

# ITEM 1

## CONDITIONS OF APPROVAL

**USE PERMIT CONDITIONS OF APPROVAL  
FOR  
PINE GROVE MARKET**

**PERMITTEE:** Orlando's Pine Grove Market Fuel Station, Car Wash, and Outdoor Dining Area  
(Samuel Orlando, Representative)

**LOCATION:** 19394 State Highway 88, Pine Grove, CA 95665

**PROJECT DESCRIPTION:** Use permit to allow the operation of a gas station that will feature six double-sided dispensers of unleaded, premium, and diesel fuel under a canopy, two 12,000-gallon above-ground fuel tanks, and a single-bay car wash. The existing paving surface will be repaired and the existing service building will be demolished. Thirty-one parking stalls will be introduced at the center of the site.

**ASSESSOR PARCEL NUMBERS:** 030-170-027, 030-170-028, and 030-170-029

**USE PERMIT NUMBER:** UP-17;12-2

**DATE OF APPROVAL:**

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1. **No permits, fees, or activity related to this project shall be issued, paid, or commence 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.**
2. This Use Permit shall not become valid, nor shall the use commence until such time as the permittee is either found to be in compliance with or has agreed, in writing, to a program of compliance acceptable to the County. At that time the permit shall be signed by the Planning Department and the use may commence. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
3. The issuance of this Use Permit is expressly conditioned upon the permittee's compliance with all the provisions contained herein and if any of the provisions contained herein are violated, this Use Permit may be subject to revocation proceedings as set forth in Amador County Code §19.56.060. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
4. The project shall be substantially the same as approved. Any substantial changes must be submitted for approval by the Amador County Planning Commission. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
5. This use permit shall be posted in a conspicuous place on the premises and shall not be transferable or assignable without the consent of the Planning Commission. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

**AESTHETICS:**

6. The project shall incorporate the building façade designs depicted in the project plans for the car wash building and the support posts for the fuel station canopy.

7. The project shall comply with the following building design and lighting requirements per General Plan Mitigation Measure 4.1-4:
  - a. Exterior building materials on nonresidential structures shall be composed of a minimum 50% low-reflectance, nonpolished finishes.
  - b. Bare metallic surfaces (e.g., pipes, vents, light fixtures) shall be painted or etched to minimize reflectance.
  - c. Lighting shall be shielded and downward directed, utilizing light sources that are the best available technology for eliminating light bleed and reflectance into surrounding areas to the maximum extent possible.
  - d. Light fixtures that are of unusually high intensity or brightness or that blink or flash are prohibited on the project site.THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

**AIR QUALITY:**

8. Permittee shall obtain the necessary Authority to Construct and Permit to Operate permits with the Amador Air District. Operations shall comply with Air District Permit to Operate requirements and any additional requirements that may be deemed necessary by the Air District based upon site conditions and operations.
9. The project shall comply with the following measures to control particulate matter emissions generated by construction activities per General Plan Mitigation Measure 4.3-1a:
  - a. Water all exposed surfaces two times daily. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads.
  - b. Cover or maintain at least two feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along major roadways shall be covered.
  - c. Limit vehicle speeds on unpaved construction roads to 15 miles per hour.
  - d. All roadways, driveways, sidewalks, parking lots to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
  - e. Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determine to be running in proper condition before it is operated.
  - f. Water exposed soil with adequate frequency for continued moist soil. However, do not overwater to the extent that sediment flows off the site.
  - g. Suspend excavation, grading, and/or demolition activity when wind speeds exceed 20 mph.
  - h. Treat site accesses to a distance of 100 feet from the paved road with a 6 to 12-inch layer of wood chips, mulch, or gravel to reduce generation of road dust and road dust carryout onto public roads.
  - i. Post a publicly visible sign with the telephone number and person to contact at the construction site regarding dust complaints. This person shall respond and take corrective action within 48 hours.
10. The project shall comply with the following measures to reduce exhaust emissions from construction equipment per General Plan Mitigation Measure 4.3-1b:

- a. Where feasible, equipment requiring the use of fossil fuels (e.g., diesel) shall be replaced or substituted with electrically driven equivalents (provided that they are not run via a portable generator set).
  - b. To the extent feasible, alternative fuels and emission controls shall be used to further reduce exhaust emissions.
  - c. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes (as required by the state airborne toxics control measure [Title 13, Section 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site.
  - d. The hours of operation of heavy-duty equipment and/or the amount of equipment in use at any one time shall be limited.
  - e. Staging areas for heavy-duty construction equipment shall be located as far as possible from sensitive receptors.
  - f. Implement construction best management practices to minimize fugitive dust emissions. To the extent feasible, use best available control technology at the time of construction activities to minimize exhaust emissions from construction equipment and vehicles. Provide construction management plan for minimizing fugitive dust and exhaust emissions to Amador Air District prior to commencing construction activities.
11. The project shall comply with the following measures to reduce operational emissions of criteria pollutants per General Plan Mitigation Measure 4.3-2a:
- a. Provide convenient bicycle parking.
  - b. Idling times for delivery vehicles shall not exceed 5 minutes.

THE AMADOR AIR DISTRICT SHALL MONITOR THIS REQUIREMENT.

**BUILDING PERMITS:**

12. The permittee shall obtain all applicable building permits pursuant to the California Building Code. THE BUILDING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

**CULTURAL RESOURCES:**

13. The applicants will be required to do the following:
- During ground-disturbing activity, if paleontological, historic or pre-historic resources such as chipped or ground stone, fossil-bearing rock, large quantities of shell, historic debris, building foundations, or human bone are inadvertently discovered, the operator/permittee shall immediately cease all such activities within 100 feet of the find and notify the Amador County Technical Advisory Committee. A qualified archaeologist shall be contracted by the operator/permittee to assess the significance of the find and prepare an evaluation, avoidance or mitigation plan, as appropriate, which shall be implemented before resuming ground disturbing activities.
  - In the event of discovery or recognition of any human remains anywhere within the work area, the operator/permittee shall comply with the following protocol:

1. Immediately cease any disturbance of the area where such suspected remains are discovered and any nearby areas reasonably suspected to overlie adjacent remains until the Amador County Coroner is contacted, per Section 7050.5 of the California Health and Safety Code. The coroner shall, within two working days:
  - a. Determine if an investigation of cause of death is required;
  - b. Determine if the remains are most likely that of Native American origin, and if so suspected, the coroner shall notify the NAHC within 24 hours of making his or her determination.
2. 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.
3. The NAHC shall immediately notify those persons it believes to be most likely descended from the deceased Native American.
4. 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.
5. 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 REQUIREMENT.

**FIRE PROTECTION:**

14. To mitigate the impact on fire protection services, in accordance with Amador County Ordinance No. 1640, the developer shall participate in the annexation to the County's Community Facilities District N. 2006-1 (Fire Protection Services), including execution of a "waiver and consent" to the expedited election procedure, the successful completion of a landowner-vote election authorizing an annual special tax for fire protection services, to be levied on the subject property by means of the County's secured property tax roll, and payment of the County's cost in conducting the procedure. THE AMADOR FIRE PROTECTION DISTRICT SHALL MONITOR THIS REQUIREMENT.

**HAZARDOUS MATERIALS:**

15. The project shall maintain substantial compliance with requirements regarding activities subject to oversight by the Certified Unified Program Agency (CUPA) throughout the life of the Use Permit. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

**NOISE:**

16. Per GPMM 4.11-1a, all construction equipment shall be properly maintained per manufacturers' specifications and fitted with the best available noise suppression devices (e.g., mufflers, silencers, wraps); all impact tools will be shrouded or shielded; and all intake and exhaust ports on power equipment will be muffled or shielded.

17. Per GPMM 4.11-7a, all equipment employed during the project shall maintain appropriate setback distances from residences to reduce vibration levels below the recommended FTA and Caltrans guidelines of 80 VdB and 0.2 in/sec PPV, respectively when located within 500 feet and 300 feet of impact pile drivers, and within 70 feet and 45 feet of large bulldozers (and other heavy-duty construction equipment).
18. Per GPMM 4.11-5b, the noise levels generated by the project shall not exceed 65 decibels at the nearest property line.
19. Per GPMM 4.11-2, the noise levels generated by the car wash shall not exceed 75 decibels at the nearest parking space or fuel pump.

THE PLANNING DEPARTMENT SHALL MONITOR THESE REQUIREMENTS.

**SIGNAGE:**

20. Signage shall be consistent with County Code § 19.32.010.F – Uses in Commercial Zone Districts. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

**TRANSPORTATION:**

21. Prior to issuance of a Building Permit, the developer shall pay the Regional Traffic Mitigation Fee and Local Traffic Impact Fee in accordance with County Code Chapter 7.84 at the rate(s) in effect at the time of payment.
22. Access driveways from SR88 shall be designed and constructed consistent with the SR88/Pine Grove Improvement Project (10-OG550) and according to Caltrans standards, and require a truck-turning template for analysis or turning radius on the project. The width and grade of the driveways need to accommodate large delivery trucks. The western driveway will be right-in, right-out, due to the close proximity of the SR88/Ridge Road intersection. The eastern driveway will eventually be right-in, right-out, due to conflicting traffic movements when the planned Pine Grove Improvement Project (10-OG550) is complete.
23. An encroachment permit from Caltrans will be required for any project construction activities that will encroach on the SR88 right-of-way. CEQA documentation and environmental studies must be submitted with the encroachment permit application. These studies will include an analysis of potential impacts to any cultural site, biological resources, hazardous waste locations, and/or other resources within Caltrans' right-of-way at the project site.

THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THESE REQUIREMENTS.

**UTILITIES:**

24. The project shall maintain substantial compliance with requirements of the appropriate solid waste regulatory tier throughout the life of the Use Permit.
25. A copy of a Water Wholesale Will Serve commitment from the Amador Water Agency shall be required prior to activation of the use permit. A copy of a Water Retail Will Serve from the Pine Grove CSD shall also be required prior to activation of the use permit.

26. The project shall comply with all requirements of the Amador Water Agency for connection to the Pine Grove Community Wastewater System. A copy of a Wastewater Will Serve commitment from the Amador Water Agency shall be required prior to activation of the use permit.
27. The project proponent will be responsible to design and construct all on and off-site sewer improvements deemed necessary by the County and the Amador Water Agency to adequately serve the project.
28. The project proponent will be responsible to design and construct all on and off-site water improvements deemed necessary by the County and the Pine Grove CSD to adequately serve the project.
29. The project proponent shall be responsible for payment of applicable fees for participation, engineering review, administration, and construction inspection per the Amador Water Agency's rules and regulations in force at the time of application and/or service.

THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THESE REQUIREMENTS.

OUTDOOR DINING:

30. Outdoor dining shall be limited to 50 seats.