

**SPR15-0003/Shingle Springs Drive Improvements-Encroachment Permit** – As approved by the Board of Supervisors on June 28, 2016  
**AMENDED on February 28, 2017**

**Findings**

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

**1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 With application of mitigation measures, no significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

**2.0 GENERAL PLAN FINDINGS**

**2.1 General Plan Policy (Land Use Element) 2.2.5.9, 2.2.5.21, and 2.6.1.1.**

The proposed facilities are located within County road ROW and are allowed within the ROW as well as surrounding land uses. The proposed facilities are compatible with the area and are not located within County designated scenic corridor.

**2.2 General Plan Policy (Public Services and Utilities Element) 5.1.2.2, 5.2.1.2, and 5.3.1.1.**

The facilities would be constructed to EID standards and would provide the area with adequate water and sewer service. The facilities would be constructed to County standards and would provide the area with adequate drainage improvements.

**2.3 General Plan Policy (Transportation and Circulation Element) TC-1a, TC-Xf and TC-Xg.**

The driveway is a permitted use within the ROW and meets the dimensional requirements. Applicable mitigation measures been applied minimizing the identified traffic impacts to less than significant level.

**2.4 General Plan Policy (Public Health, Safety, and Noise Element) 6.5.17 and 6.5.1.9.**

Noise generated by regular operation is minimal given facility design, location, and use and would not exceed limits of the General Plan, subject to noise mitigation measure.

**2.5 General Plan Policy (Conservation and Open Space Element) 7.4.4.4.**

Site development would not require significant removal of oak trees, and would be in compliance with General Plan Policy 7.4.4.4 as the affected canopy is less than one acre with less than 10 percent canopy coverage.

**3.0 ZONING FINDINGS**

3.1 The project site is County ROW surrounded by RE-5 zoned lands, both of which allow development of driveways and water and sewer infrastructure, subject to a County encroachment permit and requirements under Chapter 12.08 of the County Code. These standards, which include standards for excavation, access, cuts and fills, and obstructions, will be met adequately as a condition of approval.

3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance including construction standards within the ROW.

**4.0 SITE PLAN REVIEW/ENCROACHMENT PERMIT FINDINGS**

**4.1 The issuance of the permits is consistent with the General Plan.**

As discussed above in Section 2.0 General Plan Findings, the site plan and encroachment permits are consistent with the applicable policies and requirements in the El Dorado County General Plan.

**4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.**

The use will not significantly conflict with the adjacent uses as water and sewer infrastructure and access driveways are present within the area and are necessary to support existing uses such as homes, schools, and churches, as well as other types of potential future uses. As conditioned, the project is anticipated to result in insignificant environmental, traffic, and noise impacts to surrounding residents. The proposed use is not anticipated to create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report.

4.3 **The proposed use is specifically permitted by Encroachment Permit.**

The proposed use complies with the applicable requirements of County Code including Chapter 12.08 (Road Encroachments).

**Conditions of Approval**

<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<b>On-Going</b>			
<p>1. This Site Plan Review Permit is based upon and limited to compliance with the project description, the hearing Exhibit F, and conditions of approval set forth below</p> <p>The project consists of:</p> <p><b>Site Plan Review Permit analyzing the impacts from the construction and operation of a 12-inch, 2,400 linear foot water main, a 6-inch 3,335 linear foot sewer force main pipeline within the ROW of Shingle Springs Drive, with water provided to the Parcel limited to a separate 1” meter for irrigation use only, a separate 2” commercial meter, and a separate, dedicated single metered Fire Service connection monitored with a standard fire flow rate meter; and a 36 foot x 40 foot paved driveway within the ROW of Shingle Springs Drive.</b></p> <p>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 installation, use, and maintenance of the facilities shall conform to the project description above and the hearing exhibits and conditions of approval below. All plans must be submitted for review and approval and shall be implemented as approved by the County.</p>	On-Going	Development Services Division- Planning Services	



<p>2.</p>	<p><b>2025 Plus Project Conditions Mitigation Measures: Mitigation Measure Traffic-3: Proportional Share of Obligation for Impacts to the Shingle Springs Drive/Buckeye Road Intersection.</b> The significant impact at this intersection shall be mitigated with the installation of an all-way stop or widening of the southbound approach to provide separate left and right turn lanes as determined by El Dorado County. Unacceptable operations at this intersection are due to increased traffic from planned development. The intersection operates at unacceptable Level of Service (LOS) E under 2025 conditions without the project, which includes traffic growth from other foreseeable projects. Therefore the project is only responsible for its proportional share of the proposed mitigation under this scenario. Since the impact is identified under the 2025 scenario, the timing of the improvement is a function of the rate of population and employment growth. Appropriate mitigation, as determined by the El Dorado County Community Development Agency (CDA), includes one of the following:</p> <ul style="list-style-type: none"> <li>• Payment of traffic impact mitigation (TIM) fees to satisfy the project’s proportional share obligation, as approved by CDA, towards the improvement if the improvement is included in the 20-Year Capital Improvement Program (CIP), OR</li> <li>• Construction of the improvement with reimbursement or fee credit for costs that exceed the project’s proportional share if the improvement is needed but not included in future updates to the CIP or constructed by others, OR</li> <li>• Payment of the project’s proportional share, as approved by CDA, if the improvement is constructed by others, but not included in the 20-Year CIP.</li> </ul> <p>Payment of fees or share of costs or construction of the improvement shall occur as determined by El Dorado County Community Development Agency as traffic conditions require. Subject to review and approval by the CDA, a focused Traffic Impact Study (TIS) shall be submitted every</p>	<p>On-Going</p>	<p>Community Development Agency-Transportation Division</p>	
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	<p>5 years for a duration of 20 years after project approval (4 total reports) or until the intersection is improved. The focused TIS will include updated traffic counts and AM and PM peak hour LOS for the two impacted intersections. The focused TIS would include two scenarios: current traffic conditions and forecasted traffic conditions five years out from the current condition. For example, if the project is approved in 2016, the first focused TIS would be completed in 2021. It would include LOS calculations based on traffic counts taken in 2021 and forecasted volumes for 2026 conditions.</p> <p>According to the focused TIS, if unacceptable LOS is reached, or forecasted to be reached within 5 years, the project applicant shall commence with the mitigation measure above. If the improvement is not needed by the end of 20 years, payment of TIM fees will be considered the project's proportionate share towards this impact.</p>			
<p>3.</p>	<p><b>2035 Plus Project (Phase I) Conditions Mitigation Measures: Mitigation Measure Traffic-4: Proportional Share of Obligation for Impacts to the Mother Lode Drive/Buckeye Road/Holiday Lake Drive Intersection.</b> The significant impact at this intersection shall be mitigated with the installation of an all-way stop, two-way left turn lane or traffic signal as determined by El Dorado County. Unacceptable operations at this intersection are due to increased traffic from planned development. The intersection operates at unacceptable LOS F under 2035 conditions without the project, which includes traffic growth from other foreseeable projects. Therefore the project is only responsible for its proportional share of the proposed mitigation under this scenario. Since the impact is identified under the 2035 scenario, the timing of the improvement is a function of the rate of population and employment growth. Appropriate mitigation, as determined by the El Dorado County Community Development Agency (CDA), includes one of the following:</p>	<p>On-Going</p>	<p>Community Development Agency-Transportation Division</p>	

	<ul style="list-style-type: none"> <li>• Payment of traffic impact mitigation (TIM) fees to satisfy the project’s proportional share obligation, as approved by CDA, towards the improvement if the improvement is included in the 20-Year Capital Improvement Program (CIP), OR</li> <li>• Construction of the improvement with reimbursement or fee credit for costs that exceed the project’s proportional share if the improvement is needed but not included in future updates to the CIP or constructed by others, OR</li> <li>• Payment of the project’s proportional share, as approved by CDA, if the improvement is constructed by others, but not included in the 20-Year CIP.</li> </ul> <p>Payment of fees or share of costs or construction of the improvement shall occur as determined by El Dorado County Community Development Agency as traffic conditions require. Subject to review and approval by the CDA, a focused Traffic Impact Study (TIS) shall be submitted every 5 years for a duration of 20 years after project approval (4 total reports) or until both intersections are improved, The focused TIS will include updated traffic counts and AM and PM peak hour LOS for the two impacted intersections. The focused TIS would include two scenarios: current traffic conditions and forecasted traffic conditions five years out from the current condition. For example, if the project is approved in 2016, the first focused TIS would be completed in 2021. It would include LOS calculations based on traffic counts taken in 2021 and forecasted volumes for 2026 conditions.</p> <p>According to the focused TIS, if unacceptable LOS is reached, or forecasted to be reached within 5 years, the project applicant shall commence with the mitigation measure above. If the improvement is not needed by the end of 20 years, payment of TIM fees will be considered the project’s proportionate share towards this impact.</p>			
4.	In the event of any legal action instituted by a third party challenging the validity of any	On-Going	Development Services	



	<p>provision of this approval, the applicant shall 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.</p> <p>The applicant 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 an Encroachment Permit.</p> <p>The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.</p>		Division-Planning Services	
5.	Future encroachment onto Right-of-Way from Assessor's Parcel Number 319-220-18 shall require Board of Supervisors approval.	On-Going	Board of Supervisors	
<b>Prior To or In Conjunction With Improvement Plans and/or Grading Plan Approval</b>				
6.	<p>If, during construction activities, an unusual amount or accumulation of non-native stone (obsidian, fine-grained silicates, basalt), bone, shell, or prehistoric or historic period artifacts (purple glass, etc.), or if areas that contain dark-colored sediment that do not appear to have been created through natural processes are discovered, work will cease in the immediate area of discovery and a professionally qualified archeologist will be contacted immediately for an on-site inspection of the discovery.</p> <p>If any bone is uncovered that appears to be human, work will cease in the immediate area of discovery, and the El Dorado County Coroner must be contacted by law (State Health and Safety Code Section 7050.5 and Public Resource Code Section 5097.98). The Shingle Springs Band of Miwok Indians will also be contacted as portions of the Project are located on tribal lands. If the coroner determines that the bone most likely represents a Native American interment, the Coroner has 24 hours to contact the Native American Heritage Commission in Sacramento so that they can identify the</p>	Improvement Plans	Development Services Division-Planning Services	

	most likely descendants, who will then help determine what course of action shall be taken in handling the remains. A note stating the above shall be placed on the Improvement Plans.			
7.	The Construction/Improvement Plans shall include a note that requires a Fugitive Dust Plan to be submitted to the El Dorado County Air Quality Management District (EDCAQMD) prior to project trenching for the water and sewer extensions as required by the conditions of the Grading Permit. Dust control shall follow the latest version of the EDCAQMD Fugitive Dust and Asbestos Rules (Rule 223), as listed in Rule 223-1 Tables 1 and 3.	Improvement Plan Submittal or Prior to Issuance of Grading Permit(s) Whichever Occurs First	AQMD	
8.	A note shall be added to Construction and Improvement plans indicating that construction activities shall occur between the hours of 6:00 AM and 7:00 PM Monday through Friday and 9:00 am to 6:00 pm on Saturdays to minimize noise impacts to sensitive receptors, with an exception during bore and jack construction beneath the railroad tracks and the existing water main at Maggie Lane because the County requires 24-hour construction of the bore and jack operation and will not allow the use of steel plates to cover the bore pits.	Improvement Plan Submittal or Prior to Issuance of Grading Permit(s) Whichever Occurs First	AQMD	
9.	A note shall be added Construction and Improvement plans requiring shrouding or shielding of impact tools and muffling or shielding intake and exhaust ports on construction equipment to reduce construction noise levels. The machinery shall be maintained to ensure the mufflers are operating consistent with manufacturers' standards. Machinery used for bore and jack operations occurring outside daytime construction hours shall be shielded to reduce nighttime noise levels and stationary construction equipment shall be placed so that sound is emitted away from the nearest sensitive receptors.	Improvement Plan Submittal or Prior to Issuance of Grading Permit(s) Whichever Occurs First	AQMD	
10.	<b>Mitigation Measure NOISE-1: Noise Reduction During 24-hour Construction Operations.</b> The Construction specifications shall incorporate noise specifications for nighttime activity to reduce nighttime	Improvement Plan Submittal or Prior to Issuance of Grading Permit(s)	Development Services Division-Planning Services	



	<p>construction noise levels. The bore and jack operations that produce the highest noise levels shall be timed to occur during regular daytime construction hours, to the extent feasible. Generator and ventilation equipment shall be directed away from sensitive receptors. Loader operations will be kept to a minimum. Backup alarms on equipment will not be operated during nighttime hours and either sound barrier shall be erected at the entry and exit shafts to minimize noise or the applicant shall pay for hotel accommodations for the affected residential properties. The contractor shall coordinate with affected residents at least two weeks prior to 24-hour construction operations to make arrangements for those residents that would like to arrange hotel accommodations.</p> <p>This measure shall be incorporated and verified as a note on the Improvement Plans.</p>	<p>Whichever Occurs First</p>		
<p>11.</p>	<p><b>Mitigation Measure BIO-1. Measures to Avoid Disturbance of Nesting Raptors and Songbirds or Destruction of Active Nests.</b> If ground disturbing activities are scheduled during the nesting season (typically February 1 to August 31), it is recommended that a focused survey for active nests be conducted by a qualified biologist (as determined by a combination of academic training and professional experience in biological sciences and related resource management activities) within 14 days prior to the beginning of project-related noise and vibration producing activities. Surveys would be conducted in proposed work areas, staging and storage areas, along equipment transportation routes, and soil, equipment, and material stockpile areas. For passerines and small raptors, surveys should be conducted within a 250-foot radius surrounding the work area. For larger raptors such as buteos, the survey area should be 500 feet. Surveys would be conducted at the appropriate times of day, and during appropriate nesting times and would concentrate on areas of suitable habitat. If a lapse in project-related work of 14 days or longer occurs, an additional nest survey will</p>	<p>Improvement Plan Submittal or Prior to Issuance of Grading Permit(s)                  Whichever Occurs First</p>	<p>Development Services Division-Planning Services</p>	

	<p>be required before work can be reinitiated. If nests are encountered during any preconstruction survey, the qualified biologist would determine, depending on conditions specific to each nest and the relative location and rate of construction activities, if it may be feasible for construction to occur as planned without impacting the success of the nest, as long as the nest is monitored by a qualified biologist during active construction. If, in the professional opinion of the biologist, construction activities have the potential to adversely affect the nest, the biologist would immediately inform the construction manager to stop construction activities within minimum exclusion buffer of 25 to 50 feet for songbird nests, and 200 to 500 feet for raptor nests, depending on the species and location. The perimeter of the exclusion buffer zone should be fenced or adequately demarcated with staked flagging at 20-foot intervals, and construction personnel should be restricted from the area. A survey report by the qualified biologist verifying that the young have fledged should be submitted to the County for review and concurrence prior to initiation of construction activities within the exclusion buffer zone. Construction activities would proceed after either the nest is no longer active or the project receives approval to continue from CDFW.</p> <p>This measure shall be added as note on Improvement Plans.</p>			
<p>12.</p>	<p><b>Mitigation Measure BIO-2. Measures to Avoid Disturbance of Protected Bats.</b> To avoid impacting breeding or hibernating bats in or near the County ROW protected by CDFW, pre-construction surveys of potential bat roost habitat are recommended to be performed in all trees within 25 feet of the project limit for evidence of bat use (guano accumulation, acoustic or visual detections). If evidence of bat use is found, then acoustic surveys would be conducted by a qualified biologist to determine whether a site is occupied. The survey would determine if the roost is a maternity roost (if construction work is being performed in the spring),</p>	<p>Improvement Plan Submittal or Prior to Issuance of Grading Permit(s) Whichever Occurs First</p>	<p>Community Development Agency-Transportation Division</p>	

	<p>hibernacula or day roost. If a maternity roost is present, delay of the demolition may be necessary until after the roost is vacated. If bat species are detected/observed within the trees, measures would be taken to clear the bats prior to construction activities. Measures to exclude of bats from occupied roosts may include but are not limited to: disturbance to roosting individuals through introduction of light and/or noise to create an undesirable setting and to encourage the bats to vacate the roost. Once it has been concluded that no bat species are present, project activities may commence upon final approval of the County. To offset the loss of any occupied bat roost, it is recommended that bat boxes be installed at a suitable location in the vicinity of project site (e.g., on Tribal lands) to provide roosting opportunities and locations for the displaced bats. The County would be encouraged to work with CDFW to agree upon the number of bat boxes and their respective installation locations prior to removal of the bat roost/demolition activities.</p> <p>This measure shall be added as note on all construction plans.</p>			
<p>13.</p>	<p><b>Mitigation Measure HYDRO-1: Two-way Left Turn Lane Design and Drainage Calculations.</b> The County shall determine if a TWLT lane is required for the Phase I gas station development. If a TWLT lane is required, project design shall include plans for the TWLT lane, by identifying the extent of additional paving within the ROW (, striping, and any associated signage in accordance with County requirements. These plans shall also include drainage calculations to address runoff from the additional pavement and any necessary modifications to the drainage conveyance system to avoid impacts. If drainage calculations show that the additional pavement will result in impacts to the existing drainage system, the plans shall show the location of specific drainage improvements and the calculations used to determine their adequacy. The County shall review and approve the designs prior to</p>	<p>Improvement Plan Submittal or Prior to Issuance of Grading Permit(s) Whichever Occurs First</p>	<p>Community Development Agency-Transportation Division</p>	



	<p>construction of the TWLT. Any alterations required by the County shall be included in the construction specifications and final design.</p> <p>This measure shall be incorporated and verified as a note on the Improvement Plans if required by the County.</p>			
<p>14.</p>	<p><b>Mitigation Measure HYDRO-2: NPDES General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4) Order #2013-0001-DWQ.</b> If the total square footage of impervious coverage associated with the driveway increases or if the additional pavement required for the TWLT lane, combined with the 0.06 acre (2,457 square feet) of additional impervious coverage proposed for the project driveway, exceeds 5,000 square feet or more of new contiguous impervious surface, then that specific discrete location is subject to Sections E.12.c. - E.12.e. of the State Water Board's National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4) Order #2013-0001-DWQ (Order).</p> <p>Post-construction measures to address additional driveway impervious coverage, should an increase occur, may include one or more of the following, to the satisfaction of the County: soil quality improvements and maintenance through soil amendments and creation of microbial community; tree planting and preservation of healthy established trees; porous pavement that allows runoff to pass through; and/or vegetated swales designed to treat and attenuate storm water runoff.</p> <p>The TWLT lane and driveway shall include permanent Best Management Practices (BMP's) for stormwater management in accordance with the Order to the satisfaction of the County.</p> <p>This mitigation measure shall be</p>	<p>Improvement Plan Submittal or Prior to Issuance of Grading Permit(s) Whichever Occurs First</p>	<p>Community Development Agency-Transportation Division</p>	

	incorporated and verified as a note on the Improvement Plans if required by the County.			
<b>Prior To or In Conjunction With Encroachment Permit</b>				
15.	<b>Mitigation Measure Traffic-1: Pay TIM Fees.</b> The project shall contribute its fair share to the cost of regional circulation improvements through the existing countywide traffic impact mitigation (TIM) fee program.	Encroachment Permit	Community Development Agency-Transportation Division	
16.	<b>Mitigation Measure Traffic-2: Improve Project Access in a Manner Consistent with Requirements of the "Build Out" Condition.</b> A continuous two-way left turn (TWLT) lane will be needed on Shingle Springs Drive in the vicinity of the project access under projected cumulative conditions. The project access shall be positioned to accommodate construction of the TWLT lane when future development occurs.  Improvements shall be designed prior to issuance of the encroachment permit and improvements installed when the Phase I commercial project proceeds.	Encroachment Permit	Community Development Agency-Transportation Division	
17.	<b>Mitigation Measure Traffic-5: Roadway Resurfacing.</b> The project shall repave the extent of the affected travel lanes on Shingle Springs Drive in accordance with the terms and conditions of the County encroachment permit and County standards. This measure shall be incorporated and verified as a note on the Improvement Plans prior to issuance of the encroachment permit.	Encroachment Permit	Community Development Agency-Transportation Division	
18.	<b>Mitigation Measure Traffic-6: Lane Closure Limitations.</b> No lane closure shall occur on Shingle Springs Drive or Buckeye Road during peak school traffic periods in the morning and afternoon. Coordination shall occur with the school district prior to construction regarding school schedules, including holidays. The Traffic Control Plan for the Project shall include requirements for lane closures that reflect the school schedule. Although lane closure may occur outside the AM and PM peak school traffic periods, no lane closure may occur during those hours determined to be	Encroachment Permit	Community Development Agency-Transportation Division	

	peak hours by the school district. This measure shall be incorporated and verified as a note on the Improvement Plans prior to issuance of the encroachment permit.			
18.	The applicant shall post an Encroachment Bond to ensure that the affected roadway is returned to its previous condition.	Encroachment Permit	Community Development Agency-Transportation Division	