

# **CONDITIONS OF APPROVAL & MITIGATION MONITORING AND REPORTING PROGRAM**

Use Permit UP-24;4-3 Pine Groovin' Coffee

**APPLICANT:** Brandon Orlando

**PHONE:** (209) 915-3456

**ADDRESS:** 19474 State Highway 88, Pine Grove, CA 95665

**EMAIL:** brandonorlando80@yahoo.com

**PROJECT LOCATION:** 19474 Carson Pass Highway 88, Pine Grove, CA 95665 (APN: 030-170-029)

**PROJECT DESCRIPTION:** UP-24; 4-3 Pine Groovin' Coffee, request for a Use Permit for a drive-through exclusive restaurant in the C1, Retail Commercial and Office zoning district.

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**PLANNING COMMISSION APPROVAL DATE:**

**NOTICE OF DETERMINATION DATE:**

NOTE A: It is suggested the project applicant contact the Environmental Health, Public Works, and Planning Departments and any other agencies involved prior to commencing these requirements. Improvement work shall not begin prior to the review and submission of the plans and the issuance of any applicable permits by the responsible County Department(s). The Inspector must have a minimum of 48 hours' notice prior to the start of any construction.

NOTE B: Information concerning this project can be obtained through the Amador County Planning Department, 810 Court Street, Jackson, CA 95642 (209) 223-6380.

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## **CONDITIONS OF APPROVAL**

1. **Applicant** shall submit signed conditions to the Planning Department. The issuance of this Use Permit is expressly conditioned upon the permittee's compliance with all the provisions contained herein. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
2. **Fish And Wildlife Fees:** No permits shall be issued, fees paid, or activity commence, as they relate to this project, until such time as the Permittee has provided the Planning Department with the Department of Fish and Wildlife Filing Fee for a Notice of Determination or a Certificate of Fee Exemption from Fish and Wildlife. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
3. **Building Permits:** The permittee shall acquire all necessary building permits for all facilities and any related equipment. Construction and location shall be substantially the same as submitted plans and as stated in the approved project description. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION IN CONJUNCTION WITH THE BUILDING DEPARTMENT.
4. **Waste Disposal:** The permittee must maintain solid waste disposal service sufficient to serve the intended use. THE WASTE MANAGEMENT DEPARTMENT SHALL MONITOR THIS CONDITION.
5. **Encroachment Permits:** If any future project activities encroach into Caltrans Right of Way, the project proponent must submit an application for an Encroachment Permit to the Caltrans District 10 Encroachment Permit Office. CALTRANS OR THE AMADOR COUNTY TRANSPORTATION AND PUBLIC WORKS DEPARTMENT SHALL MONITOR THIS CONDITION.

6. **Hazardous Materials Upset and Release:** The applicant shall always be in full compliance with the regulatory standards of the Unified Program regarding hazardous materials business plan requirements, hazardous waste generation, treatment or storage, aboveground petroleum storage, and underground tanks. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.
7. **Food Facility Permit:** The applicant shall acquire and maintain an active Food Facility Permit through the Amador County Environmental Health Department. When submitting the application, three copies of the completed food facility plan and a completed food facility application shall be submitted to the Environmental Health Department. The submittal shall include the required plan review fee and annual permit fees. Additionally, a list of proposed menu items must be provided to facilitate the assessment of any specific facility requirements. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.

### **MITIGATION MONITORING AND REPORTING PROGRAM**

8. **AES-1 Commercial Light and Glare:** Any lighting installations must be compliant with County regulations, and be conditioned to incorporate measures to reduce light and reflectance pursuant to Amador County General Plan Mitigation Measure 4.1-4. This includes measures to reduce light and reflectance including limitation of all installed lighting with this project to full-cutoff, fully-shielded fixtures directed downwards with color correlative temperature (CCT) less than or equal to 3000K. Motion sensors and automatic shutoffs shall be used to limit all lighting fixtures in use after facility is closed to the public or after 10:00 p.m. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
9. **AIR-1 Air Quality Best Management Practices (BMPs):** Permittee shall meet requirements that may be deemed necessary by the Air District based upon site conditions and operations. The project shall require that idling times for construction equipment and vehicles be limited to a maximum of 5 minutes to reduce operational emissions of criteria pollutants per General Plan Mitigation Measure 4.3-2a. THE AMADOR AIR DISTRICT SHALL MONITOR THIS REQUIREMENT.
10. **BIO-1 Special-Status Species – Animals:** Special-status animal species should be avoided to the maximum extent practicable. If complete avoidance is infeasible, project impacts will need to be quantified and actions taken to reduce the impacts to a less-than-significant level through the utilization of industry-standard BMPs which may include preservation and enhancement of on and/or off-site populations, transplanting individuals to a preservation area, or other actions, subject to the approval of CDFW, USFWS, or CNPS. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
11. **BIO-2 Ground Disturbance Timing for Nesting Birds:** To avoid impacts to nesting bird species or birds protected under the Migratory Bird Treaty Act, all ground disturbing activities conducted between February 1 and September 1 must be preceded by a pre-construction survey for active nests, to be conducted by a qualified biologist. This survey should be conducted within two weeks prior to any construction activities. The purpose of this survey is to determine the presence or absence of nests in an area to be potentially disturbed. If nests are found, a buffer depending upon the species and as determined by a qualified biologist in consultation with the California Department of Fish and Wildlife and shall be demarcated with bright orange construction fencing. Any vegetation clearing should be schedule outside of the avian nesting season (February 1 through August 31) or survey should be conducted immediately prior to vegetation removal. If active nests are found, vegetation removal should be delayed until the young fledge. No ground disturbing or other construction activities shall occur within this buffer until the County-approved biologist has confirmed that breeding or nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for ground disturbing activities occurring between September 2 and January 31. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

12. **BIO-3 Special-Status Species – Plants:** Special-status plant populations should be avoided to the maximum extent practicable. If complete avoidance is infeasible, project impacts will need to be quantified and mitigation developed to reduce the impacts to a less-than-significant level. Mitigation may include preservation and enhancement of on and/or off-site populations, transplanting individual plants to preservation area, or other actions, subject to the approval of CDFW, USFWS, or CNPS. Prior to any construction activity, a biological and/or rare plant survey may be required to be conducted to determine if there are any special-status plants within the project area and which may potentially be disturbed. If special-status species are identified, avoidance zones may be established around plant populations to clearly demarcate areas for avoidance. Where avoidance is infeasible, and the plant subject to removal or potential damage from construction, the project applicant shall develop and implement a mitigation plan pursuant to State and Federal regulation. The mitigation plan shall provide for no net loss of habitat and shall include, but is not limited to, relocation of the affected plants, replanting, and monitoring of relocated and planted specimens, or any other BMPs or conservation practices established by CDFW or USFWS. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
13. **BIO-4 Plant Survey:** Prior to any construction activity related to any discretionary project, a biological and/or rare plant survey shall be conducted to determine if there are any special-status plants within the project area and which may potentially be disturbed. Surveys shall be timed according to the blooming period for the target species, and known reference populations will be visited prior to surveys to confirm the species is blooming where known to occur. If special-status species are identified, avoidance zones may be established around plant populations to clearly demarcate areas for avoidance. Avoidance measures and buffer distances may vary between species, and the specific avoidance zone distance will be determined in coordination with the appropriate resource agencies. For individual specimens, highly visible temporary construction fencing shall be placed at least 10 ft. away from the drip line of the plant. No construction activity or grading would be permitted within the buffer zone. Where avoidance is infeasible, and the plant subject to removal or potential damage from construction, the project applicant shall develop and implement a mitigation plan pursuant to State and Federal regulation. The mitigation plan shall provide for no net loss of habitat and shall include, but is not limited to, relocation of the affected plants, replanting, and monitoring of relocated and planted specimens. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
14. **BIO-5 Wetland and Riparian Habitat:** Complete avoidance of wetlands is conservatively recommended to ensure compliance with wetland laws. Site development shall implement erosion control plans, and best management practices (BMPs) that prevent the discharge of sediment into nearby drainage channels and wetlands. To the extent feasible, any intermittent creeks within the project vicinity shall be preserved, with a 50-foot buffer, limited to construction on either side of the creek. This buffer should be 50 feet in width on each side of the creek as measured from the edge of US Army Corps of Engineers jurisdiction. This mitigation measure shall not apply where it conflicts with hazardous site remediation required by orders from the Central Valley Regional Water Quality Control Board. If complete avoidance of potential jurisdictional Waters of the U.S. or wetlands is not practicable, a wetland delineation should be prepared and submitted to USACE for verification in order to determine the jurisdictional or non-jurisdictional nature of the seasonal wetlands and man-made drainage ditch. If jurisdictional areas will be impacted, wetland permits/and or certification should be obtained from USACE, CDFW, and the RWQCB prior to placement of any fill (e.g., a culvert, fill slope, rock) within potential Waters of the U.S. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
15. **CULTR-1:** In the event the permittee encounters any historic, archaeological, paleontological, or tribal resource (such as chipped or ground stone, fossil-bearing rock, large quantities of shell, historic debris, building foundations, or human bone) during any construction undertaken to comply with these conditions, permittee shall stop work immediately within a 100 ft. radius of the find and retain the services of a qualified professional for the purpose of recording, protecting, or curating the discovery as appropriate. The qualified professional shall be required to submit to the Planning Department a written report concerning the importance of the resource and the need to preserve the resource or otherwise reduce impacts of the project. The permittee shall

notify the Amador County Planning Department of the find and provide proof to the Planning Department that any/all recommendations and requirements of the qualified professional have been complied with. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

16. **CULTR-2:** In the case that human remains are discovered on site, the following steps must be taken in accordance with Amador County General Plan Mitigation Measure 4.5-15 Cultural Resources, per Section 7050.5 of the California Health and Safety Code. The Amador County Coroner shall, within two working days:
  - i. Determine if an investigation of cause of death is required;
  - ii. Determine if the remains are most likely that of Native American origin, and if so suspected, the coroner shall notify the California Native American Heritage Commission (NAHC) within 24 hours of making his or her determination.
  - iii. The descendants of the deceased Native Americans shall make a recommendation to the operator/ permittee for the means of handling the remains and any associated grave goods as provided in Public Resources Code (PRC) Section 5097.98.
  - iv. The NAHC shall immediately notify those persons it believes to be most likely descended from the deceased Native American.
  - v. The descendants may, with the permission of the landowner or their representative, inspect the site of the discovered Native American remains and may recommend possible treatment or disposition within 24 hours of their notification.
  - vi. Whenever the NAHC is unable to identify a descendent, or the descendent identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendent and the mediation provided for in subdivision (k) of PRC Section 5097.94 fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
17. **HYD-1 Grading Permits and Erosion Control:** Prior to the issuance of permits for site-specific development, drainage and grading permits shall be prepared by a licensed civil engineer and submitted to the Amador County Building Department for approval. Drainage plans shall demonstrate that new development would not increase peak storm flows and that adequate capacity exists downstream to accommodate increased stormwater volume. All site-specific development shall implement appropriate stormwater runoff best management practices (BMPs) and design features to protect receiving water quality consistent with Amador County standards, and any require National Pollution Discharge Elimination System (NPDES) permits administered by the State Water Resources Control Board (SWRCB) must be obtained prior to project execution. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
18. **TRA-1 Fire and Life Safety:** The project applicant shall comply with Chapter 15.30 Fire and Life Safety Ordinance and CA CCR Title 14, Division 1.5, Chapter 7, Subchapter 2. THE BUILDING DEPARTMENT AND AMADOR FIRE PROTECTION DISTRICT SHALL MONITOR THIS CONDITION.
19. **TRA-2 Traffic Operations:** Stop/yield signs shall be installed after the pickup window for a single merged exit lane with curbs to guide vehicles back to the driveway at State Route 88. Additionally, driveway markings shall be delineated to direct entrances and exits, enforce a right-turn-out only for exiting vehicles, and a "Do Not Enter" sign at the drive through exit. CALTRANS AND THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
20. **UTL-1 Water Service:** Prior to approval of any building permits, the developer shall obtain a "Wholesale Water Will Serve Commitment" from the Amador Water Agency sufficient to serve the intended use(s) of the development. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

21. **UTL-2 Wastewater Service:** Prior to approval of any building permits, the developer shall obtain a “Wastewater Will Serve Commitment” for wastewater service from the Amador Water Agency sufficient to serve the intended use(s) of the development. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

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Amador County  
Planning Commission Chairperson

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Date

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Project Applicant

\_\_\_\_\_  
Date

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| (1) Applicant                       | (5) Transportation and Public Works Department |
| (2) Amador Air District             | (6) Amador Fire Protection District            |
| (3) Building Department             | (7) CA Department of Fish and Wildlife         |
| (4) Environmental Health Department | (8) Surveying Department                       |

