

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: October 25, 2007
Item No.: 12
Staff: Pat Kelly

ZONE CHANGE/SPECIAL USE PERMIT

FILE NUMBER: Z06-0038/S98-0013R

APPLICANT: Light of the Hills Lutheran Church

AGENT: Brian Morris

REQUEST: The project consists of the following requests:

1) Special Use Permit –Revision request to allow construction of one additional building and expansion of the permit to allow the development of a multi-purpose ball field on an adjacent 5.069 acre parcel. The proposed Sunday School building would be located directly behind the current church facility and would be a two-story building. The original Special Use Permit allowed for two additional buildings that would include a formal sanctuary (8,000 square feet) and an elementary school facility (10,000 square feet). The applicant has requested that the plan for two additional buildings be abandoned and replaced with a single building of reduced size (13,720 square feet) to be built.

2) Consistency Zone Change for parcel 109-161-01 from Limited Multifamily Residential-Planned Development (R2-PD) to Estate Residential Five-acre (RE-5) to maintain consistency with the County's General Plan and surrounding land use designations.

LOCATION: On the south side of Rodeo Road, at the intersection with Coach Lane in the Cameron Park area; Supervisorial District IV (Exhibit A)

APN: 109-161-01 and 109-161-31

ACREAGE: 5.015 acres (APN 109-161-01) and 5.069 acres (APN 109-161-31)

GENERAL PLAN: Low Density Residential (LDR) (Exhibit B)

ZONING: Limited Multi Family Residential – Planned Development (R2-PD) and Estate Residential Five Acre (RE-5) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

SUMMARY RECOMMENDATION: Recommend conditional approval

BACKGROUND: Special Use Permit, S98-0013 was approved on September 10, 1998 for phased construction. Phase 1 was a multipurpose 10,700 square foot building which was built in 1999. The church sanctuary of 8,000 square feet and the elementary school of 10,000 square feet were never built. Since the site improvements for the elementary school were not available, the school was not reviewed for approval at that time. The applicant is requesting to modify the original project to eliminate the two buildings totaling 18,000 square feet and in its place construct a single two-story 13,720 square foot building intended to be used for church offices and Sunday School rooms.

STAFF ANALYSIS

Project Description: The proposed project is a revision to a Special Use Permit to allow construction of one additional building on the 5.015 acre parcel and expansion of the Special Use Permit on the 5.069 acre adjacent parcel for the development of a multi-purpose ball field. The project also includes a rezone to bring parcel 109-161-31 into conformance with the General Plan.

The proposed Sunday School building would be located directly behind the current church facility and would be a two-story building. The original special use permit allowed for two additional buildings that would include a formal sanctuary (8,000 square feet) and an elementary school facility (10,000 square feet).

The church also plans to develop a multi-purpose playing field on the adjacent 5-acre parcel south of the current property. The design includes one softball field and one soccer field that overlap allowing occupancy of only one event at a time. The field would not have public access and would be used during daylight hours only and will require scheduling of events through the Church office.

Site Description: The site is gently sloping with ninety (90) percent of the area containing less than ten (10) percent slopes and the remaining ten (10) percent being less than twenty (20) percent slopes. The site contains primarily woodland terrain with Live Oak, Blue Oak, White Oak, Black Oak and Digger Pine being the dominant vegetation. The site is not located within an identified flood plain and is approximately one-third of a mile from Deer Creek.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	R2-PD & RE-5	LDR	Developed – Church Multipurpose Building
North	CP	C	Shopping Center
South	RE-5 & R2	LDR	Undeveloped & Single Family Residential
East	RE-5	LDR	Single Family Residential
West	R2	LDR	Single Family Residential

General Plan:

General Plan Policy 2.2.5.2 requires all discretionary projects to be reviewed for consistency with applicable General Plan Policies. Specifically, the project has been reviewed for consistency with the following General Plan Policies.

General Plan Policy 2.2.1.2 designates the subject site as Low Density Residential (LDR). This land use designation establishes areas for single-family residential development in a rural setting...transition from Community Regions and Rural Centers...applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available.

General Plan Policy 2.2.5.3 requires that the County evaluate future rezoning: (1) To be based on the General Plan’s general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include the following listed as numbers 1 through 19:

1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;
2. Availability and capacity of public treated water system;
3. Availability and capacity of public waste water treatment system;

Discussion: General Plan Policy 2.2.5.6, where approval of this General Plan has created inconsistencies with existing zoning, lower intensity zoning, in accordance with Table 2-4 of the General Plan, may remain in effect until such time as adequate infrastructure is available to accommodate a higher density/intensity land use. Additionally, General Plan Policies 5.1.2.1 and 5.1.2.2 require that prior to approval of any discretionary development a determination of the adequacy of the public services and utilities to be impacted shall be made and the development shall not result in a reduction of services below minimum established standards.

The existing zoning of Limited Multi-Family Residential is inconsistent with its Low Density Residential (LDR) land use designation. The Environmental Management Department has reviewed the original application and the proposed revision and recommended conditions relating to sewage disposal. A letter dated April 24, 2006 from El Dorado Irrigation District does stipulate that adequate infrastructure of public water and sewer systems exist to warrant the project and can serve future development of the site.

4. Distance to and capacity of serving the elementary and high school;

Discussion: Under General Plan Policy 5.8.1.1 School districts affected by a proposed development shall be relied on to assess any impacts on school facilities. The criteria is not applicable.

5. Response time from nearest fire station handling structure fires;

Discussion: Future development of the project may result in an increase in demand for fire protection services, however, no factual information was provided by the El Dorado County Fire District stating that the minimum level of service would fall below the minimum response time of eight (8) minutes to eighty (80) percent of the population, as designated by Policy 5.1.2.2 in Table 5-1 of the General Plan. A fire station is located less than one mile to the north on Cameron Park Drive, therefore the project would be consistent with this criteria.

6. Distance to nearest Community Region or Rural Center;

Discussion: The property is located within the Community Region of Cameron Park.

7. Erosion hazard;

Discussion: Under General Plan Policy 7.3.2.2, projects requiring a grading permit shall have an erosion control program approved, where necessary. The erosion hazard for this soil is slight to moderate. All development would be required to adhere to the County's grading and erosion control requirements, thereby achieving consistency with this criteria.

8. Septic and leach field capability;

9. Groundwater capability to support wells;

Discussion: The project would not utilize wells or private septic systems since public services are available.

10. Critical flora and fauna habitat areas;

Discussion: General Plan Policy 7.4.1.5 requires species, habitat, and natural community preservation/conservation strategies to be prepared to protect special status plant and animal species and natural communities and habitats when discretionary development is proposed on lands with such resources. The project site is located within an identified gabbro soils area that may contain rare, threatened or endangered species. A Rare/Endangered Plan Survey on the

subject property was conducted by Ruth A. Willson, Biologist, on July 13, 1998 with a follow-up survey on April 14, 2003. The survey resulted in the conclusion that no rare plants were found, but three elderberry plants were found on the parcel where the Sunday School building is proposed to be built. These plants can be the host for the threatened Valley Longhorn Elderberry Beetle. The recommended mitigation measures are identified and discussed in the Environmental Checklist Form and Discussion of Impacts (Exhibit E) and provided in the mitigation monitoring program included in Attachment 1, Conditions of Approval. The mitigation measures for the protection of the elderberry plants include fence and flag all areas to be avoided; contractors for the project to be advised, prior to start of work, on the need to avoid damaging the elderberry plants and the possible penalties for not complying with these guidelines. These mitigation measures would ensure that the project is consistent with this criteria.

Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.4.4.4 requires all new development projects (not including agricultural cultivation and actions pursuant to a Fire Safe Plan necessary to protect existing structures) that would result in soil disturbance of parcels over one acre that have at least 1 percent total canopy cover by woodland habitats as defined in the General Plan to mitigate impacts by one of two options:

- Adherence to tree canopy retention and replacement standards (Option A); or
- Contribution to the County's Integrated Natural Resources Management Plan conservation fund (Option B). Option B is currently not available, as an Oak Woodland Management Plan has not yet been adopted by the County.

The proposed project is expected to have an impact on existing oak woodland. Upon initial review, approximately 45% of both project parcels are covered by tree canopy thereby providing adequate space for future development while conforming to Policy 7.4.4.4 and the Interim Interpretive Guidelines. Specifically, the project includes grading and the removal of oak trees, as well as construction of a 13,720 two-story Sunday school building and multipurpose ball field. Both project parcels include one-hundred and eighty-four (184) White Oak, Blue Oak, Live Oak, Black Oak and five (5) Digger pine trees. The majority of the tree canopy is located on the southern and eastern portion of both project parcels outside the area being impacted by grading and construction activities.

Mitigation measures provided by the Interim Interpretive Guidelines have been included in the Environmental Checklist Form and Discussion of Impacts (Exhibit E) and provided in the mitigation monitoring program included in Attachment 1, Conditions of Approval addressing the preservation, protection and replacement of oak woodlands. The mitigation measures include retaining a qualified project biologist to oversee all aspects of the construction monitoring that pertain to oak tree protection. Lost tree canopy must be replaced at the percentage required under the County's Interim Interpretive Oak Woodland Guidelines and would be in the final landscape plans submitted prior to the issuance of a grading permit for review and approval by Planning Services.

The project is located within the Rare Plant Mitigation Area 1 and would be required to pay a fee for development of the property. The project would not conflict with the provisions of any adopted habitat conservation plan.

- 11. Important timber production areas;**
- 12. Important agricultural areas;**
- 13. Important mineral resource areas;**

Discussion: Project site is not in any designated area for these criteria.

- 14. Capacity of the transportation system serving the area;**
- 15. Existing land use pattern;**

Discussion: General Plan Policy 2.1.1.2, establishes Community Regions to define those areas which are appropriate for the highest intensity of self-sustaining compact urban-type development...based on the municipal spheres of influence, availability of infrastructure, public services, major transportation corridors and travel patterns. The proposed development and the rezoning of the project parcel would maintain conformity to the existing land use pattern.

- 16. Proximity to perennial water course;**
- 17. Important historical/archeological sites; and**
- 18. Seismic hazards and present of active faults.**
- 19. Consistency with existing Conditions, Covenants, and Restrictions.**

Discussion: As discussed in the initial study, none of these resources or constraints exists on the site; therefore the project would be consistent with these criteria.

Additionally, the following General Plan policy also applies to this project:

General Plan Policy 2.2.5.17 requires the Zoning Ordinance to set criteria for locating churches and private schools in residential zones. The subject application is for a revision to a Special Use Permit for the addition of one Sunday school building and multi-purpose ball field to an existing church facility. The subject site is located within residentially zoned lands and is in compliance with the subject policy.

Zoning Code

The proposed project is permitted in the RE-5 Zone District, pursuant to Section 17.28.200 of the Zoning Code with the approval of a Special Use Permit. In order to approve the use, Section 17.22.540 of the Zoning Code requires the approving authority to find that the use is consistent with the General Plan and would not be detrimental to the public health, safety and welfare nor injurious to the neighborhood. Based on comments received from public agencies, citizens' groups, and impacted neighbors, as discussed below, staff finds that the project would not be detrimental to the public health, safety and welfare, nor be injurious to the neighborhood with the adoption of conditions and mitigation measures.

Agency and Public Comments:

The project was circulated for review and comment to various affected agencies. The agencies specific topics are discussed below, and recommended conditions of approval are included in Attachment 1.

El Dorado County Fire District: The District has submitted a letter dated December 29, 2006 that includes comments on fire flow requirements, provisions for fire hydrants, and sprinkler systems. These comments have been included as conditions for the project, to provide for adequate fire protection for the proposed development plan.

Environmental Management – Air Quality: The District's goal is to strive to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. Comments include measures that may be used to reduce impacts on air quality from equipment exhaust emissions.

El Dorado County Department of Transportation: The County Department of Transportation (DOT) reviewed the project plans and is requiring frontage improvements.

The applicant shall obtain an encroachment permit from DOT and construct a Type 2 vertical curb and gutter along Rodeo Road along the entire frontage for APN 109-161-31, per Standard Plans 104. The required curb and gutter shall connect to the existing curb and gutter that adjoins APN 109-161-01. These improvements shall be substantially complete or the applicant shall obtain an approved improvement agreement with security as determined by the Department of Transportation (DOT), prior to the issuance of any Building Permit associated with this proposed project.

Early comments from the public and citizens' groups include the **Cameron Estates Community Services District**. Their comments and proposed suggestions for the project included concerns with public access to the proposed ball field; fencing along Strolling Hills Road; increase in traffic; and requirement to adhere to the County's Oak Tree Guidelines. Additional issues may be raised as a result of the public notice of the hearing.

Copies of their written comments are available at the Planning Services office.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion, Exhibit E) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff finds that the project could have a significant effect on endangered species and oak woodlands. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study and included in Attachment 1 which would reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared.

NOTE: This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,850.⁰⁰ after approval, but prior to the County filing the Notice of Determination on the project. This fee, less \$50.⁰⁰ processing fee, is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

RECOMMENDATION

The Planning Commission recommends to the Board of Supervisors the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), incorporated as conditions of approval in Attachment 1;
3. Approve the Special Use Permit-Revised S98-0013 subject to the conditions in Attachment 1, based on the findings in Attachment 2; and
4. Approve Zone Change Z06-0038, based on the findings listed on Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Site Plan
Exhibit E	Environmental Check List and Discussion

ATTACHMENT 1

CONDITIONS OF APPROVAL

FILE NUMBER S98 – 0013R
Planning Commission Hearing
October 25, 2007

The following are the original approved conditions (in sequence) under Special Use Permit S98-0013 for the construction of the three church buildings. The conditions that are not applicable to this project are shown with a ~~strike through~~ while the additional conditions that are applicable are shown with an underline.

1. The Special Use Permit-Revision and Rezone is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A through Exhibit E, dated October 25, 2007, 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 future environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The proposed project, as considered, is described as follows:

~~The special use permit is for the construction of the three church buildings: Phase 1 multi-purpose building (10,700 square feet) and later phases the formal church sanctuary (8,000 square feet) and an elementary school (10,000 square feet). Since the site improvements for the elementary school are not available for purposes of assessing project impacts, a new special use permit will be required to be filed for the elementary school. Any minor changes may be approved by the Planning Director. However, major changes or additions will require the filing of a new Special Use Permit. Site plan and building elevations shall be consistent with Exhibits D and E. This revision to a Special Use Permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-D, 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, as approved, consists of the following:

The proposed project is a revision to a Special Use Permit to allow construction of one additional building and the development of a multi-purpose ball field. The project also includes a rezone to bring parcel 109-161-31 into conformance with the General Plan.

The proposed Sunday school building would be located directly behind the current church facility and would be a two-story building. The original special use permit allowed for two additional buildings that would include a formal sanctuary (8,000 square feet) and an elementary school facility (10,000 square feet). The applicant has requested that the plan for two additional buildings be abandoned and replaced with a single building of reduced size (13,720 square feet) to be built.

The applicant also plans to develop a multi-purpose playing field on the adjacent 5-acres parcel south of the current property. The design includes one softball field and one soccer field that over lap allowing occupancy of only one event at a time. The fields will not have public access and will require scheduling of events through the Church office.

The grading, development, use and maintenance of the property, the size, shape, arrangement, and location of structure, 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.

Conditions from the Mitigated Negative Declaration

- 24.2.** The applicant shall include the use of buffers and barriers to prevent or reduce the disturbance to oak trees and their under story and the following other measures shall be required: a. the applicant shall retain a qualified project biologist to oversee all aspects of the construction monitoring that pertain to oak tree protection. Any oak tree removed from the site shall be replaced as specified in the Interim Interpretive Guidelines for El Dorado County on November 9, 2006. A detailed analysis of: 1) precise number and species to be removed and 2) specific mitigation areas to be planted shall be identified in a tree survey, preservation, and replacement plan prepared by a qualified professional. Lost canopy shall be replaced at the percentage required under the County's Interim Interpretive Guidelines, and shall be in the final landscape plans. The plans shall be submitted prior to the issuance of a grading permit for review and approval by Planning Services. (MM BIO-1)

MONITORING: The final landscaping plans shall contain the details of the canopy replacement, planting and monitoring. Planning Services shall review the required protection measures on the final landscaping plans and verify implementation of the measures on-site. The landscaping plans shall be submitted prior to the issuance of a grading permit for review and approval by Planning Services.

- 26.3.** Prior to the issuance of a grading permit from Building Services the applicant shall provide the following Mitigation Measures shall to be executed to protect elderberry bushes on-site:

- a. Fence and flag all areas to be avoided. Provide a minimum setback of twenty (20) feet from the drip line of each elderberry plant, surrounded by a 100-foot buffer.
- b. The contractors for the project shall be advised by the applicant on the need to avoid damaging the elderberry plants and the ~~possible~~ penalties for not complying with these regulations.
- c. The applicant shall require the contractors to put up signs every 50 feet along the edge if the avoidance areas with the following information: "This area is habitat of the Valley Elderberry Longhorn Beetle, a threatened species and must not be disturbed. Violators are subject to prosecution, fines, and imprisonment." The signs shall be clearly visible from a distance of 20 feet during the ~~duration~~ life of construction.
- d. Applicant is to instruct construction crews about the status of the Beetle and the need to protect its elderberry host plant.
- e. Transplant elderberry plants that cannot be avoided. Planning Services shall inspect the project site for the location of elderberry plants which will be impacted due to construction.
- f. Plant additional elderberry plant seedlings or cuttings, ~~along adjacent to with~~ the native species-; outside the proposed development areas. (MM BIO-2)

MONITORING: Planning Services shall review the required protection measures including replanting and transplantation on all construction/grading/improvement plans and verify implementation of the measures on-site prior to issuance of a grading permit.

- ~~2-4. The 8,000 square foot sanctuary building and 10,000 square foot elementary school shall be eliminated from the project phasing plans. The applicant shall ~~provide a detailed site plan and floor plan of the proposed uses planned for the formal sanctuary and elementary school for review and approval of the Planning Director, for purposes of determining parking requirements for these uses. Architectural style shall be consistent with the multi-purpose building.~~ submit for a Boundary Line Adjustment, merging the two parcels prior to issuance of a building permit.~~
- ~~3-5. The future formal sanctuary and elementary school buildings project shall be subject to review by the Cameron Park Design Review Committee.~~
- ~~4-6. All construction involving parking lot areas shall adhere to APCD Rule #224 regarding Cutback and Emulsified Asphalt paving materials.~~
- ~~5-7. The applicant shall comply with the El Dorado County Air Pollution Control District (APCD) Rule #223 which addresses the control of fugitive dust. The applicant shall submit a fugitive dust control plan to the APCD prior to beginning project construction.~~

- ~~6.8. The project shall satisfy the fire flow requirements of the El Dorado County Fire Protection District.~~
- ~~7.9. The applicant shall install the number of fire hydrants required by the El Dorado County Fire Protection District.~~
- ~~8.10. Fire apparatus roads shall be a minimum of 20 feet wide, and contain an all-weather surface and shall be located within 150 feet of the buildings.~~
- ~~9.11. Dead-end access roads shall not exceed 150 feet, if an approved turnaround area is not provided.~~
- ~~10.12. The propane tank shall be separated from the buildings and/or trash enclosures by no less than 10 feet from tanks up to 500 gallons and 25 feet for tanks up to 2,000 gallons.~~
- ~~11.13. For the proposed parking lot area, the lighting within 20 feet of the centerline of the poles and wires shall not exceed 15 feet in height.~~
- ~~12.14. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the department 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.~~
- ~~13.15. The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to commencement of any work performed.~~
- ~~14.16. The applicant shall be subject to the County traffic impact mitigation (TIM) fee. Pursuant to Resolution No. 32-98, said fee shall be due upon the issuance of a building permit. If prior to the application for a building permit for said project a revised fee is established, such revised amount shall be paid.~~
- ~~15.17. The applicant shall be subject to the State system infrastructure traffic impact mitigation (TIM) fee. Pursuant to Resolution No. 31-98, said fee shall be due upon the issuance of a building permit. If prior to the application for a building permit for said project a revised fee is established, such revised amount shall be paid.~~
- ~~16.18. The applicant shall be subject to an encroachment permit, Standard Plan 103-G.~~
- ~~17.19. The applicant shall enter into a Road Improvement Agreement with the County to construct the following frontage improvements to Rodeo Road:~~

- ~~a. One half road width (20 feet) in conformance with Standard Plan 101A.~~
- ~~b. Concrete curb, gutter and no sidewalks along Rodeo Road in conformance with Standard Plan 101A.~~

- ~~18.20. The applicant shall dedicate right of way to the County measured 30 feet from the centerline of Rodeo Road.~~
- ~~19. 21. The applicant shall install low level lights on both sides of the project entry. Pole mounted lights shall deflect illumination directly downward on the project site.~~
- ~~20.22. The monument sign shall be non-illuminated and the roof mounted cross shall be a maximum 5' high metal surface painted either brown or white. The applicant shall obtain a building permit for the proposed monument sign.~~
- ~~21.23. The trash enclosure shall be a concrete block wall with a solid gate(s).~~
- ~~22. 24. The trim accent and stucco of the buildings shall be "oyster" color shade and the roof shall be a dark green.~~
- ~~23.25. A Landscape Plan application shall be submitted to the Planning Services for review and approval prior to issuance of the building/grading permit prior to the issuance of the Building Permit.~~
- ~~25.26. The construction contractor shall select the construction equipment used on site based on low emission factors and high energy efficiency. The contractor shall utilize electric or diesel powered equipment in lieu of gasoline powered engines.~~
- ~~27. The applicant shall comply with Ordinance 4500 regarding the establishment of an ecological preserve.~~

Site Specific Conditions - Planning Services

- 28. The project trim accent, stucco, and roof of the building shall be consistent with the existing building.
- 29. A final Landscape Plan shall be submitted to Planning Services for review and approval prior to issuance of a building and/or grading permit.
- 30. No lighting or sound system shall be installed or used with the multi-purpose ball field and event activities shall be restricted to day use only.
- 31. The existing single-wide trailer shall be removed prior to final sign-off of the building permit issued by Building Services.

32. The project site is located within the Ecological Preserve Mitigation Area 1 for the new church structure and the area developed for the multi-purpose ball field. Applicant shall be required to pay in lieu of Ecological Preserve Mitigation for the direct impacts caused by development on rare plants and rare plant habitat.
33. The applicant is required to ensure the multi-purpose ball field shall not have public access except through the scheduling of an event through the Church.
34. 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.
35. Prior to commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services for verification of compliance with applicable conditions of approval.
36. Prior to issuance of a grading permit, the applicant shall remit payment of any outstanding fees as detailed and required in the *Agreement for Payment of Processing Fees* authorized for this project.
37. 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 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 a subdivision, which action is brought within the time period provided for in Section 66499.37.

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

Department of Transportation

38. The applicant shall obtain an encroachment permit from DOT and construct a Type 2 vertical curb and gutter along Rodeo Road along the entire frontage for APN 109-161-31, per Standard Plans 104. The required curb and gutter shall connect to the existing curb

and gutter that adjoins APN 109-161-01. These improvements shall be substantially complete or the applicant shall obtain an approved improvement agreement with security as determined by the Department of Transportation (DOT), prior to the issuance of any Building Permit associated with this proposed project.

El Dorado County Environmental Management

Air Quality Management District (AQMD)

39. The project construction would involve grading and excavation operations, which would result in a temporary negative impact on air quality with regard to the release of particulate matter (PM₁₀) in the form of dust. Current county records indicate that this property is not located within the Asbestos Review Area. Therefore, District Rules 223 and 223-1 which addresses the regulations and mitigation measures for fugitive dust emissions shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rules 223 and 223-1. In addition, a Fugitive Dust Plan Application shall be submitted long with the appropriate fees to and approved by the District prior to start of project construction.
40. Project construction may involve road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
41. Burning of wastes that result from “Land Development Clearing” must be permitted through the District. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
42. The project construction would involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.
43. The District goal is to strive to achieve and maintain the ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following measures used to reduce impacts on air quality impacts from equipment exhaust emissions:

Heavy Equipment and Mobile Source Mitigation Measures

- Use low-emission on-site mobile construction equipment
- Maintain equipment in tune per manufacturer specifications
- Retard diesel engine injection timing by two to four degrees
- Use electricity from power poles rather than temporary gasoline or diesel generators
- Use re-formulated low-emission diesel fuel
- Use catalytic converters on gasoline-powered equipment

- Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible
 - Do not leave inactive construction equipment idling for prolonged periods (i.e. more than two minutes)
 - Schedule construction activities and material hauls that affect traffic flow to off-peak hours
 - Configure construction parking to minimize traffic interference
 - Development construction traffic management plan that includes, but no limited to: Providing temporary traffic control during all phases of construction activities to improve traffic flow; Rerouting construction trucks off congested streets; and provide dedicated turn lanes for movement of construction trucks and equipment on-site and off-site.
44. Prior to construction/installation of any new point source emission units or non-permitted emission units (i.e. gasoline dispensing facility, boilers internal combustion engines, emergency generators, etc.), authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagram(s) equipment specifications and emission factors.

El Dorado County Fire District

45. Applicant is required to pay a site review fee of \$150.
46. The project shall satisfy the fire flow requirements of the El Dorado County Fire District as indicated in El Dorado Irrigation District, Facilities Improvement letter dated, August 24, 2006.
47. The applicant shall install the number of fire hydrants required by the El Dorado County Fire District. The Fire District shall approve the number of hydrants and location of the hydrants.
48. The project requires a Fire District approved NFPA 13 fire sprinkler system to be installed.
49. The Project is required to meet fire flow. Fire flow for this project is 1625 gpm @ 20 psi for two (2) hours, with an approved fire sprinkler system.
50. Provide documentation from EID (FIL) that the fire flow can be met.
51. Occupancy of the Sunday school building shall be A-3, B and S-2, (E occupancy may be used for educational purposes thru grade 12, for 12 hours a week or 4 hours in any one day).
52. A-3 occupancies on the second floor of the Sunday school building require 1-hour construction.

El Dorado Irrigation District

53. In order to provide the minimum fire flow of 1625 GPM for a 2-hour duration while maintaining a 20-psi residual pressure required by the El Dorado County Fire Department the applicant shall construct a water line extension from the existing 8-inch water lines located on the project site or Strolling Hills Road.
54. Proposed water lines, sewer lines and related facilities must be located within an easement accessible by conventional maintenance vehicles. When the water lines or sewer lines are within streets, they shall be located within the paved section of the roadway. No structures shall be permitted within the easements of any existing or proposed facilities. The District shall have unobstructed access to these easements at all times, and does not generally allow water or sewer facilities along lot lines.
55. Easements for any new District facilities constructed by this project shall be granted to the District prior to District approval of water and/or sewer improvement plans, whether on-site or off-site. In addition, due to either nonexistent or prescriptive easements for some older facilities, any existing on-site District facilities that shall remain in place after the development of this property must also have an easement granted to the District.

ATTACHMENT 2 FINDINGS

**FILE NUMBER S98 – 0013R/Z06-0038
Planning Commission Hearing
October 25, 2007**

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 pursuant to CEQA, applicable County General Plan Policies and the County Zoning and Subdivisions Ordinance and the California Government Code.

1.0 CEQA

- 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 proposal.
- 1.2 Through feasible conditions and mitigation placed upon the project, significant impacts on the environment relating to Biological Resources have been eliminated or reduced to less than significant.
- 1.3 The document 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.
- 1.4 Public resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE

2.1 General Plan

The project is in conformance with the Low Density Residential land use designation of the site as specified on the General Plan Land Use Map. The project has been designed in compliance with land use policies of the General Plan including Biological Resource, Commercial Development Standards, Circulation /Transportation, Air Quality, Noise, and Public Utilities.

2.2 Zoning Ordinance

The request is for a zone change from Limited Multifamily Residential-Planned Development (R2-PD) to Estate Residential Five-acre (RE-5). Pursuant to Section 17.28.200 Development Standards the proposed development is found to be consistent with the General Plan and will not be detrimental to the public health, safety, and welfare nor injurious to the neighborhood with the adoption of the conditions of approval, Attachment 1 and mitigation measures.

3.0 Special Use Permit

3.1 *The issuance of the permit is consistent with the General Plan.*

This project meets the intent of the General Plan because the proposed development supports the intent of the uses allowed within the Low Density residential (LDR) land use designation and applicable Land Use Element General Plan policies identified and discussed in the staff report.

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

Based on comments received from public agencies, citizens' groups, and impacted neighbors discussed in the staff report, staff finds that the project will not be detrimental to the public health, safety and welfare, nor injurious to the neighborhood with the adoption of conditions of approval and mitigation measures.

3.3 *The proposed use is specifically permitted by special use permit pursuant to this Title.*

As discussed in the Zoning Code section of this staff report, the proposed development is allowed upon approval of a special use permit.