

Findings

1.0 CEQA FINDINGS

1.1 Tentative Parcel Map P19-0016 has been found to be Categorical Exempt pursuant to Section 15315 of the CEQA Guidelines applying to the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

Section 15315 of the CEQA Guidelines provides a categorical exemption for minor land divisions when all of the following findings can be made:

1. *The division of property is located in an urbanized area.*

Rationale: The project parcel is located in an urbanized area as shown on the 2010 U.S. Census Maps for the greater Sacramento Area.

2. *The property is zoned for residential, commercial or industrial use.*

Rationale: The project parcel is zoned for industrial use.

3. *The subdivision consists of four or fewer parcels.*

Rationale: The proposed subdivision consists of four parcels.

4. *The subdivision is in conformance with the General Plan and zoning.*

Rationale: The project parcel conforms to all applicable General Plan policies and zoning regulations as discussed further in this Findings section.

5. *No variances or exceptions are required for the project.*

Rationale: No variances or exceptions are requested for the project and the project conforms to all applicable subdivision design standards.

6. *All services and access to the proposed parcels to local standards are available.*

Rationale: All required services are available and access to proposed parcels meets local standards.

7. *The parcel was not involved in a division of a larger parcel within the previous two years;*

Rationale: No previous subdivision activity has occurred on the project parcel.

8. *The parcel does not have an average slope greater than 20 percent;*

Rationale: The project parcel has slopes ranging from approximately two to eight percent.

- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department, Planning Services Division, at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 identifies that the purpose of the Industrial (I) land use designation is to provide for a full range of light and heavy industrial uses including manufacturing, processing, distribution, and storage. Lands designated as Industrial can be located in Community Regions, Rural Centers and Rural Regions.

Rationale: The proposed Tentative Parcel Map is consistent with this policy. This project allows for a subdivision of a vacant Industrial-designated parcel to allow for future industrial uses consistent with this land use designation.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

This policy requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Staff has prepared this section on General Plan findings to document the project's consistency with the policies of the General Plan.

2.3 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The project site is currently vacant and undeveloped. Although minor improvements, including road paving and utility trenching, would be authorized as part of the project, no structures or uses are proposed. As the project parcel is located within a Community Design Review (-DC) combining zone, future structures would require a Design Review Permit to ensure compatibility with adjoining land uses.

2.4 The project is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project parcels would be served by public services and utilities including public water, public wastewater (sewer) and electric service. As proposed and conditioned, applicable utility providers, including the El Dorado Irrigation District (EID) and Pacific Gas and Electric (PG&E), have indicated there would be adequate capacity and infrastructure to serve the project. Therefore, public services and utilities are deemed adequate for the project.

2.5 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The proposed parcels would receive public water service from EID. As proposed and conditioned, both EID and the El Dorado County Fire Protection District (Fire District) have determined water quality and quantity will be sufficient for all anticipated future uses, including fire protection.

2.6 The project is consistent with General Plan Policy 5.7.1.1.

General Plan Policy 5.7.1.1 (Fire Protection in Community Regions) requires the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection would be provided concurrent with development.

Rationale: The Fire District currently provides fire protection service to the project site. The Fire District has determined adequate water supply and infrastructure will be available to serve the proposed parcels. The Fire District has imposed standard Conditions of Approval to ensure adequate water supply, storage, conveyance and site access for fire protection remains adequate in perpetuity.

2.7 The project is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2 (Adequate Access for Emergencies) requires the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: Vehicular and emergency vehicle access to the project parcels would be provided by a new 32-foot wide paved roadway along the east project boundary, via a connection to the northwest corner of Business Drive, an existing private, non-County maintained roadway. Both DOT and the Fire District have reviewed the project plans and determined the project would provide sufficient vehicular and emergency vehicle access.

2.8 The project is consistent with General Plan Policy TC-Xa.

Except as otherwise provided, the following TC-Xa policies shall remain in effect indefinitely, unless amended by voters:

- (1) Traffic from residential development projects of five or more units or parcels of land shall not result in, or worsen, Level of Service F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.

Rationale: The project is not a residential development; therefore this Policy does not apply

- (2) The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at Level of Service F without first getting the voter's approval.

Rationale: This is not applicable as the Project is not requesting any modifications to Table TC-2.

- (3) intentionally blank (Resolution 125-2019, August 6, 2019)
- (4) intentionally blank (Resolution 159-2017, October 24, 2017)
- (5) The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

Rationale: This provision is not applicable as the Project is not requesting the County create an Infrastructure Financing District.

- (6) intentionally blank as noted in the General Plan.

- (7) Before giving approval of any kind to a residential development project of five or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Rationale: The project is not a residential development; therefore this Policy does not apply.

2.9 The project is consistent with General Plan Policy TC-Xb

To ensure that potential development in the County does not exceed available roadway capacity, the County shall:

A. Every year prepare an annual Capital Improvement Program (CIP) specifying expenditures for roadway improvements within the next 10 years. At least every five years prepare a CIP specifying expenditures for roadway improvements within the next 20 years. Each plan shall contain identification of funding sources sufficient to develop the improvements identified;

B. At least every five years, prepare a TIM Fee Program specifying roadway improvements to be completed within the next 20 years to ensure compliance with all applicable Level of Service and other standards in this plan; and

C. Annually monitor traffic volumes on the county's major roadway system depicted in Figure TC-1.

Rationale: This policy is not applicable as this policy refers to the county preparing a Capital Improvement Program (CIP), preparing a Traffic Impact Mitigation (TIM) Fee Program, and monitoring traffic volumes.

2.10 The project is consistent with General Plan Policy TC-Xc

Developer paid traffic impact fees combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county. (Resolution 201-2018, September 25, 2018)

Rationale: This policy is not applicable as this policy directs how the County will pay for building the necessary road capacity.

2.11 The project is consistent with General Plan Policy TC-Xd

Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. Level of Service will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgement of DOT which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.

Rationale: This project (parcel split) will not worsen (as defined by General Plan Policy TC-Xe) Level of Service (LOS) for any county- maintained road or state highway.

2.12 The project is consistent with General Plan Policy TC-Xe

For the purposes of this Transportation and Circulation Element, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. A 2 percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily, or
- B. The addition of 100 or more daily trips, or
- C. The addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.

Rationale: This project (parcel split) will generate fewer than 10 trips in the peak hour, and fewer than 100 daily trips. The thresholds in criteria A, B or C of this policy are not met.

2.13 The project is consistent with General Plan Policy TC-Xf

At the time of approval of a tentative map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County’s 10-year CIP.

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County's 20-year CIP.

Rationale: The project does not meet any of the thresholds specified in General Plan Policy TC-Xe: Therefore, the project is consistent with this Policy.

2.14 The project is consistent with General Plan Policy TC-Xg

Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. This policy shall remain in effect indefinitely unless amended by voters.

Rationale: This policy is not applicable as this project does not worsen traffic conditions, and no mitigating improvements are required.

2.15 The project is consistent with General Plan Policy TC-Xh

All subdivisions shall be conditioned to pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.

Rationale: This project will pay TIM fees at the time a building permit is issued.

2.16 The project is consistent with General Plan Policy TC-Xi

The planning for the widening of U.S. Highway 50, consistent with the policies of this General Plan, shall be a priority of the County. The County shall coordinate with other affected agencies, such as the City of Folsom, the County of Sacramento, and Sacramento Area Council of Governments (SACOG) to ensure that U.S. Highway 50 capacity enhancing projects are coordinated with these agencies with the goal of delivering these projects on a schedule agreed to by related regional agencies.

Rationale: This policy is not applicable to the project as it is direction to the County to coordinate with other agencies.

3.0 ZONING FINDINGS

3.1 The project is consistent with Table 130.23.030 (Industrial/R&D Zones Development Standards).

Zoning Ordinance Table 130.23.030 (Industrial/R&D Zone Development Standards) prescribes site-specific development standards for new lots, including minimum lot size and lot width within the Industrial-Light (IL) Zone District.

Rationale: As proposed, the project parcels will meet the required minimum lot size and lot width as required in Table 130.23.030.

3.2 The project is consistent with Chapter 130.39 (Oak Resources Conservation).

Rationale: As proposed and conditioned, the project is consistent with applicable sections of Chapter 130.39 (Oak Resources Conservation) and no existing oak trees will be removed or impacted by the project.

4.0 PARCEL MAP FINDINGS

4.1 The proposed tentative map, including design and improvements, is consistent with the General Plan.

Rationale: The project proposes to create two 7.31-acre parcels (318,424 square feet each) from an approximate 14.62-acre parcel. The project parcel is located in the Shingle Springs Community Region and the parcel's General Plan Land Use Designation is Industrial (I). The proposed Parcel Map has been found consistent with all applicable General Plan policies as set forth in Finding 2.2.

4.2 The proposed Parcel Map conforms to the applicable standards and requirements of the County zoning regulations and Minor Land Division Ordinance.

Rationale: The proposed parcels have been analyzed and conditioned in accordance with the Industrial-Light (IL) zone and will comply with all applicable development standards for new lots in that zone. As proposed and conditioned, the Parcel Map conforms to the Minor Land Division Ordinance.

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

Rationale: The project is consistent with the allowed uses and density requirements of the Industrial-Light (IL) zone. As proposed and conditioned, the proposed parcels will meet the required minimum lot size, lot width, and building density requirements of the IL zone district.

4.4 The proposed subdivision is not likely to cause substantial environmental damage.

Rationale: The project has been found Categorical Exempt pursuant to Section 15315 (Minor Land Divisions) of the CEQA Guidelines. The proposed tentative parcel map will not result in substantial environmental damage and is consistent with existing and planned development in the Shingle Springs Community Region.

Conditions of Approval

1. This Tentative Parcel Map is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit G.....Tentative Parcel Map
Exhibit H.....Water and Sewer Facilities Map

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 would constitute a violation of permit approval.

The project description is as follows:

Tentative Parcel Map P19-0016 is a request to subdivide a single vacant 14.62-acre parcel into two 7.31-acre parcels (proposed Parcels 1 and 2). The existing parcel is zoned Industrial-Light, Community Design Review Combining Zone (IL-DC) and designated in the General Plan as Industrial (I). As proposed, both parcels will meet the required development standards for new lots in the IL zone including minimum lot size and lot width. Access for proposed Parcels 1 and 2 would be provided via a new 32-foot wide paved extension of Business Drive, a private, non-County maintained roadway, along the east project boundary within an existing 60-foot road and public utilities easement, as shown on the Tentative Parcel Map (Exhibit G). Water and wastewater service would be provided by the El Dorado Irrigation District (EID), via connections to existing public water and wastewater facilities on the southeast corner of the project parcel as shown on the Water and Sewer Facilities Map (Exhibit H). Electric service would be provided to both parcels by Pacific Gas and Electric (PG&E) via connections to existing PG&E infrastructure under Business Drive. Site improvements would be limited to minor road grading, paving and utility trenching along the east project boundary within the 60-foot ROW as shown on the Tentative Parcel Map. No additional grading, building pads or soil disturbance is proposed. No oak trees would be removed or impacted by the project.

The development, use, and maintenance of the property, the size, shape 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 must be submitted for review and approval and shall be implemented as approved by the County.

Planning Services Division

2. **Permit Time Limits:** Tentative Parcel Map P19-0016 shall expire 36 months from the date of approval unless a timely extension has been filed consistent with Section 120.74.020 (Expiration Period of Approved or Conditionally Approved Maps) of the Subdivision Ordinance.
3. **Cultural Resources:** If any cultural resources, including historic or Native American artifacts, or other indications of archaeological resources are found during site preparation, grading, and construction activities, all work shall be halted immediately within a 100-foot radius of the discovery until an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, has evaluated the find(s) and until the Wilton Rancheria has been contacted and invited to review and document the find.

Work shall not continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the National Register of Historic Places or California Register of Historical Resources; 3) not a significant Public Trust Resource; 4) adequate information has been collected to document the resource and the resource may be avoided and preserved in place or removed or reburied under the supervision of a qualified archaeologist; or 5) for Native American finds, that the resource has been reburied onsite, when feasible, under the supervision of a qualified Native American monitor from the Wilton Rancheria at the project applicant's expense.

4. **Archeological Resources:** In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision(c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or in his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

5. **Indemnity:** 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.

The developer and land owner 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 Parcel Map.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

El Dorado County Department of Transportation (DOT):

DOT Project-Specific Conditions:

6. **On-Site Road Improvements:** Construct an extension of Business Drive from its existing northerly terminus to the southeast corner of Parcel 1. Construct 20 feet of pavement with Type 2 vertical curb and gutter on the project side of centerline, plus 12 feet of pavement and a one foot wide Aggregate Base shoulder on the opposite side (for a total width of 32 feet) consistent with County Standard Plan 101A.
7. **Road & Public Utility Easements:** Ensure the existing 60 foot wide road and public utility easement on the easterly property line is perpetuated and not abandoned with the final map. This is to preserve legal access to adjacent parcels to the north and east of the project site.
8. **Waiver of Direct Access Rights:** Show a waiver of direct access rights on the Final Map along Shingle Lime Mine Road.

DOT Standard Conditions:

9. **Maintenance Entity:** Prior to filing a final map, form and entity, or join an existing entity, for the maintenance of roads and drainage facilities. When joining an existing entity, amend and modify (as necessary) the existing entity to equitably incorporate maintenance of the Project improvements.

10. **Consistency with County Codes and Standards:** Obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from DOT and pay all applicable fees prior to filing of the final map.

Ensure the project improvement plans and grading plans conform to the County Grading, Erosion and Sediment Control Ordinance, Grading Design Manual, the Drainage Manual, Storm Water Ordinance (Ord. No. 5022), Off-Street Parking and Loading Ordinance, all applicable State of California Water Quality Orders, the State of California Handicapped Accessibility Standards, and the California Manual on Uniform Traffic Control Devices (MUTCD).

11. **Storm Water Management:** Construct post construction storm water mitigation measures to capture and treat the 85th percentile 24 hour storm event as outlined in the CA Phase II MS4 Permit and the County's West Slope Development and Redevelopment Standards and Post Construction Storm Water Plan. Show detention and/or retention facilities on the project improvement plans to fully mitigate any increased runoff peak flows and volumes in accordance with the County Drainage Manual for the roadway only at this time. Permanent site storm water mitigation features will be implemented with subsequent building permits and Design Review processing.

12. **Geotechnical Report:** Prepare and submit a Geotechnical Report with the Project Grading or Improvement plans for review by the County Engineer. Incorporate the findings of the Report into Grading and Improvement Plans. The El Dorado County Grading Design Manual contains standards for content and scope of Geotechnical Reports, however, the County Engineer may require additional or specialized information.

13. **Water Quality Stamp:** Include a storm water quality message stamped into the concrete on new or reconstructed drainage inlets, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. Obtain approval of proposed message from County Engineer prior to construction.

14. **Regulatory Permits and Documents:** Incorporate all regulatory permits and agreements between the project and any State or Federal Agency into the Project Grading and Improvement Plans prior to the start of construction of improvements.

15. **Electronic Documentation:** Upon completion of the required improvements, provide As-Built Plans to the County Engineer in TIFF format, and provide final Drainage and Geotechnical reports, and structural wall calculations to the County Engineer in PDF format.

El Dorado County Air Quality Management District (AQMD):

AQMD Standard Conditions:

16. Fugitive Dust: Future project construction may involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. A Fugitive Dust Mitigation Plan (FDP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction if a Grading Permit is required from the Building Department. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223, Fugitive Dust – General Requirements, and Rule 223.1, Fugitive Dust – Construction, Bulk Material Handling, Blasting, Other Earthmoving Activities and Trackout Prevention.
17. Paving: Project construction and related paving shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials if applicable.
18. Painting/Coating: The project construction may involve the application of architectural coatings, which shall adhere to AQMD Rule 215, Architectural Coatings.
19. Open Burning: Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire. Burning shall adhere to AQMD Rule 300, Open Burning.

El Dorado Irrigation District (EID):

20. Prior to recordation of the final map, the applicant shall complete required onsite and offsite water and wastewater improvements from the District, including dedication of easements as needed, as detailed in the EID Facility Improvement Letter dated October, 7, 2019.

Office of the County Surveyor

21. All survey monuments must be set prior to filing the Parcel Map.
22. Provide a Parcel Map Guarantee, issued by a title company, showing proof of access to a State or County Maintained Road as defined in 120.44.120(B)(2).

23. The roads serving the development shall be named by filing a completed Road Name Petition, with the County Surveyors Office. Proof of any signage required by the Surveyor's Office must be provided to our office prior to filing the Parcel Map.
24. Situs addressing for the project shall be coordinated the County Surveyors Office prior to filling the Final Map.
25. 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 P19-0016 by (that agency) have been satisfied.”** The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.

El Dorado County Fire Protection District

26. All development activities shall comply and be in accordance to current approved codes, ordinances and standards to the satisfaction of the Fire District.