

Findings

1.0 CEQA Findings

- 1.1 The County has considered the negative declaration together with the comments received and considered during the public hearing process. The negative declaration reflects the independent judgment of the County and has been completed in compliance with CEQA, and is adequate for this proposal.
- 1.2 The proposed project could not have a significant effect on the environment.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Findings

- 2.1 As proposed, the project is consistent with the Commercial General Plan land use designation as defined by General Plan Policy 2.2.1.2, as the Commercial land use designation includes retail/office/services as compatible uses.
- 2.2 The proposal is consistent with the intent of General Plan Policies 2.1.1.3, 2.1.1.7, 2.2.1.2, 2.2.1.5, 2.2.3.1, 5.1.2.1, 5.3.1.7, 5.7.1.1 and 6.2.3.2 relating to Community Regions, the requirements and intent of a Planned Development, the floor/area ratio, supporting infrastructure, and emergency access and public protection. The existing site design and current compatibility within the context of the surrounding uses for the current use as residential, is consistent with the General Plan Policies identified above.

3.0 Zoning Findings

- 3.1 The project is consistent with the General Commercial Zoning District because the project includes the addition of the Planned Development Overlay which would allow the continued residential use of the property. Approval of the Development Plan would allow parcels to be approved at less than 10,000 square feet in size.
- 3.2 The project, as proposed and conditioned, along with the Zone Change to General Commercial-Planned Development, is consistent with the El Dorado County Zoning Ordinance Development Standards, as the project includes the Planned Development overlay with a preliminary Development Plan for the site. The existing historic residential structures would remain until a formal Development Plan is submitted, which would include commercial uses.

4.0 ADMINSTRATIVE FINDINGS

4.1 Planned Development Findings

4.1.1 The Planned Development Zone request is consistent with the General Plan.

The Planned Development request allows the residential use of the property to continue without a primary commercial use. The Development Plan would allow the potential for the future parcels to be developed individually or together for commercial purposes consistent with the Commercial Land Use Designation.

4.1.2 The proposed development is so designed to provide a desirable environment within its own boundaries.

The proposed development exists and does not propose any physical changes. The addition of the Planned Development overlay would permit further opportunities for the development of the site and flexibility in development standards for a future Development Plan.

4.1.3 Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.

With the addition of the Planned Development Overlay, the residential uses could remain until a formal Development Plan is submitted, which would include a commercial component. Except for minimum parcel sizes for the individual parcels, the project could be found to be in compliance with all County Code requirements.

4.1.4 The site is physically suited for the proposed uses.

The site is physically suited for the proposed uses because the residential use has existed within the current commercial environment for many years.

4.1.5 Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.

All required utilities are available for the residential uses, including, but not limited to, water supply, sewage disposal, roads, and utilities.

4.1.6 The proposed uses do not significantly detract from the natural land and scenic values of the site.

The proposed uses do not significantly detract from the natural land and scenic values of the site. No physical changes are proposed with this project.

4.2 Parcel Map Findings

4.2.1 The proposed parcel map, including design and improvements, is consistent with the General Plan policies and land use map.

The approval of the Parcel Map to allow the creation of four (4) parcels is consistent with the applicable policies as outlined in Finding 2.2 with the addition of the Planned Development overlay, which allows parcels less than 10,000 square feet in size.

4.2.2 The proposed parcel map does conform to the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.

The proposed Parcel Map conforms to the applicable standards and requirements of the County's zoning regulations except for minimum parcel size and the Minor Land Division Ordinance. Because the project site has been evaluated in accordance with the General Commercial development regulations, it has been found that the project complies with the minimum design standards, as conditioned.

4.2.3 The site is physically suitable for the proposed type and density of development.

The site is physically suitable for the proposed type and density of development because the site is located within a General Commercial Zone District, and it can be found that the site is suited for commercial development. No physical changes are proposed with this project.

4.2.4 The proposed parcel map is not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat.

The proposed Parcel Map would not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat. The Parcel Map is an administrative document to allow the individual ownership of buildings within the development. No environmental impacts would be created by the Parcel Map. No physical changes are proposed with this project.

4.2.5 The design of the parcel map is not likely to cause serious public health hazards.

The design of the Parcel Map is not likely to cause serious public health hazards. The proposed Parcel Map would not create an undue negative impact upon the Shingle Springs Community. It can be found that the improvements would not be detrimental to the public health, safety and welfare or injurious to the Shingle Springs Community because the surrounding infrastructure is in place.

4.3 Design Waiver Findings

4.3.1 There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver.

Requiring a Standard Plan 101B road as opposed to a Standard Plan 101A road for access to the proposed parcels would require excessive road improvements and unwanted access. The project site is currently developed; therefore, the reduced requirements can be justified.

4.3.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property.

Strict application of the requirement for parcels to meet the *El Dorado County Design and Improvement Standards* for road widths and sidewalk requirements would introduce unwanted public access and excessive road improvements for access to four (4) parcels.

4.3.3 The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

A reduction in the required road improvements and elimination of sidewalks would not be injurious to adjacent properties or detrimental to the public health, safety, and welfare.

4.3.4 This waiver(s) would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.

The approval of this Design Waiver will not nullify the additional requirements contained in the Chapter 16 of County Code.

Conditions

Planning Services

1. This Parcel Map, Rezone and Planned Development is based upon and limited compliance with the project description, the Planning Commission hearing exhibit marked Exhibit E (Tentative Parcel Map) dated April 24, 2008 and conditions of approval set forth below. Any deviations from the project description; exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The project would rezone the property from General Commercial (CG) to General Commercial-Planned Development (CG-PD). This would allow for the residential units to remain within the CG Zone District while allowing a Development Plan to be submitted in the future. A Tentative Parcel Map has been proposed to create four parcels ranging in size from 6,000 square feet to 11,050 square feet on a .66-acre site. Parcel 1 would contain a 734 square foot single family residence, Parcel 2 would contain a 1,795 square foot single-family residence, Parcel 3 would contain a 1,505 square foot single-family residence, and Parcel 4 would contain a 779 square foot single-family residence. Design Waiver requests to allow a reduction of road improvements from a Standard Plan 101A to a Standard Plan 101B standard as noted within the County Design and Improvement Standards Manual would be permitted. A waiver from the sidewalk requirements would be permitted as well as a reduced road width, allowing an 18-foot roadway from curb face to curb face in lieu of a 24 foot wide roadway.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code. The subdivider shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37. County shall notify the subdivider of any claim, action, or proceeding and County will cooperate fully in the defense.
3. The applicant shall make the actual and full payment of planning processing fees for the Tentative Parcel Map Application prior to the County Recorder processing the Parcel Map.
4. 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.

5. The Tentative Parcel Map shall expire within 36 months from date of approval unless a time extension has been filed.

Department of Transportation

6. The proposed access points cross the former railroad right-of-way now owned by the Joint Powers Authority (JPA). The applicant shall enter into a JPA easement agreement with the County of El Dorado, to the satisfaction of the Department of Transportation and General Services, prior to filing the Parcel Map. Per the easement agreement, the applicant understands and agrees that the County of El Dorado or the California Public Utilities Commission (CPUC) may require the applicant to provide (but not be limited to providing) the following improvements: a) lights, b) crossing barricades, c) signs, d) tire rumble strips, etc. The applicant shall be responsible for the cost of designing, constructing, and maintaining any such improvements and shall be responsible for obtaining any required approvals from the CPUC prior to construction of the crossing. No gate or fence shall be erected that blocks or interferes with the use of said easement.
7. The applicant shall improve all access roadways per El Dorado County DISM, Standard Plan 101B. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to filing of the Parcel Map. In the event that the use of the site is converted to commercial uses, the applicant shall be required to improve the access roadways to Standard Plan 101A.
8. The applicant shall obtain an encroachment permit from the Department of Transportation and shall construct the roadway encroachment from the proposed access road onto Mother Load Drive to the provisions of County Design Std 103D and proposed Parcel 1 to Sunset Lane to the provisions of County Design Std 103B-1. The signing and striping for this encroachment shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MTCUD) and California Supplement. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to filing the Parcel Map.
9. The applicant shall provide a turn around at the end of the on-site access roadway to the provisions of County Standard Plan 114 or approved equivalent. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to filing the Parcel Map.
10. All applicable existing and proposed easements must be shown on the project plans.

11. The applicant shall provide a 50 foot wide non-exclusive road and public utilities easement for access roadways prior to filing the Parcel Map.
12. The applicant shall install all necessary signage such as stop signs, street name signs, and/or “Not a County Maintained Road” road sign as required by the Department of Transportation prior to filing the Parcel Map.
13. At the time of submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
14. The proposed project must form an entity for the maintenance of the private roads, parking facilities, landscaping, and drainage facilities. The Department of Transportation shall review the document forming the entity to ensure the provisions are adequate prior to filing the Parcel Map. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the roads, parking facilities, landscaping and drainage facilities of the current project.
15. The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions (CC&Rs).
16. Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements, and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. Any variations shall be approved by the County Engineer. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to filing the Parcel Map.
17. The site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and on the recorded map.
18. All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
19. Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the following hours and days: 7:00 a.m. and 7:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on weekends and holidays.

20. The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to filing of the Parcel Map.
21. The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to filing of the Parcel Map.
22. Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that off-site grading.
23. At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
24. A grading permit is required for the project. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, the *Drainage Manual*, the *Off-Street Parking and Loading Ordinance*, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.
25. Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.

26. The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
27. The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.
- The ultimate drainage outfall of the project.

The improvements shall be completed to the approval of the Department of Transportation, prior to the filing of the Parcel Map or the applicant shall obtain an approved improvement agreement with security.

28. All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.
29. Prior to the filing of a Parcel Map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required off-site improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the subdivider shall provide a cash

deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.

30. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the Parcel Map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to filing of any Parcel Map, the subdivider shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the off-site improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:
- a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - a. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

In addition to the agreement the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.

31. The applicant shall provide proof of access to the project site from Mother Lode Drive, a County maintained road, and Sunset Lane, also a County maintained road, together with the legal right to improve such access. Said proof shall be provided by and through a "Parcel Map Guarantee" which shall be submitted to the County Surveyor's Office with the first map check for the parcel map.
32. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
33. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

El Dorado County Fire Protection District

34. Applicant shall submit a \$120.00 review fee to the Fire District prior to filing the parcel map.

35. A fire hydrant at Mother Load Drive and the project access road shall be required prior to filing the parcel map.
36. Fire Flow for this project is 1000 gpm @ 20 psi for two hours. The applicant shall provide documentation from EID (FIL) to show that the system meets fire flow prior to filing the parcel map.
37. Existing non-conforming access roads serving the project site shall meet at a minimum Fire Safe Standards for width, surface, grade, radius, turnarounds and turnouts, one-way and dead-end roads prior to filing the parcel map.
38. The proposed hammerhead turn-around shall ~~be increased to a width of 70 feet or be replaced with a DOT approved cul-de-sac~~ meet at a minimum Fire Safe Standards for width, surface, grade, radius, turnarounds and turnouts, one-way and dead-end roads prior to filing the parcel map.

County Surveyor

39. All survey monuments must be set prior to filing the parcel map.
40. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County maintained road as defined in 16.44.120(B)(2).
41. The roads serving the development shall be named by filing a completed Road Name Petition with the county Surveyor's Office prior to filing the parcel map.
42. Prior to filing the parcel map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that "all conditions placed on the map by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the consultant and the applicant.