



MITIGATED NEGATIVE DECLARATION

PROJECT PROPONENT/APPLICANT:	Ceres Enterprises Inc.
APPLICATION NO:	Use Permit U-20-03
APN:	0109-180-050 & 0109-230-030
PROJECT PLANNER:	Eric Wilberg, Senior Planner

PROJECT DESCRIPTION AND LOCATION:

Midway Plaza is a proposed truck stop, automobile gas station with convenience stores, and fast food restaurants. The Project consists of approximately 10-acres, with various buildings and services. This includes a 14,575 square foot convenience store (C-Store) with drive through quick-service restaurant (QSR), 4,320 sq. ft., a 20-space automobile gasoline fueling station, 4,500 sq. ft., 10-space truck diesel fueling station, 16,000 sq. ft. truck repair shop, and a 3,000 sq. ft. restaurant with drive through. Ancillary Project development includes, a truck scale, bio-retention/stormwater basin, septic and leachfield, water well, associated parking for the various uses on-site, and new access roads. An off-site roundabout is proposed at the intersection of Midway and Lewis Roads.

The Midway Plaza project (Project) is proposed within unincorporated Solano County at the northeast corner of the interchange between Interstate 80 (I-80) and Midway Road. The undeveloped 21-acre property is relatively flat, situated equidistant from the cities of Vacaville and Dixon each within three miles of the subject property. The Project is within the City of Vacaville's Municipal Service Area (MSA). The Project is bound to the west by I-80; to the north and east by Sweeney Creek; and to the south by Midway Road (County Road No. 152).

FINDINGS:

The Solano County Department of Resource Management has evaluated the Initial Study which was prepared with regards to the project. The County found no potentially significant adverse environmental impacts likely to occur. The County determined that the project qualifies for a Mitigated Negative Declaration. The Initial Study of Environmental Impact, including the project description, findings and disposition, are attached.

MITIGATION MEASURES INCORPORATED INTO PROJECT DESCRIPTION:

Mitigation Measure AIR-1:

The project shall implement all Yolo Solano Air Quality Management District Dust Mitigation Measures applicable at the time of construction. The Basic Construction Control Measures included in the district's 2007 CEQA Guidelines; Table 5 are:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered and include at least two-feet freeboard.
- Cover inactive storage piles.
- Sweep streets if visible soil material is carried out from the construction site.

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations).
- Treat accesses to 100-feet from the paved road with a 6-inch layer of gravel.

Mitigation Measure BIO-1:

If project activities are expected to occur during the typical avian nesting season (i.e., February 1 – August 31), pre-activity surveys shall be completed by a qualified biologist within one week prior to project initiation. Surveys for raptors shall be conducted within a 250-foot radius of the project site. If any active non-listed raptor nests are observed, these nests and nest trees shall be designated, and a no-work buffer of 250 feet shall be established until the young have fledged and are no longer reliant on the nest tree or parental care, or the nest is no longer active; reduce buffers may be appropriate and resource agencies will be contacted for further guidance. Surveys for other non-listed avian species shall be conducted within a 50-foot radius of the project site. If any active nests are observed, these nests and nest trees shall be protected with a 50-foot no-work buffer. All activity will remain outside of the designated buffers until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If work activities are deemed to not be a threat to a given nest within a buffer zone, a qualified biologist may monitor the nest during work to ensure that the nesting birds are not disturbed (e.g., showing signs of stress or changes in behavior as a result of work activity). If any active nests of listed, fully protected, or otherwise special-status species are detected during the surveys, the appropriate wildlife protection agency shall be contacted for guidance on how to proceed.

Mitigation Measure BIO-2:

Prior to the start of initial ground disturbance, a biologist shall conduct a pre-construction survey immediately prior to the start of initial ground disturbance within 50 feet of suitable habitat for sensitive species. If the species is discovered during surveys and monitoring, the species will be allowed to leave the area on their own volition, or hand captured and relocated to suitable habitat outside the area of impact.

Mitigation Measure BIO-3 Operational Controls:

1. All trash should be covered and/or taken off site to minimize the attraction of predators that may feed on special-status species.
2. The use of heavy equipment and vehicles should be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and three strands of yellow rope). No work shall occur outside these limits.
3. After completion of the project's construction, all protective fencing/flagging used to delineate sensitive biological resources should be removed from the project area and disposed of in appropriate waste receptacles or reused.
4. All refueling and equipment maintenance should be conducted away from drainages to avoid accidental contamination.
5. Any graded areas should be restored to pre-project conditions, as feasible.
6. Erosion and sediment control measures should be on site prior to the start of project activities and kept on site at all times so they are immediately available for installation in anticipation of rain events.

7. Erosion and sediment control measures and other construction BMPs should be implemented and maintained in accordance with all specifications governing their proper design, installation, operation, and maintenance.
8. Equipment shall not be operated in flowing water and equipment shall not enter flowing water. Erosion control measures such as silt fences and fiber rolls shall be maintained on a daily basis during project activities.
9. There shall be a designated staging area for vehicle fueling and storage at least 100-feet away from the Sweeny Creek drainage, in a location where fluids or accidental discharges cannot flow into waterways. A spill plan and appropriate spill control and clean up materials (e.g. oil absorbent pads) shall be onsite in case spills occur.
10. All vehicles, equipment, materials, and any temporary BMPs no longer needed shall be removed from the site upon completion of the project.

Mitigation Measure CUL-1:

If subsurface deposits believed to be cultural or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required.

If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the lead agencies. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined by CEQA or a historic property under Section 106 NHPA, if applicable. Work may not resume within the no work radius until the lead agencies, through consultation as appropriate, determine that the site either:

- 1) is not a Historical Resource under CEQA or a Historic Property under Section 106; or
- 2) that the treatment measures have been completed to their satisfaction.

If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Solano County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the coroner determines the remains are Native American and not the result of a crime scene, the coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

Mitigation Measure TRANS-1: The Project shall pay their equitable share of traffic impact fees to the County of Solano.

Mitigation Measure TRANS-2: The Project shall install the one of the following improvements at the Midway Road / Lewis Road – West Driveway intersection:

Option A

- Install a 200-foot eastbound left turn lane on Midway Road
- Install a 100-foot westbound left turn lane on Midway Road
- Install a through-left turn lane and a right turn only lane for the driveway approach to the intersection
- Install a traffic signal with protected left turn phasing along Midway Road, a right turn southbound to westbound overlap phase and split phasing along Lewis Road and the Project driveway

With the stated improvements the intersection will operate at LOS C or better.

Option B

- Install a single lane roundabout to accommodate STAA trucks. The longest queues occur along the west approach and are projected to be 101 feet in the a.m. peak hour and 117 feet in the p.m. peak hour.
- Install a 100-foot eastbound left turn lane at the Midway Road / East Driveway intersection.

With the constructed improvements the roundabout will operate at LOS A.

PREPARATION:

This Mitigated Negative Declaration was prepared by the Solano County Department of Resource Management. Copies may be obtained at the address listed below or at www.solanocounty.com under Departments, Resource Management, Documents, Environmental Impact Reports and Negative Declarations.



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