wildlife Service stated, “The 2-acre site, including the 0.08 acre of jurisdictional waters that will be affected as a result of the proposed action, has previously been degraded by onsite and surrounding urbanization and therefore does not support suitable California red-legged frog habitat” (Douglas Weinrich, Acting Chief, Endangered Species Division, July 18, 2003). Based on this information, development of the parcel with the proposed commercial structures will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

b & c)

The United States Department of the Interior National Wetlands Inventory Map for the project area (Placerville, CA Quadrangle, 1995) was reviewed to determine if any identified wetland or riparian habitat areas exist on or adjacent to the project site. This review indicates that there are no mapped wetlands or riparian habitat areas on or adjacent to the project. However, subsequent environmental analysis completed by EDAW in conjunction with the State Highway

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49/Fowler Lane Interim Roadway project in January 1999, indicates the existence of potential jurisdictional wetlands on the subject site. The site is located on an unnamed tributary to Martinez Creek in Section 30, Township 10 North, Range 11 East. A wetland delineation study was prepared for the subject site by North Fork Associates on April 7, 2003 and revised on April 14, 2005. According to the study, the site contains 0.03 acres of other waters (ephemeral drainage) and 0.11 acres of seasonal wetland (seep) for a total of 0.14 acres of waters of the United States (*Wetland Delineation for the ±1.8 acre Diamond Springs Property, El Dorado County, California*, North Fork Associates, April 7, 2003 and revised April 14, 2005). The May 3, 2004 delineation map was verified by the Army Corps of Engineers. Upon completion of the study, the applicant consulted with the U.S. Army Corps of Engineers who determined, “the proposed activity in approximately 0.14 acres of seasonal wetlands and waters is authorized by Nationwide Permit Number 39” (Nancy A. Haley, Chief, San Joaquin Office, U.S. Army Corps of Engineers, November 1, 2004). However, the State has not issued water quality certification under Section 401 of the Clean Water Act for this permit. The work may not proceed until certification is obtained from the State water quality agency. 1996 General Plan policy 7.3.3.2 states *All feasible project modification shall be considered to avoid wetland disturbance. Direct or indirect losses of wetlands and/or riparian vegetation associated with discretionary application approval shall be compensated by replacement, rehabilitation, or creation of a wetlands habitat on a no-net loss basis. Compensation may result in the provision of wetlands habitat on-or-off site at a minimum of a 1:1 ratio as associated with the disturbed resource. A wetland study and mitigation monitoring program shall be submitted to the County and concerned State and Federal agencies for review prior to permit approval.* Policy 7.3.3.1 in the 2004 adopted General Plan states *For projects that would result in the discharge of material to or that may affect the function and value of river, stream, lake, pond, or wetland features, the application shall include a delineation of all such features. For wetlands, the delineation shall be conducted using the U.S. Army Corps of Engineers Wetland Delineation Manual.* In order to mitigate potential impacts to the seasonal wetlands on the project site to a less than significant level, the following mitigation measure shall be implemented:

b/c.1) Prior to building permit issuance, the applicant shall obtain a Nationwide Permit Number 39 for the proposed activity from the U.S. Army Corps of Engineers to include: 1) to document pre and post-project construction conditions, the applicant shall submit pre-construction photos of the project site prior to project implementation and post-construction photos of the project site within 30 days after project completion; 2) to ensure the project complies with the Federal Endangered Species Act, the applicant must implement all of the mitigating measures identified in the Fish and Wildlife Service letter of concurrence dated July 18, 2003; 3) to mitigate for the loss of 0.14 acres of waters of the United States, the applicant shall purchase 0.11 credits of seasonal wetlands and 0.03 acres of open water intermittent drainage at a Corps approved wetland mitigation bank. The selected mitigation bank shall include the area of the permitted project within its service area. Evidence of this purchase shall be provided to the U.S. Army Corps of Engineers prior to proceeding with any activity otherwise authorized by this permit; 4) A signed Compliance Certification form shall be submitted by the applicant to the U.S. Army Corps of Engineers within 30 days after completion of the authorized work. Written evidence of satisfaction of all U.S. Army Corps of Engineers permit requirements shall be provided to the Development Services Department prior to final building occupancy issuance.

- d) Review of the Planning Services GIS *Deer Ranges Map* (January 2002) indicates that there are no mapped deer migration corridors on the project site. The project will 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.
- e) One tree with a six-inch diameter trunk is to be removed as a result of the commercial development.

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f) As discussed above, the U.S. Fish and Wildlife Service determined that the proposed action, the authorization of the fill of jurisdictional waters of the United States for the construction of the proposed 2-acre Diamond Springs Retail Center project, is not likely to adversely affect the federally threatened California red-legged frog (*Rana aurora draytonii*) pursuant to the Endangered Species Act of 1973, as amended. The U.S. Fish and Wildlife Service stated, “The 2-acre site, including the 0.08 acre of jurisdictional waters that will be affected as a result of the proposed action, has previously been degraded by onsite and surrounding urbanization and therefore does not support suitable California red-legged frog habitat” (Douglas Weinrich, Acting Chief, Endangered Species Division, July 18, 2003).

FINDING: Although the project has the potential to create significant impacts to wetlands, the incorporation of the required mitigation measures, developed by the U.S. Army Corps of Engineers, will reduce the impacts to a less than significant level. Therefore, the established thresholds for significance in the “Biological Resources” category will not be exceeded.

V. CULTURAL RESOURCES. <i>Would the project:</i>				
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	✓			
b. Cause a substantial adverse change in the significance of archaeological resource pursuant to Section 15064.5?	✓			
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓		
d. Disturb any human remains, including those interred outside of formal cemeteries?	✓			

Discussion:

In general, significant impacts are those that diminish the integrity, research potential, or other characteristics that make a historical or cultural resource significant or important. A substantial adverse effect on Cultural Resources would occur if the implementation of the project would:

- Disrupt, alter, or adversely affect a prehistoric or historic archaeological site or a property or historic or cultural significant to a community or ethnic or social group; or a paleontological site except as a part of a scientific study;
- Affect a landmark of cultural/historical importance;
- Conflict with established recreational, educational, religious or scientific uses of the area; or
- Conflict with adopted environmental plans and goals of the community where it is located.

a & b)

The applicant submitted a *Cultural Resources Overview for a Property in Diamond Springs El Dorado County, California* prepared by Peak & Associates, Inc. on December 19, 2003. The following conclusions were reached in the cultural resources study:

- 1) There is nothing in the literature that suggests any ceremonial practice or association with traditional beliefs of the Nisenan people for the spring;

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- 2) It is possible that *mo-lek'epakan* is a place name that the town of Diamond Springs was known by to the Nisenan people of the region. It does not appear to be the name of a village, nor is it applied to any specific spring. The town of Diamond Springs contains a number of springs.
- 3) The named spring is attributed by only one Native American individual to this property, and no specific cultural practice or tradition was mentioned in connection with this. It is not associated with the cultural practices or beliefs of a living community.
- 4) There is no evidence of a continuing visitation or use of the site by local Native Americans. The Morabe family ownership of the land somewhat controlled access to the site, and there is no record of anyone seeking to visit the site for any purpose.
- 5) Mr. Peabody's identification of the spring, unsupported by evidence, as a named site in the local newspaper may have contributed to an assumption by local residents that this is in fact the known location of Morningstar's spring.
- 6) There is no physical evidence of Native American use of spring, with a complete survey of the property yielding no evidence of Native American use or occupation of the property.

The study further states, "it can be concluded that the spring on the project site is not a traditional cultural property and is not eligible for the National Register because it lacks association with cultural beliefs and practices of a living community that are rooted in that community's history. It is obviously not important in maintaining the continuing cultural identity of the community as it is not known by others in the Native American community" (*Cultural Resources Overview for a Property in Diamond Springs El Dorado County, California*, Peak & Associates, Inc., December 19, 2003). The project area therefore does not contain any properties eligible for the National Register of Historic Places. However, the following mitigation measure is required in the event sub-surface historical, cultural or archeological sites or materials are disturbed during earth disturbances and grading activities on the site:

(a/b.1) In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.

- c) A unique paleontological site would include a know area of fossil bearing rock strata. The project site does not contain any known paleontological sites or know fossil locales.
- d) Due to the size and scope of the project, there is a potential to discover human remains outside of a dedicated cemetery. In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the mitigation measure below shall be implemented immediately.

(d.1) In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. . If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and

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disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.

FINDING: Although the project has the potential to create significant impacts to sub-surface cultural or historic resources, or disturb human remains located outside of a designated cemetery, the incorporation of the required mitigation measures will reduce the impacts to a less than significant level. Established thresholds of significance will not be exceeded within the “Cultural Resources” category.

VI. GEOLOGY AND SOILS. <i>Would the project:</i>			
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:			✓
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			✓
ii) Strong seismic ground shaking?			✓
iii) Seismic-related ground failure, including liquefaction?			✓
iv) Landslides?			✓
b. Result in substantial soil erosion or the loss of topsoil?			✓
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial risks to life or property?			✓
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			✓

Discussion:

A substantial adverse effect on Geologic Resources would occur if the implementation of the project would:

- Allow substantial development of structures or features in areas susceptible to seismically induced hazards such as groundshaking, liquefaction, seiche, and/or slope failure where the risk to people and property resulting from earthquakes could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards;
- Allow substantial development in areas subject to landslides, slope failure, erosion, subsidence, settlement, and/or expansive soils where the risk to people and property resulting from such geologic hazards could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards; or

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- Allow substantial grading and construction activities in areas of known soil instability, steep slopes, or shallow depth to bedrock where such activities could result in accelerated erosion and sedimentation or exposure of people, property, and/or wildlife to hazardous conditions (e.g., blasting) that could not be mitigated through engineering and construction measures in accordance with regulations, codes, and professional standards.
- a) According to the Fault Activity Map of California and Adjacent Areas (Jennings, 1994) and the Peak Acceleration from Maximum Credible Earthquakes in California (CDMG, 1992), no active faults or Earthquake Fault Zones (Special Studies Zones) are located on the project site (*Geotechnical Engineering Study for NEC Highway 49 and Pleasant Valley Road Diamond Springs, California*. Youngdahl Consulting Group, Inc. May 2004). The nearest mapped active fault to the site is the North Tahoe Fault located about 48 miles to the east-northeast. According to the CDMG Open File Report 96-08, the site can probabilistically be expected to experience a peak horizontal ground acceleration of up to 0.2g during a 100-year design life. The impacts from fault ruptures, seismically induced ground shaking, or seismic ground failure or liquefaction are considered to be less than significant. Any potential impact caused by locating structures in the project area will be offset by the compliance with the Uniform Building Code earthquake standards. The project is not located in an area with significant topographic variation in slope. Therefore, the potential for mudslides or landslides is less than significant.
 - b) All grading activities shall comply with the El Dorado County Grading, Erosion, and Sediment Control Ordinance which will reduce any potential impacts to a less than significant level.
 - c) The soil on the project site is classified as Diamond Springs very fine sandy loam, nine to 15 percent slopes (DfC) and mixed alluvial (MpB) (*Soil Survey of El Dorado Area, California, 1974*). Diamond Springs soil has a permeability that is moderately slow, surface runoff that is medium, and a moderate erosion hazard (*Phase 1 Environmental Site Assessment for Diamond Springs Retail Highway 49 and Pleasant Valley Road Diamond Springs, El Dorado County, California*, Youngdahl Consulting Group, Inc. May 2004). Mixed alluvial land consists of small areas of recent mixed alluvium adjacent to stream channels. Permeability is moderately rapid to slow. This land type is moderately well drained to somewhat poorly drained. Surface runoff is slow to medium and the erosion hazard is moderate. Due to the relatively shallow depth to bedrock, the potential for site liquefaction is considered negligible (*Phase 1 Environmental Site Assessment for Diamond Springs Retail Highway 49 and Pleasant Valley Road Diamond Springs, El Dorado County, California*, Youngdahl Consulting Group, Inc. May 2004). All grading must be in compliance with the El Dorado County Grading, Erosion, and Sediment Control Ordinance which will reduce any potentially significant impact to a less than significant level.
 - d) According to the *Geotechnical Engineering Study for NEC Highway 49 and Pleasant Valley Road Diamond Springs, California*, “the materials encountered on the site are considered to be relatively non-expansive.” The study further states, “we do not anticipate that special design considerations pertaining to these materials will need to be addressed for the design or construction of the proposed improvements.” Based upon this information, the impact from expansive soils is less than significant.
 - e) No impacts to soils will occur as a result from septic disposal systems because the project proposes to connect to public sewer.

FINDING: No significant impacts will result from geological or seismological anomalies on the project site. The site does not contain expansive soils or other characteristics that will result in significant impacts. For the “Geology and Soils” category, established thresholds will not be exceeded by development of the project and no significant adverse environmental effects will result from the project.

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VII. HAZARDS AND HAZARDOUS MATERIALS. <i>Would the project:</i>			
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		✓	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		✓	
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?		✓	
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?		✓	
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?		✓	
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?		✓	
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?		✓	
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?		✓	

Discussion:

A substantial adverse effect due to Hazards or Hazardous Materials would occur if implementation of the project would:

- Expose people and property to hazards associated with the use, storage, transport, and disposal of hazardous materials where the risk of such exposure could not be reduced through implementation of Federal, State, and local laws and regulations;
 - Expose people and property to risks associated with wildland fires where such risks could not be reduced through implementation of proper fuel management techniques, buffers and landscape setbacks, structural design features, and emergency access; or
 - Expose people to safety hazards as a result of former on-site mining operations.
- a) The proper storage of any hazardous material or substances will limit exposure and the potential for explosion or spills. If explosives will be used for road and site construction, such activity would only occur in conformance with State and County applicable laws. In this case, the *El Dorado County Hazardous Waste Management Plan* serves as the implementation program for the management of any hazardous wastes in order to protect the health, safety, and property of residents in

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of a spill or leak of hazardous materials. This compliance will mitigate the potentially significant impact to a less than significant level. The applicant is also required to comply with applicable provisions of Title 49 Code of Federal Regulations Parts 100-185 and all amendments through September 30, 2001 (Hazardous Materials Regulations).

- b) No significant amount of hazardous materials will be utilized for the project. The project will not result in any reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- c) As proposed, the project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- d) The project site is not identified on any list compiled pursuant to California Government Code 65962.5 identifying any hazardous material sites in the project vicinity. A Phase I Environmental Assessment was conducted for the subject site. The study consisted of a review of environmental record sources, physical-setting sources, review of site-related documents, historical use information, and a site reconnaissance. This assessment has revealed no evidence of recognized environmental conditions in connection with the subject property (*Phase I Environmental Site Assessment for Diamond Springs Retail Highway 49 and Pleasant Valley Road Diamond Springs, El Dorado County, California*, Youngdahl Consulting Group, Inc. May 2004). As such, there will be a less than significant impact from hazardous material sites.
- e) *The San Francisco Sectional Aeronautical Chart*, last updated March 22, 2001, was reviewed and the project site is not located within two miles of a public airport. As such, the project is not subject to any land use limitations contained within any adopted Comprehensive Land Use Plan. There are less than significant impacts to the project site resulting from public airport operations and the over-flight of aircraft in the vicinity of the project.
- f) *The San Francisco Sectional Aeronautical Chart*, last updated March 22, 2001, was reviewed and the project site is not located within two miles of a privately owned airstrip. As such, there is no significant safety hazard resulting from private airport operations and aircraft overflights in the vicinity of the project site.
- g) The proposed project will not physically interfere with the implementation of the County adopted emergency response and/or evacuation plan for the County. This is based upon the location of the nearest fire station, availability of multiple access points to the project site, availability of water for fire suppression and provisions within the County emergency response plan. The County emergency response plan is located within the County Office of Emergency Services in the El Dorado County Government Center complex in Placerville.
- h) The Diamond Springs - El Dorado Fire Protection District reviewed the project proposal and stated that the project will not expose people to a significant risk of loss, injury or death involving wildland fires or wildland fires adjacent to or located in an urbanized area. Fire flow requirements and compliance will be determined by the District upon the submittal of building plans for a building permit (Scott Wylie, Assistant Fire Chief – Fire Marshall, Diamond Springs – El Dorado Fire Protection District, August 5, 2003).

FINDING: The proposed project will not expose people and property to hazards associated with the use, storage, transport and disposal of hazardous materials, and expose people and property to risks associated with wildland fires. All State and local regulations regarding the safe handling and storage of the fuel and products at the proposed gas station will reduce the impacts from hazardous materials or from spills. For this “Hazards and Hazardous Materials” category, the thresholds of significance will not be exceeded by the proposed project.

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VIII. HYDROLOGY AND WATER QUALITY. <i>Would the project:</i>			
a. Violate any water quality standards or waste discharge requirements?		✓	
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			✓
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or -off-site?			✓
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?		✓	
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		✓	
f. Otherwise substantially degrade water quality?			✓
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			✓
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			✓
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			✓
j. Inundation by seiche, tsunami, or mudflow?			✓

Discussion:

A substantial adverse effect on Hydrology and Water Quality would occur if the implementation of the project would:

- Expose residents to flood hazards by being located within the 100-year floodplain as defined by the Federal Emergency Management Agency;
- Cause substantial change in the rate and amount of surface runoff leaving the project site ultimately causing a substantial change in the amount of water in a stream, river or other waterway;
- Substantially interfere with groundwater recharge;
- Cause degradation of water quality (temperature, dissolved oxygen, turbidity and/or other typical stormwater pollutants) in the project area; or

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- Cause degradation of groundwater quality in the vicinity of the project site.

a) The applicant has submitted a preliminary drainage plan and erosion control plan, which has been reviewed by the Department of Transportation. The purpose of the erosion control program is to limit stormwater runoff and discharge from a site. The Regional Water Quality Control Board has established specific water quality objectives, and any project not meeting those objectives is required to apply for a Waste Discharge Permit. Compliance with the Erosion Control Plan will limit water runoff and discharge that would violate water quality standards or discharge requirements established by the Regional Water Quality Control Board. The project will be subject to obtaining a General Construction Activity Stormwater Permit (National Pollutant Discharge Elimination System [NPDES] Permit). Permit applicants are required to prepare and retain on the construction site, a Stormwater Pollution Prevention Plan that describes the site, erosion and sediment controls, means of waste control, implementation of local plans required by the Resource Conservation District, control of post-construction sediment and erosion control, and non-stormwater management controls.

In order to limit surface discharges containing grits, sediment, oils, greases, and other potentially non-soluble materials resulting from stormwater surface flows in the parking lot, the following mitigation measure is required:

(a.1) The applicant shall install catch basins and/or other surface drainage system Best Management Practice (BMP) surface water quality management systems within the proposed parking lot area to reduce storm water runoff water quality impacts. The property owner(s) shall be responsible for the maintenance of any installed catch basin or filter systems. As another BMP, the property owner shall perform parking lot sweeping prior to the first storm event of the season. The El Dorado County Department of Transportation shall review and approve all plans for catch basins, and other proposed BMP measures on the site prior to the issuance of a commercial grading permit.

b) There is no evidence that the project will substantially reduce or alter the quantity of groundwater in the vicinity, or materially interfere with groundwater recharge in the area of the proposed project. The proposed project will be required to connect to public water. According to the *Cultural Resources Overview for a Property in Diamond Springs El Dorado County, California*, “the site contains a spring that is no longer visible in the form reported by two Native American individuals who described it as a bubbling spring in the 1940s and 1950s. In documenting the wetlands for the proposed development project, it was necessary to dig down several feet below the ground to even reach wet sediments. The spring is no longer re-charged from the northwest of the site, as construction of the new section of SR 49 and the installation of drains associated with the roadway now collect and transport water to below the site.” The study further states, “the grading on the property to the east and northeast has affected the spring even further. The spring is drying up, and the associated habitat is also drying up at this time.” In a personal communication from Leonard Grado, 2003, contained within the cultural resources study, Peak & Associates, Inc. noted, “the spring will never appear again as a surface manifestation.”

c) There is no evidence that the grading and ground disturbances associated with the project will substantially alter the existing drainage patterns on or off the site. The *Grading Erosion and Sediment Control Ordinance* contains specific requirements that limit the impacts to a drainage system (Section 15.14.440 & Section 15.14.590). The standards apply to this project.

d & e)

In this case, the project will include grading activities on a small scale. The project site is proposed to have minor cuts and fill with a maximum slope orientation of 2H:1V (horizontal:vertical) (*Geotechnical Engineering Study for NEC Highway 49 and Pleasant Valley Road Diamond Springs, California*. Youngdahl Consulting Group, Inc. May 2004).

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As such, an Erosion Control Plan is required containing the following mitigation measures to reduce erosion and sediment discharge off the site to a less than significant level:

- (d/e.1) The applicant shall complete and submit an erosion control plan for review and approval to the El Dorado County Resource Conservation District and El Dorado County Department of Transportation prior to any grading or earth disturbance commencing on the project site.**
- (d/e.2) The erosion control plan shall contain a revegetation plan designed to stabilize all disturbed and graded areas, which will not otherwise be protected. All areas where grading has been completed between May 1 and October 15 of any calendar year shall be planted by November of that same year, unless otherwise recommended by the Soil Conservation Service. Grading completed from October 15 to May 1 shall be planted within 15 days of completion of the grading.**
- (d/e.3) The erosion control plan shall be designed to prevent increased discharge of sediment from the site at all stages of grading and development from the initial disturbance of the ground to project completion. Every feasible effort shall be made to ensure that site stabilization and erosion control implemented on the site are permanent.**
- (d/e.4) The erosion control plan shall provide for the inspection, cleaning and repair of all erosions and sediment control facilities at the close of each working day during all site grading and construction activities and during the rainy season following the completing of site grading.**
- (d/e.5) All stormwater and sediment containment systems included within the erosion control plan shall be designed by a Civil Engineer, Geotechnical Engineer, Engineering Geologist or other licensed professional involved in the preparation of a grading plan.**
- (d/e.6) A Civil Engineer shall verify the structural and hydraulic adequacy of all stormwater containment or conveyance facilities included in the erosion control plan and shall so attest by stamping the plans. Sufficient calculations and supporting materials to demonstrate the structural and hydraulic adequacy of all storm water containment or conveyance facilities shall accompany the submittal of the erosion control plan prior to any grading or earth disturbance on the property.**

Compliance with the erosion control plan and above mitigation measures will limit water runoff and discharge from the site that would violate Water Quality Standards or discharge requirements established by the Regional Water Quality Control Board.

The *Grading, Erosion and Sediment Control Ordinance* establishes that “no person shall do or permit to be done any grading which may obstruct, impede or interfere with the natural flow of storm waters, whether such waters are unconfined upon the surface of the land or confined within any land depressions or natural drainage ways, unimproved channels or watercourses, or improved ditches, channels or conduits, in such a manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition or cause accelerated erosion except where said grading is in accordance with all applicable laws including, but not limited to, these permit requirements” (Section 15.14.090). The applicant is required to demonstrate that post-development water flow form and off the site does not exceed pre-development flows.

- f) The project will not result in substantial degradation of water quality in either surface or sub-surface water bodies in the

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vicinity of the project area. All stormwater and sediment control methods contained in the *Grading, Erosion and Sediment Control Ordinance* must be met during all construction activities, as well as the required development of any permanent storm drainage facilities and erosion control measures on the project site.

g & h)

The Flood Insurance Rate Map (Panel 060040 0750B, October 18, 1983) for the project area establishes that the project site is not located within a mapped 100-year floodplain.

- i) The subject property within the Diamond Springs area is not located adjacent to or downstream from a dam or levee that has the potential to fail and inundate the project site with floodwaters.
- j) The potential for a seiche or tsunami is considered to be less than significant. Potential for a mudflow is also considered to be less than significant.

FINDING: As discussed above, the proposed project will be required to submit a commercial grading permit for review and approval by the Department of Transportation. The commercial grading permit is required to include provisions addressing erosion and sediment control. The inclusion of the mitigation measures referenced above will reduce on-site stormwater runoff water quality to a level of insignificance. No other additional significant hydrological impacts will result from development of the project. For the “Hydrology and Water Quality” section, it has been determined the project will not exceed the identified thresholds of significance and with the mitigation measures proposed, no significant adverse environmental effects will result from the project.

IX. LAND USE PLANNING. <i>Would the project:</i>			
a. Physically divide an established community?			✓
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?		✓	
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?		✓	

Discussion:

A substantial adverse effect on Land Use would occur if the implementation of the project would:

- Result in the conversion of Prime Farmland as defined by the State Department of Conservation;
- Result in conversion of land that either contains choice soils or which the County Agricultural Commission has identified as suitable for sustained grazing, provided that such lands were not assigned urban or other nonagricultural use in the Land Use Map;
- Result in conversion of undeveloped open space to more intensive land uses;
- Result in a use substantially incompatible with the existing surrounding land uses; or
- Conflict with adopted environmental plans, policies, and goals of the community.

a) The project will not result in the physical division of an established community.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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- b) As proposed and conditioned, the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan and is consistent with the development standards contained within the El Dorado County Zoning Ordinance.
- c) As discussed in Section IV Biological Resources, parts a and f, the U.S. Fish and Wildlife Service determined that the proposed action, the authorization of the fill of jurisdictional waters of the United States for the construction of the proposed 2-acre Diamond Springs Retail Center project, is not likely to adversely affect the federally threatened California red-legged frog (*Rana aurora draytonii*) pursuant to the Endangered Species Act of 1973, as amended. The U.S. Fish and Wildlife Service stated, “The 2-acre site, including the 0.08 acre of jurisdictional waters that will be affected as a result of the proposed action, has previously been degraded by onsite and surrounding urbanization and therefore does not support suitable California red-legged frog habitat” (Douglas Weinrich, Acting Chief, Endangered Species Division, July 18, 2003).

FINDING: For the “Land Use Planning” section, the project will not exceed the identified thresholds of significance.

X. MINERAL RESOURCES. <i>Would the project:</i>					
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓

Discussion:

A substantial adverse effect on Mineral Resources would occur if the implementation of the project would:

- Result in obstruction of access to, and extraction of mineral resources classified MRZ-2x, or result in land use compatibility conflicts with mineral extraction operations.
- a) The project site is not mapped as being within a Mineral Resource Zone (MRZ) by the State of California Division of Mines and Geology or in the El Dorado County General Plan.
- b) The Western portion of El Dorado County is divided into four, 15 minute quadrangles (Folsom, Placerville, Georgetown, and Auburn) mapped by the State of California Division of Mines and Geology showing the location of Mineral and Resource Zones (MRZ). Those areas which are designated MRZ-2a contain discovered mineral deposits that have been measured or indicate reserves calculated. Land in this category is considered to contain mineral resources of known economic importance to the County and/or State. Review of the mapped areas of the County indicates that the subject property does not contain any mineral resources of known local or statewide economic value.

FINDING: No impacts to any known mineral resources will occur as a result of the project. Therefore, no mitigation is required. In the “Mineral Resources” section, the project will not exceed the identified thresholds of significance.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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XI. NOISE. <i>Would the project result in:</i>			
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			✓
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	✓		
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?		✓	
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	✓		
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise level?		✓	
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?		✓	

Discussion:

A substantial adverse effect due to Noise would occur if the implementation of the project would:

- Result in short-term construction noise that creates noise exposures to surrounding noise sensitive land uses in excess of 60dBA CNEL;
- Result in long-term operational noise that creates noise exposures in excess of 60 dBA CNEL at the adjoining property line of a noise sensitive land use and the background noise level is increased by 3dBA, or more; or
- Results in noise levels inconsistent with the performance standards contained in Table 6-1 and Table 6-2 in the El Dorado County General Plan.

a & c)

The project will not result in a substantial increase in existing ambient noise levels in the project vicinity. The project will not generate noise levels exceeding the performance standards contained in Table 6-1 and Table 6-2 within the General Plan. The project site is located immediately adjacent to State Highway 49 and Pleasant Valley Road and is subjected to a high level of transportation related noise generated from the use of these roadways. The proposed project will not likely create noise that exceeds the existing transportation generated noise from State Highway 49 and Pleasant Valley Road.

b & d)

Persons adjacent to the project vicinity will not be subjected to long-term excessive ground borne noise or ground borne vibration as a result of project operation. However, persons adjacent to the project vicinity may be subjected to significant short-term ground borne noise and vibration as a result of grading and excavation during construction of the project.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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During grading, site preparation activities and actual project construction, noise levels will likely exceed permissible thresholds for short and sporadic durations. As such, there will be a potentially significant impact. The following mitigation measures are required to reduce the short-term noise impacts to a less than significant level:

- (b/d.1) Grading and construction activities on the site shall be limited to daylight hours from 7:00 a.m. and 7:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. Saturday. No construction or grading activities shall take place on Sundays or on Holidays.**
- (b/d.2) Only equipment with properly maintained mufflers shall be used during construction.**
- (b/d.3) Construction equipment shall not idle on the property (construction site) when not in active use. All compressors and other equipment will be located as far as possible from the northern and eastern property lines of the project parcel.**

- e) The proposed project is not located adjacent to or in the vicinity of a public airport and is not subject to any noise standards contained within a Comprehensive Land Use Plan. As such, the project will not be subjected to excessive noise from a public airport.
- f) The proposed project is not located adjacent to or in the vicinity of a private airstrip. As such, the project will not be subjected to excessive noise from a private airport.

FINDING: As mentioned above, project related short-term construction and related noise will be reduced through the inclusion of mitigation measures. For the “Noise” category, the thresholds of significance have not been exceeded and with the mitigation measures proposed, no significant adverse environmental effects will occur from the proposed development.

XII. POPULATION AND HOUSING. <i>Would the project:</i>				
a. Induce substantial population growth in an area, either directly (i.e., by proposing new homes and businesses) or indirectly (i.e., through extension of roads or other infrastructure)?			✓	
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

Discussion:

A substantial adverse effect on Population and Housing would occur if the implementation of the project would:

- Create substantial growth or concentration in population;
- Create a more substantial imbalance in the County’s current jobs to housing ratio; or
- Conflict with adopted goals and policies set forth in applicable planning documents.

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- a) The proposed project has been determined to have a minimal growth-inducing impact as the project does not include any proposal to extend, or expand infrastructure or roads, and does not include any school or large scale employment opportunities that lead to indirect growth. No residential development is proposed as part of the project.
- b. No substantial numbers of existing housing stock will be displaced by the proposed project.
- c) No substantial numbers of people will be displaced necessitating the construction of replacement housing elsewhere.

FINDING: The project will not displace any existing or proposed housing. The project will not directly or indirectly induce significant growth by extending or expanding infrastructure to support such growth. For the “Population and Housing” section, the thresholds of significance have not been exceeded and no significant environmental impacts will result from the project.

XIII. PUBLIC SERVICES. <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
a. Fire protection?			✓	
b. Police protection?			✓	
c. Schools?			✓	
d. Parks?			✓	
e. Other government services?			✓	

Discussion:

A substantial adverse effect on Public Services would occur if the implementation of the project would:

- Substantially increase or expand the demand for fire protection and emergency medical services without increasing staffing and equipment to meet the Department’s/District’s goal of 1.5 firefighters per 1,000 residents and 2 firefighters per 1,000 residents, respectively;
- Substantially increase or expand the demand for public law enforcement protection without increasing staffing and equipment to maintain the Sheriff’s Department goal of one sworn officer per 1,000 residents;
- Substantially increase the public school student population exceeding current school capacity without also including provisions to adequately accommodate the increased demand in services;
- Place a demand for library services in excess of available resources;
- Substantially increase the local population without dedicating a minimum of 5 acres of developed parklands for every 1,000 residents; or
- Be inconsistent with County adopted goals, objectives or policies.

- a) **Fire Protection:** The Diamond Springs – El Dorado Fire Protection District currently provides fire protection services to the project area. Development of the project would result in a minor increase in the demand for fire protection services, but would not prevent the Fire District from meeting its response times for the project or its designated service area. The Diamond Springs – El Dorado Fire Protection District will review the site plan for the project and determine which

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modifications are required, if any, in order to reduce impacts on fire service to a less than significant level prior to the issuance of a building permit.

- b) **Police Protection:** The project site will be served by the El Dorado County Sheriff’s Department with a response time depending on the location of the nearest patrol vehicle. The minimum Sheriff’s Department service standard is an 8-minute response to 80% of the population within Community Regions. No specific minimum level of service or response time was established for Rural Centers and Rural Regions. The Sheriff’s Department stated goal is to achieve a ratio of one sworn officer per 1,000 residents. The addition of the proposed commercial structures will not significantly impact current response times to the project area.
- c) **Schools:** The project site is located within the Mother Lode School District. The affected school district was contacted as part of the initial consultation process and no specific comments or mitigation measures were received.
- d) **Parks:** The proposed project will not substantially increase the local population necessitating the development of new park facilities. Section 16.12.090 of County Code establishes the method to calculate the required amount of land for dedication for parkland, or the in-lieu fee amount for residential projects. Provisions to provide parkland or the payment of an in-lieu fee are not included as the project is a commercial project.
- e) No other public facilities or services will be substantially impacted by the project.

FINDING: Adequate public services are available to serve the project. Therefore, there is no potential for a significant impact due to the development of the subject parcel, either directly or indirectly. No significant public service impacts are expected. For this “Public Services” category, the thresholds of significance have not been exceeded.

XIV. RECREATION.			
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			✓
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			✓

Discussion:

A substantial adverse effect on Recreational Resources would occur if the implementation of the project would:

- Substantially increase the local population without dedicating a minimum of 5 acres of developed parklands for every 1,000 residents; or
 - Substantially increase the use of neighborhood or regional parks in the area such that substantial physical deterioration of the facility would occur.
- a) Because the project’s use is commercial rather than residential in nature, it will not substantially increase the use of neighborhood or regional parks in the area such that substantial physical deterioration of the facility would occur.

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b) The project proposal does not include the provision of on-site recreation facilities, nor does it require the construction of new facilities or expansion of existing recreation facilities.

FINDING: No impacts to recreation or open space will result from the project. For this “Recreation” section, the thresholds of significance have not been exceeded.

XV. TRANSPORTATION/TRAFFIC. <i>Would the project:</i>			
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			✓
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			✓
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			✓
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✓
e. Result in inadequate emergency access?			✓
f. Result in inadequate parking capacity?			✓
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			✓

Discussion:

A substantial adverse effect on Traffic would occur if the implementation of the project would:

- Result in an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system;
- Generate traffic volumes which cause violations of adopted level of service standards (project and cumulative); or
- Result in, or worsen, Level of Service “F” traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county as a result of a residential development project of 5 or more units.

a & b)

A traffic impact analysis was prepared by kdANDERSON Transportation Engineers on July 23, 2004 and later revised on June 7, 2005 for the proposed project. The project, as proposed, is expected to generate a total of 2,473 daily trips (*Traffic Impact Analysis for the Diamond Springs Retail Center State Route 49/Pleasant Valley Road, El Dorado County, California*, kdANDERSON Transportation Engineers, July 23, 2004 and revised June 7, 2005). The study concluded that the adjacent public roadways are operating at an acceptable level of service and that the project will not

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result in any level of service (LOS) lower than LOS C. All anticipated project related roadway impacts are fully mitigated by payment of the applicable transportation impact fees.

- c) The project will not result in a major change in established air traffic patterns for publicly or privately operated airports or landing field in the project vicinity.
- d) Three access driveways will be provided for the site: one to State Highway 49; one to Pleasant Valley Road and one to the frontage road to the north of the site. State Highway 49 access is subject to the issuance of an encroachment permit from the California Department of Transportation (Caltrans). In addition to the level of service analysis conducted, a queuing analysis was also completed for each of the driveway accesses to determine the number of vehicles that could be queued entering and exiting the site. According to the analysis, “the queues at this location show that only one vehicle is expected to queue for traffic entering or exiting the site at each of the project access intersections” (*Traffic Impact Analysis for the Diamond Springs Retail Center State Route 49/Pleasant Valley Road, El Dorado County, California*, kdANDERSON Transportation Engineers, July 23, 2004 and revised June 7, 2005). Minimal waiting is expected along either State Route 49 or Pleasant Valley Road, as the vehicle queue is less than one vehicle. As requested by Caltrans, site egress to State Highway 49 will be restricted to “right turns only” through project signage and the construction of a raised median from the intersection of State Highway 49 and Pleasant Valley Road to approximately 85 feet from the proposed exit point onto State Highway 49. Caltrans, the El Dorado County Department of Transportation and the Diamond Springs – El Dorado Fire Protection District reviewed the site plan and had no further concerns or suggested revisions. The proposed project does not include any design features, such as sharp curves or dangerous intersections, or incompatible uses that will substantially increase hazards. No traffic hazards will result from the project design.
- e) As indicated on the project site plan, the project will provide adequate emergency access to the proposed retail center.
- f) The submitted site plan was reviewed to verify compliance with on-site parking requirements within the Zoning Ordinance. Section 17.18.060 of the Zoning Ordinance lists the parking requirements by use. Parking requirements for retail use (general merchandising not in a shopping center) are one space per 300 square feet of gross floor area. Parking requirements for fast food (with drive-up/drive through windows) are one space per three fixed seats or equivalent occupancy plus three spaces per drive-up window. The proposed project includes 7,456 square feet of retail space and a 1,200 square foot fast food restaurant with no drive-up/drive-through window with approximately 40 fixed seats. Utilizing the parking standards discussed above, the project requires a minimum of 38 parking spaces. As submitted, the site plan indicates a total of 50 parking spaces, three of which are identified as van accessible handicapped parking spaces. Ten parking spaces are identified as compact parking spaces and the required recreational vehicle space is also shown on the submitted site plan. As proposed, the project meets the minimum parking requirements for retail and fast food restaurant uses.
- g) The proposed project does not conflict with the adopted General Plan policies, and adopted plans, or programs supporting alternative transportation.

FINDING: No significant traffic impacts are expected for the retail center and mitigation is not required. For the “Transportation/Traffic” category, the identified thresholds of significance have not been exceeded.

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XVI. UTILITIES AND SERVICE SYSTEMS. <i>Would the project:</i>			
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			✓
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		✓	
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?		✓	
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			✓
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			✓
g. Comply with federal, state, and local statutes and regulations related to solid waste?			✓

Discussion:

A substantial adverse effect on Utilities and Service Systems would occur if the implementation of the project would:

- Breach published national, state, or local standards relating to solid waste or litter control;
- Substantially increase the demand for potable water in excess of available supplies or distribution capacity without also including provisions to adequately accommodate the increased demand, or is unable to provide an adequate on-site water supply, including treatment, storage and distribution;
- Substantially increase the demand for the public collection, treatment, and disposal of wastewater without also including provisions to adequately accommodate the increased demand, or is unable to provide for adequate on-site wastewater system; or
- Result in demand for expansion of power or telecommunications service facilities without also including provisions to adequately accommodate the increased or expanded demand.

a & b)

The El Dorado Irrigation District will serve the subject property and provide wastewater disposal. No new water or wastewater treatment plants are proposed or are required as a result of the project.

c) On-site stormwater drainage facilities are required on-site so as to reduce runoff to discharge levels that do not exceed site discharge levels, which existed prior to development of the site. The following mitigation measure addresses the potentially significant impact resulting from storm water runoff:

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(c.1) The applicant shall install catch basins and/or other surface drainage system Best Management Practice (BMP) surface water quality management systems within the proposed parking lot area to reduce storm water runoff water quality impacts. The property owner(s) shall be responsible for the maintenance of any installed catch basin or filter systems. As another BMP, the property owner shall perform parking lot sweeping prior to the first storm event of the season. The El Dorado County Department of Transportation shall review and approve all plans for catch basins, and other proposed BMP measures on the site prior to the issuance of a commercial grading permit.

d) The El Dorado Irrigation District (EID) will provide potable water to the project. In the Facility Improvement Letter provided by the applicant, EID states that “an eight-inch water line exists on the eastern property line of the project location in State Highway 49” (El Dorado Irrigation District Facility Improvement Letter, February 24, 2005). In order to provide adequate fire flow and receive service, the applicant will construct a water line extension connecting to the existing eight-inch water line on the east boundary of the project site. EID operates on a first come, first serve policy (Regulation No.2). The following mitigation measure will reduce any potential water service impacts to a less than significant level:

(d.1) Prior to final building occupancy, the applicant shall execute an Extension of Facilities Agreement with the El Dorado Irrigation District to provide water service for the subject site.

e) In the Facility Improvement Letter provided by the applicant, EID states that there is “a six-inch sewer line abutting the eastern property line in State Highway 49 and a six-inch sewer line in Main Street” (El Dorado Irrigation District Facility Improvement Letter, February 24, 2005). These sewer lines have adequate capacity at this time to serve the project’s wastewater needs. The existing sewer treatment plant also has adequate capacity.

f) In December of 1996, direct public disposal into the Union Mine Disposal Site was discontinued and the Material Recovery Facility / Transfer Station was opened. Only certain inert waste materials (e.g., concrete, asphalt, etc.) may be dumped at the Union Mine Waste Disposal Site. All other materials that cannot be recycled are exported to the Lockwood Regional Landfill near Sparks, Nevada. In 1997, El Dorado County signed a 30-year contract with the Lockwood Landfill Facility for continued waste disposal services. The Lockwood Landfill has a remaining capacity of 43 million tons over the 655-acre site. Approximately six million tons of waste was deposited between 1979 and 1993. This equates to approximately 46,000 tons of waste per year for this period. This facility has more than sufficient capacity to serve the County for the next 30 years.

g) County Ordinance No. 4319 requires that new development provide areas for adequate, accessible, and convenient storing, collecting, and loading of solid waste and recyclables. For multi-family, commercial and industrial development some on-site separation of materials is required and areas are required to be set aside for the storage of solid waste in accordance with Ordinance No. 4319. Adequate trash enclosures are shown on the applicant’s submitted site plan.

FINDING: With the incorporation of the proposed mitigation measures discussed above, no significant impacts will result to utility and service systems from development of the project. For the “Utilities and Service Systems” section, the thresholds of significance have not been exceeded and no significant environmental effects will result from the project.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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XVII. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:			
a. Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?			✓
b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			✓
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			✓

Discussion:

- a) There is no substantial evidence contained in the whole record that the project will have the potential to degrade the quality of the environment. The project does not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of California history or pre-history. Any impacts from the project will be less than significant due to existing standards, mitigation measures and requirements imposed in the conditioning of the project.
- b) Cumulative impacts are defined in Section 15355 of the California Environmental Quality Act (CEQA) Guidelines as “two or more individual effects, which when considered together, are considerable or which compound or increase other environmental impacts.” Based on the analysis in this initial study, it has been determined that the project will not result in cumulative impacts.
- c) Based upon the discussion contained in this document, it has been determined that the project will not have any environmental effects which cause substantial adverse effects on human beings, either directly or indirectly. Project mitigation has been incorporated into the project to reduce all potential impacts to a less than significant level. Mitigation measures have been designed to address aesthetics, air quality, biological resources, cultural resource, hazards and hazardous materials, hydrology/water quality, noise, and utilities/service systems.

SUPPORTING INFORMATION SOURCE LIST

The following documents are available at El Dorado County Development Services Department, Planning Services in Placerville:

2004 El Dorado County General Plan A Plan for Managed Growth and Open Roads; A Plan for Quality Neighborhoods and Traffic Relief. Adopted July 19, 2004.

El Dorado County General Plan Draft Environmental Impact Report
Volume I - Comments on Draft Environmental Impact Report
Volume II - Response to Comment on DEIR
Volume III - Comments on Supplement to DEIR
Volume IV - Responses to Comments on Supplement to DEIR
Volume V - Appendices

El Dorado County General Plan - Volume I - Goals, Objectives, and Policies

El Dorado County General Plan - Volume II - Background Information

Findings of Fact of the El Dorado County Board of Supervisors for the General Plan

El Dorado County Zoning Ordinance (Title 17 - County Code)

County of El Dorado Drainage Manual (Resolution No. 67-97, Adopted March 14, 1995)

County of El Dorado Grading, Erosion and Sediment Control Ordinance (Ordinance No. 3883, amended Ordinance Nos. 4061, 4167, 4170)

El Dorado County Design and Improvement Standards

El Dorado County Subdivision Ordinances (Title 16 - County Code)

Soil Survey of El Dorado Area, California

California Environmental Quality Act (CEQA) Statutes (Public Resources Code Section 21000, et seq.)

Title 14, California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (Section 15000, et seq.)

PROJECT SPECIFIC REPORTS AND SUPPORTING INFORMATION

Cultural Resources Overview for a Property in Diamond Springs El Dorado County, California. Peak & Associates, Inc. December 19, 2003.

El Dorado Irrigation District Facility Improvement Letter. Brian L. Cooper, P.E., Senior Engineer, Development Services. February 24, 2005.

Fire Flow Requirements for APN: 054-342-19. Scott Wylie, Assistant Fire Chief – Fire Marshall, Diamond Springs – El Dorado Fire Protection District. August 5, 2003.

Geotechnical Engineering Study for NEC Highway 49 and Pleasant Valley Road Diamond Springs, California. Youngdahl Consulting Group, Inc. May 2004.

Informal Endangered Species Consultation on the Diamond Springs Retail Development Project, Diamond Springs, El Dorado County, California. Douglas Weinrich, Acting Chief, Endangered Species Division, United States Department of the Interior, Fish and Wildlife Service. July 18, 2003.

Phase 1 Environmental Site Assessment for Diamond Springs Retail Highway 49 and Pleasant Valley Road Diamond Springs, El Dorado County, California, Youngdahl Consulting Group, Inc. May 2004.

Regulatory Branch Response Letter (200300224). Nancy A. Haley, Chief, San Joaquin Valley Office, U.S. Army Corps of Engineers. November 1, 2004.

Traffic Impact Analysis for the Diamond Springs Retail Center State Route 49/Pleasant Valley Road, El Dorado County, California, kdANDERSON Transportation Engineers, July 23, 2004 and revised June 7, 2005.

URBEMIS 2002 Air Quality Analysis for the Proposed Diamond Springs Retail Center. North Fork Associates. January 2005.

Wetland Delineation for the ±1.8 acre Diamond Springs Property, El Dorado County, California. North Fork Associates. April 7, 2003 and revised April 14, 2005.

MITIGATION MEASURES AND MONITORING			
Impact	Mitigation Measure	Responsible Agency	Time Frame
<i>Aesthetics/ Lighting</i>	<i>Parking lot and any outdoor security lighting shall be side and top shielded to prevent any light or glare from leaking onto adjacent properties or roadways (street lights for illumination of public roads are excluded from this provision).</i>	<i>Development Services Dept.</i>	<i>Prior to Approval of Building Permits</i>
<i>Aesthetics/ Lighting</i>	<i>External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.</i>	<i>Development Services Dept.</i>	<i>Prior to Approval of Building Permits</i>
<i>Aesthetics/ Lighting</i>	<i>No outdoor floodlights shall project above 20° below the horizontal plan.</i>	<i>Development Services Dept.</i>	<i>Prior to Approval of Building Permits</i>
<i>Aesthetics/ Lighting</i>	<i>Parking lot standards (poles) shall not exceed twenty-five feet in height above grade.</i>	<i>Development Services Dept.</i>	<i>Prior to Approval of Building Permits</i>
<i>Aesthetics/ Lighting</i>	<i>All lighting under the gas station canopy shall be recessed and shall not protrude beyond the bottom surface to be illuminated.</i>	<i>Development Services Dept.</i>	<i>Prior to Approval of Building Permits</i>
<i>Aesthetics/ Lighting</i>	<i>All lighting shall be fully shielded pursuant to IESNA full cut-off designation.</i>	<i>Development Services Dept.</i>	<i>Prior to Approval of Building Permits</i>
<i>Air Quality</i>	<i>The proposed project shall comply with all applicable National, State, and local rules and regulations pertaining to TACs and gasoline stations, specifically Rule IX, Section A relating to benzene emissions.</i>	<i>Air Quality Management District</i>	<i>Prior to Approval of Building Permits</i>
<i>Air Quality</i>	<i>A health risk assessment shall be prepared for point sources that have the potential to emit toxic air contaminants. Resultant health risks from toxic air contaminants shall not exceed the State of California thresholds for cancer and non-cancer risks.</i>	<i>Air Quality Management District</i>	<i>Prior to Approval of Building Permits</i>
<i>Air Quality</i>	<i>Water exposed areas at least two times daily.</i>	<i>Air Quality Management District</i>	<i>During Grading and Construction activities on site</i>

MITIGATION MEASURES AND MONITORING			
<i>Air Quality</i>	<i>Cover all soil stockpiles with tarps.</i>	<i>Air Quality Management District</i>	<i>During Grading and Construction activities on site</i>
<i>Air Quality</i>	<i>Water haul routes at least two times daily.</i>	<i>Air Quality Management District</i>	<i>During Grading and Construction activities on site</i>
<i>Air Quality</i>	<i>Reduce speeds on unpaved roads to 15 mph or less.</i>	<i>Air Quality Management District</i>	<i>During Grading and Construction activities on site</i>
<i>Air Quality</i>	<i>Require the prime contractor to provide an approved plan demonstrating that heavy-duty equipment (50 horsepower or greater) will achieve, at a minimum, a fleet-averaged 20 percent reduction in NOx compared to the most California Air Resources Board fleet average. Successful implementation of this measure requires the prime contractor to submit a comprehensive inventory of all the heavy-duty off-road construction equipment that will be used an aggregate of 40 or more hours during the construction project. Usually the inventory includes the horsepower rating, engine production year, and hours of use or fuel throughput for each unit of equipment. In addition, the inventory list is updated and submitted monthly throughout the duration of construction activity.</i>	<i>Air Quality Management District</i>	<i>Prior to Approval of Building Permits</i>
<i>Air Quality</i>	<i>Maintain all construction equipment according to manufacturer's recommendations.</i>	<i>Air Quality Management District</i>	<i>During Grading and Construction activities on site</i>
<i>Air Quality</i>	<i>Clean earth moving equipment with water once daily.</i>	<i>Air Quality Management District</i>	<i>During Grading and Construction activities on site</i>
<i>Air Quality</i>	<i>Wet broom or wash streets if silt is carried over to adjacent public thoroughfares.</i>	<i>Air Quality Management District</i>	<i>During Grading and Construction activities on site</i>
<i>Air Quality</i>	<i>Suspend all grading operations when wind speeds (as instantaneous gusts) exceed 25 miles per hour.</i>	<i>Air Quality Management District</i>	<i>During Grading and Construction activities on site</i>
<i>Air Quality</i>	<i>Minimize construction equipment idling time to 10 minutes.</i>	<i>Air Quality Management District</i>	<i>During Grading and Construction activities on site</i>

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<i>Air Quality</i>	<i>Employ construction activity management techniques, such as: extending the construction period outside the ozone season of May through October; reducing or eliminating construction hours on designated Spare the Air days; reducing the number of pieces used simultaneously; increasing the distance between emission sources; reducing or changing the hours of construction; and scheduling activity during off- peak hours.</i>	<i>Air Quality Management District</i>	<i>During Grading and Construction activities on site</i>
<i>Air Quality</i>	<i>Provide a flag person to guide traffic properly and ensure the safety at construction sites.</i>	<i>Air Quality Management District</i>	<i>During Grading and Construction activities on site</i>
<i>Air Quality</i>	<i>Schedule operations that may result in general traffic congestion for off-peak hours.</i>	<i>Air Quality Management District</i>	<i>During Grading and Construction activities on site</i>
<i>Air Quality</i>	<i>District Rule 223, which addresses the regulation and mitigation measures for fugitive dust emissions, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 403 of the South Coast Air Quality Management District. A fugitive dust prevention and control plan and contingent asbestos hazard dust mitigation plan shall be submitted to and approved by the Air Pollution Control District prior to the start of project construction.</i>	<i>Air Quality Management District</i>	<i>Prior to Approval of Building Permits</i>
<i>Air Quality</i>	<i>Burning of wastes that result from “Land Development Clearing” must be permitted through the District. Only vegetative waste material may be disposed of using an open outdoor fire. (Rule 300)</i>	<i>Air Quality Management District</i>	<i>During Grading and Construction activities on site</i>
<i>Air Quality</i>	<i>Project construction involving the application of architectural coating shall adhere to District Rule 215 regarding Architectural Coatings.</i>	<i>Air Quality Management District</i>	<i>During Grading and Construction activities on site</i>
<i>Air Quality</i>	<i>Prior to construction/installation of any new point source emission units or non-permitted emission units (i.e. gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagrams(s), equipment specifications and emission factors.</i>	<i>Air Quality Management District</i>	<i>Prior to Approval of Building Permits</i>
<i>Air Quality</i>	<i>Project construction may involve road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials and county ordinance concerning asbestos dust.</i>	<i>Air Quality Management District</i>	<i>During Grading and Construction activities on site</i>
<i>Biological Resources</i>	<i>Prior to building permit issuance, the applicant shall obtain a Nationwide Permit Number 39 for the proposed activity from the U.S. Army Corps of Engineers to include: 1) to document pre and post-project construction conditions, the applicant shall submit pre-construction photos of the project site</i>	<i>U.S. Army Corps of Engineers /Development</i>	<i>Prior to Final Building Occupancy</i>

MITIGATION MEASURES AND MONITORING			
	<p><i>prior to project implementation and post- construction photos of the project site within 30 days after project completion; 2) to ensure the project complies with the Federal Endangered Species Act, the applicant must implement all of the mitigating measures identified in the Fish and Wildlife Service letter of concurrence dated July 18, 2003; 3) to mitigate for the loss of 0.14 acres of waters of the United States, the applicant shall purchase 0.11 credits of seasonal wetlands and 0.03 acres of open water intermittent drainage at a Corps approved wetland mitigation bank. The selected mitigation bank shall include the area of the permitted project within its service area. Evidence of this purchase shall be provided to the U.S. Army Corps of Engineers prior to proceeding with any activity otherwise authorized by this permit; 4) A signed Compliance Certification form shall be submitted by the applicant to the U.S. Army Corps of Engineers within 30 days after completion of the authorized work.</i></p>	<p><i>Services Dept.</i></p>	
<p><i>Cultural Resources</i></p>	<p><i>In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.</i></p>	<p><i>Department of Transportation</i></p>	<p><i>During Project Grading/ Construction</i></p>
<p><i>Cultural Resources</i></p>	<p><i>In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.</i></p>	<p><i>Department of Transportation</i></p>	<p><i>During Project Grading/ Construction</i></p>
<p><i>Hydrology/Water Quality</i></p>	<p><i>The applicant shall complete and submit an erosion control plan for review and approval to the El Dorado County Resource Conservation District and El Dorado County Department of Transportation prior to any grading or earth disturbance commencing on the project site.</i></p>	<p><i>El Dorado County Resource Conservation District / Department of Transportation</i></p>	<p><i>Prior to Approval of Building Permits</i></p>
<p><i>Hydrology/Water Quality</i></p>	<p><i>The erosion control plan shall contain a revegetation plan designed to stabilize all disturbed and graded areas, which will not otherwise be protected. All areas where grading has been completed between May 1 and October 15 of any calendar year shall be planted by November of that same year, unless otherwise recommended by the Soil Conservation Service. Grading completed from October 15 to May 1 shall be planted within 15 days of completion of the grading.</i></p>	<p><i>El Dorado County Resource Conservation District</i></p>	<p><i>During Project Grading/ Construction</i></p>

MITIGATION MEASURES AND MONITORING			
Hydrology/Water Quality	<i>The erosion control plan shall be designed to prevent increased discharge of sediment from the site at all stages of grading and development from the initial disturbance of the ground to project completion. Every feasible effort shall be made to ensure that site stabilization and erosion control implemented on the site are permanent.</i>	El Dorado County Resource Conservation District	During Project Grading/ Construction
Hydrology/Water Quality	<i>The erosion control plan shall provide for the inspection, cleaning and repair of all erosions and sediment control facilities at the close of each working day during all site grading and construction activities and during the rainy season following the completing of site grading.</i>	El Dorado County Resource Conservation District	During Project Grading/ Construction
Hydrology/Water Quality	<i>All stormwater and sediment containment systems included within the erosion control plan shall be designed by a Civil Engineer, Geotechnical Engineer, Engineering Geologist or other licensed professional involved in the preparation of a grading plan.</i>	El Dorado County Department of Transportation	Prior to Grading Permit Approval
Hydrology/Water Quality	<i>A Civil Engineer shall verify the structural and hydraulic adequacy of all stormwater containment or conveyance facilities included in the erosion control plan and shall so attest by stamping the plans. Sufficient calculations and supporting materials to demonstrate the structural and hydraulic adequacy of all storm water containment or conveyance facilities shall accompany the submittal of the erosion control plan prior to any grading or earth disturbance on the property</i>	El Dorado County Resource Conservation District / Department of Transportation	Prior to Grading Permit Approval
Noise	<i>Grading and construction activities on the site shall be limited to daylight hours from 7:00 a.m. to 7:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. Saturday. No construction or grading activities shall take place on Sundays or holidays.</i>	El Dorado County Department of Transportation	During Project Grading/ Construction
Noise	<i>Only equipment with properly maintained mufflers shall be used during construction.</i>	Air Quality Management District	During Project Grading/ Construction
Noise	<i>Construction equipment shall not idle on the property (construction site) when not in active use. All compressors and other equipment will be located as far as possible from the northern and eastern property lines of the project parcel.</i>	Air Quality Management District	During Project Grading/ Construction
Utilities/Service Systems	<i>The applicant shall install catch basins and/or other surface drainage system Best Management Practice (BMP) surface water quality management systems within the proposed parking lot area to reduce storm water runoff water quality impacts. The property owner(s) shall be responsible for the maintenance of any installed catch basin or filter systems. As another BMP, the property owner(s)</i>	El Dorado County Department of	During Project Operation

MITIGATION MEASURES AND MONITORING			
	<i>shall perform parking lot sweeping prior to the first storm event of the season. The El Dorado County Department of Transportation shall review and approve all plans for catch basins and other proposed</i>	<i>Transportation</i>	
<i>Utilities/Service Systems</i>	<i>Prior to final building occupancy, the applicant shall execute an extension of facilities agreement with the El Dorado Irrigation District to provide water service for the subject site.</i>	<i>El Dorado Irrigation District / Development Services Dept.</i>	<i>Prior to Final Building Occupancy</i>

Mitigation Measure Agreement for DR05-0005 Diamond Springs Retail Center

As the applicant, owner, or their legal agent, I hereby agree to amend the above named project by incorporating all required mitigation measures, as identified in the related Environmental Checklist, which are necessary in order to avoid or reduce any potentially significant environmental effects to a point where clearly no significant adverse impacts would occur as a result of project implementation.

I understand that by agreeing to amend the proposed project through incorporation of the identified mitigation measures, or substantially similar measures, all potentially adverse environmental impacts will be reduced to an acceptable level and a "Proposed Negative Declaration" will be prepared and circulated in accordance with County procedures for implementing the California Environmental Quality Act (CEQA). I also understand that additional mitigation measures may be required following the review of the "Proposed Negative Declaration" by the public, affected agencies, and by the applicable advisory and final decision making bodies.

I understand the required mitigation measures incorporated into the project will be subject to the El Dorado County Mitigation Monitoring program adopted in conjunction with the Negative Declaration, and that I will be subject to fees for the planning staff time to monitor compliance with the mitigation measures.

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

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

El Dorado County Planning Services
Jason R. Hade AICP, Senior Planner

Signature of Applicant / Owner / Agent:

By _____

Print Name and address below

Print Name and title above

