



## Legislation Details (With Text)

**File #:** 15-1008      **Version:** 4

**Type:** Agenda Item      **Status:** Approved

**File created:** 8/19/2015      **In control:** Board of Supervisors

**On agenda:** 6/27/2017      **Final action:** 6/27/2017

**Title:** Community Development Services, Transportation Department, recommending the Board approve and authorize the Chair to sign the Road Improvement Agreement for Shingle Springs Village, SPR 15-0003, Offsite Improvements Agreement 17-54634, with Shingle Springs Band of Miwok Indians Development Corporation. (Est. Time: 10 Min.)

**FUNDING:** Developer Funded.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 4A - Approved CRS 6-27-17, 2. 4B - Draft Road Improvement Agreement 6-27-17, 3. Executed Agreement 17-54634, 4. SECOND ADDENDUM-Initial Study/Mitigated Negative Declaration 02-28-17, 5. AMENDED Conditions of Approval 02-28-17, 6. 3A - Staff Report 6-28-16, 7. 3B - Findings 6-28-16, 8. 3C - Conditions of Approval 6-28-16, 9. 3D - Staff Report Exhibits A-F 6-28-16, 10. 3E - Staff Report Exhibit G-Proposed Mitigated Negative Declaration and Initial Study 6-28-16, 11. 3F - Staff Report Exhibit G-Attachments 6-28-16, 12. 3G - Proof of Publication 6-28-16, 13. Staff Memo 06-27-16 BOS Rcvd 6-28-16, 14. Corrected Staff Memo 06-27-16 BOS Rcvd 8-30-16, 15. Public Comment Rcvd 6-28-16 BOS 6-28-16, 16. Public Comment Rcvd 6-27-16 BOS 6-28-16, 17. Public Comment Rcvd 6-23-16 BOS 6-28-16, 18. Public Comment Rcvd 6-22-16 BOS 6-28-16, 19. Public Comment Rcvd 6-21-16 BOS 6-28-16, 20. Public Comment Rcvd 6-20-16 BOS 6-28-16, 21. FINAL Findings.pdf, 22. FINAL Conditions of Approval.pdf, 23. APPROVED STAMPED Exhibit.pdf, 24. ADOPTED Mitigated Negative Declaration.pdf, 25. RECEIPT-Notice of Determination.pdf, 26. FILED-Notice of Determination.pdf, 27. 2A - Memo regarding Shingle Springs Village Project 10-6-15, 28. Public Comment Rcvd 10-6-15 BOS 10-6-15, 29. Executed Agreement 074-S1610 (10-6-15), 30. Executed Agreement 092-F1611 (10-6-15), 31. A - Blue Route-Hauge Brueck Associates Agreement #074-S1610 9-15-15, 32. B - Blue Route-Funding Agreement #092-F1611 9-15-15, 33. C - Hauge Brueck Associates Agreement #074-S1610 9-15-15, 34. D - Funding Agreement #092-F1611 9-15-15, 35. Letter from County Counsel, 36. Public Comment Rcvd 9-14-15 BOS 9-15-15, 37. Public Comment Rcvd 9-15-15 BOS 9-15-15

Date	Ver.	Action By	Action	Result
6/27/2017	4	Board of Supervisors	Approved	Pass
6/28/2016	3	Board of Supervisors	Approved	Pass
10/6/2015	2	Board of Supervisors	Approved	Pass
9/15/2015	1	Board of Supervisors	Continued	Pass

Community Development Services, Transportation Department, recommending the Board approve and authorize the Chair to sign the Road Improvement Agreement for Shingle Springs Village, SPR 15-0003, Offsite Improvements Agreement 17-54634, with Shingle Springs Band of Miwok Indians Development Corporation. (Est. Time: 10 Min.)

**FUNDING:** Developer Funded.

### DEPARTMENT RECOMMENDATION

Department of Transportation (Transportation) recommending the approval of the Offsite Road Improvement Agreement for Shingle Springs Village, SPR 15-0003, Agreement 17-54634 (Agreement), in order for the Shingle Springs Band of Miwok Indians Development Corporation (Tribe) to construct the necessary water, sewer, road and driveway access improvements.

### **DISCUSSION / BACKGROUND**

On June 28, 2016, the Board approved Site Plan Review (SPR) 15-0003/Shingle Springs Drive Improvements-Encroachment Permit submitted by the Tribe to analyze 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, 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 El Dorado County Right-of-Way of Shingle Springs Drive (Item 51). The property is the Shingle Springs Drive Right-of-Way, consisting of 0.85 acre, located on Shingle Springs Drive between U.S. Highway 50, Exit 39 Off-Ramp and Buckeye Road, in the Shingle Springs area. The County's grant of the encroachment permit was conditioned on the Tribe's completion of the work covered in the Roadway Improvement Agreement.

The SPR permit analyzed the environmental impacts of proposed improvements along Shingle Springs Drive to serve the Tribe's proposed fueling station. The improvements are limited to the water, sewer, road and driveway access needed to serve the Tribe's completed gas station, car wash, and convenience store. While a legal challenge to the approval of the Project giving rise to this Roadway Improvement Agreement was initiated, the Tribe and petitioners in that case reached a settlement agreement and all claims against all parties were dismissed with prejudice. This Roadway Improvement Agreement is limited to the encroachments to serve the gas station, car wash, and convenience store.

Based on the Engineers Estimate, the cost to complete the work is \$1,438,035.23 for Phase 1 and \$54,201.33 for Phase 2, to be paid for by the Tribe.

### **ALTERNATIVES**

This agreement is necessary in order for the completed the gas station, car wash, and convenience store to operate. If the Agreement is not approved, the Tribe would not be able to construct the necessary improvements.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel

### **CAO RECOMMENDATION**

It is recommended that the Board approve this item.

### **FINANCIAL IMPACT**

The requested Board action has no associated fiscal impact or Net County Cost. The Developer will bear the cost of providing the improvements in the proposed agreement.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

1. The Clerk of the Board will obtain the Chair's signature on the two (2) originals of Agreement #17-54634.
2. The Clerk of the Board will return one (1) fully executed original of Agreement #17-54634 to

Transportation, Attention: Julie Millard.

**STRATEGIC PLAN COMPONENT**

Infrastructure

**CONTACT**

Bard R. Lower, Interim Director  
Department of Transportation  
Community Development Services