

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



Agenda of: May 10, 2012
Item No.: 8.b
Staff: Aaron Mount

SPECIAL USE PERMIT REVISION

FILE NUMBER: S03-0005-R-2/El Dorado Hills Community Park Revision

APPLICANT: El Dorado Hills Community Services District

ENGINEER: Stantec Consulting Services, Inc.

REQUEST:

1. Special Use Permit Revision to allow the development of new park facilities including a dog park, a basketball court, four batting/pitching cages, a restroom, a multi-use trail, and a foot bridge over New York Creek within the existing El Dorado Hills Community Park; and
2. Finding of Consistency with General Plan Policy 7.3.3.4 to allow a reduction of the riparian area setback from 100 feet to zero with installation of a multi-use trail, pedestrian bridge, and dog park within the required setback.

LOCATION: At the intersection of El Dorado Hills Boulevard and Harvard Way in the El Dorado Hills area, Supervisorial District 1 (Exhibit A).

APN: 125-110-09 (Exhibit B)

ACREAGE: 39.5 acres (Exhibit B)

GENERAL PLAN: Public Facilities (PF) (Exhibit C)

ZONING: Recreational Facilities (RF) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION: Staff recommends the Planning Commission take the following action:

1. Adopt the Subsequent Mitigated Negative Declaration, based on the Initial Study prepared by the applicant;
2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measures in the Conditions of Approval as listed in Attachment 1;
3. Approve Special Use Permit Revision S03-0005-R-2 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2; and
4. Determine a Finding of Consistency with General Plan Policy 7.3.3.4 to allow a reduction of the riparian area setback from 100 feet to zero with installation of a multi-use trail, dog park, and pedestrian bridge within the required setback.

STAFF ANALYSIS

Background: The El Dorado Hills Community Park was established through Special Use Permit S87-54 approved on March 24, 1988. The 2001 Master Plan developed by the El Dorado Hills Community Services District was approved as a revision to special use permit S87-0054 to establish the El Dorado Hill Community Park with several facilities when Special Use Permit S03-0005 was approved by the Planning Commission on October 9, 2003. Construction of the facilities proposed in S03-0005 was scheduled to occur in a three phase implementation process. Each phase was subject to independent environmental review through the special use permit and special use permit revision process. The facilities specifically addressed in S03-0005 were considered Phase One of the facilities expansion. Phase One included a skatepark with a public restroom, a class one bike path, a maintenance facility building, a temporary administration building, construction of new parking lot areas, and expansion of existing parking areas. On August 25, 2005, the Planning Commission approved Special Use Permit S03-0005-R which revised S03-0005 to allow construction of a Teen Center adjacent to the skate park.

Project Description: This project consists of a revision to Special Use Permit S03-0005-R to include the development of new park facilities including a dog park, a basketball court, four batting/pitching cages, restrooms, a multi use trail, and a foot bridge over New York Creek within existing El Dorado Hills Community Park. The project serves to fulfill the objectives of the El Dorado Hills Community Services District Recreation Facilities Master Plan. The fundamental purpose of the Master Plan is to define a course of action for development of the recreation facilities required by the growing community.

The following is a summary of the changes that have been requested in this special use permit revision and have been adopted by the EDHCSD as part of their Master Plan update (See Exhibits G, H, and I-2):

- East of New York Creek and south of the existing baseball/soccer field:
Uses/elements **removed** in this area include:
Four (4) tennis courts
Uses/elements **added** in this area include:
One (1) basketball court
Five (5) batting/pitching cages; one (1) is existing, four (4) additional are proposed
- East of New York Creek and north of the existing baseball/soccer field:
Uses/elements **removed** in this area include:
Four (4) tennis courts
One (1) picnic area
Uses/elements **added** in this area include:
One (1) dog park with the following features:
0.72 acre large dog park.
0.59 acre small dog park.
Hours of operation 7 am to 7 pm.
- The 'Planted Buffer' width has been set to a 45' minimum between the park and adjacent residential uses.
- A multi-use trail has been added parallel the eastern park boundary and along New York Creek.
- A pedestrian bridge has been added for general/ADA access from the northern parking lots across New York Creek to the dog park area.
- A 4-stall restroom has been added adjacent the parking lot near the northernmost baseball field. The restroom's design is consistent with other structures in the park and consistent with the design of recreational facilities used in most parks in the county and surrounding areas.

Site Description: The site is within a 39.5-acre parcel located between the 750 and 800 foot elevations above sea level. Existing recreational facilities are predominantly located within the west and northern half of the park. The southeastern area of the park is primarily undeveloped oak woodlands, open grassland, and riparian habitats adjacent to New York Creek. New York creek runs the length of the property north to south and roughly divides the project parcel. Approximately 65 percent of the park area is developed with picnic areas, parking, an aquatic center, teen center, community multipurpose building, skate park, playgrounds, offices, and recreational fields. The park is surrounded by existing residential, commercial, and institutional (Oak Ridge High School) land uses.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RF	PF	Existing EDH CSD Community Park
North	R1, OS, C	HDR, C, OS	Single family residences, commercial, open space
South	R1	PF, HDR	Single family residences, Oak Ridge High School
East	R1	HDR	Existing residential development
West	R1	HDR	Existing residential development

Discussion: The Stonegate Village subdivision is located directly north and east of the park and consists of single-family residences. Village Plaza, a parcel with commercial land uses, is adjacent to the northwestern park entrance. Existing development adjacent to the southern park boundary includes Oak Ridge High School and single-family residences. The Governor Village subdivision, which consists of single-family residences, is located along the west side of El Dorado Hills Boulevard adjacent to the park.

Project Issue: The primary discussion items for this project include noise, circulation, lighting, and pedestrian paths.

Noise: The primary revision request in the subject application is an addition of a dog park with separate areas for small and large dogs. The proposed dog park would be located in the north eastern portion of the project parcel in an area that is undeveloped and is currently used for passive recreation (See Exhibits I-2 and I-4) including use as an undesignated/unofficial dog park. Minor development would be required including fencing, shade structures, drinking fountains, and waste receptacle areas. An environmental noise assessment was submitted analyzing the potential impact of a dog park being developed adjacent to residential land uses. As described in the attached Initial Study and acoustical analysis and shown below, the study determined that the predicted noise associated with dog park activities would comply with the General Plan noise standards during daytime hours at the nearest neighbors with the exception of maximum noise levels generated by large dogs barking near the northern site boundary. Specifically, a level of 71 dB Lmax is predicted relative to a recommended Lmax standard of 70 dB.

**Performance Standards for Non-Transportation Noise Sources
 El Dorado County Noise Element**

Noise Level Descriptor	Daytime (7am- 7pm)	Evening (7pm-10pm)	Nighttime (10pm-7am)
Hourly Leq (Average Level)	55 dB	50 dB	45 dB
Maximum Level	70 dB	60 dB	55 dB

Predicted El Dorado Hills Dog Park Noise Levels at Nearest Residences

Source: Bollard Acoustical Consultants, Inc.

Location	Lmax Distance	Predicted Lmax	Leq Distance	Predicted Leq
Large Dog Area	50	71	100	50
Small Dog Area	130	63	225	43
Recommended Noise Standard	--	70	--	50

To reduce typical dog park noise levels to a state of compliance with the daytime noise standards the noise assessment recommended two possible mitigations that have been included in the Initial Study/Mitigated Negative Declaration. Planning staff is recommending inclusion of these mitigations as conditions of approval which would require vinyl sheets in the fencing between the dog park and adjacent residences and limited hours of 7 am to 7 pm. These measures would ensure compliance with daytime noise standards and the hours of operation would be easily enforceable by park staff with appropriate signage and monitoring by on-site park employees. These mitigation measures have been agreed upon by the applicant and have been adopted by the EDHCS Board by adoption of the Initial Study/Mitigated Negative Declaration. All other proposed uses would be located in the interior of the park and are not anticipated to create new noise conflicts. Additionally, the proposed uses, excluding the dog park, are replacing previously analyzed uses and therefore there is no net increase in recreational users or uses being added to the park.

Circulation: DOT has reviewed the project and determined that the existing encroachments access roads are adequate for this revision. The park is currently accessed from El Dorado Hills Boulevard, Harvard Way, and St. Andrews Drive. The El Dorado Hills Fire Protection District has recommended a condition to ensure that ambulance access is achievable to all new uses being proposed. The uses proposed by this application are replacing previously approved uses so the over all traffic impact at the site has not changed and is consistent with previous traffic studies approved for the park.

Lighting: No new lighting is proposed by this project revision. Any new proposed facilities would only be available during daylight hours and for the proposed dog park hours would be further restricted to 7 am to 7 pm.

Pedestrian Paths: The project proposes to construct an eight-foot wide asphalt multi-use trail connecting the northern parking area to the new dog park and continuing to the proposed basketball court and eastern entrance to the park. The proposed path system would include a pedestrian bridge proposed to span New York Creek providing a pedestrian connection to the existing and proposed features east of the creek. The bridge is proposed to be located outside of the Ordinary High Water Mark and flood zone, as located by the project’s biological consultant, to prevent intrusion to the natural flow of the creek. The proposed trail and bridge would be located within the 100-foot setback required for perennial streams as discussed further below in the General Plan Policy 7.3.3.4 section.

General Plan: The General Plan designates the subject site as Public Facilities. This designation is only for publicly owned lands used for public facilities such as sanitary landfills, storage and maintenance yards, regional parks and recreation facilities, schools, etc. As proposed, the project is consistent with the Public Facility (PF) land use designations as defined within General Plan Policy 2.2.1.2 because the land use designation permits regional parks and recreation facilities on publicly-owned lands. The policies and issues that affect this project are discussed below:

Policy 2.2.5.21 directs that development projects *shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the project is proposed.*

Discussion: Park and recreation facilities are a necessary component of a healthy community. Goal 9.1 of the General Plan states “*Provide adequate recreation opportunities and facilities including developed regional and community parks...for the health and welfare of the residents and visitors of El Dorado County*”. The project would be compatible and consistent with the high density residential, commercial and public facility land use designations that are adjacent to the project site. The project has been designed to minimize the potential noise effects the project may have on adjacent properties, as directed by the General Plan noise policies. All facility components would be consistent with existing uses and structures within the park. A dog park, basketball court, and batting/pitching cages are appropriate features of a community park typically found in a residential area. Therefore, the use is compatible with the surrounding single family residential uses. As proposed and conditioned, specifically Conditions of Approval numbers 22, 23, 24, 26, and 52, the requested revisions to the park would be consistent with General Plan Policy 2.2.5.21.

Adequate Access for Emergencies: **Policy 6.2.3.2** directs the applicant to *demonstrate that adequate access exists, or can be provided for emergency vehicles and private vehicles to access and evacuate the area.*

Discussion: The proposed project plans were reviewed by the El Dorado Hills Fire Protection District. The El Dorado Hills Fire District has recommended conditions number 40 and 41 for S03-0005-R-2 to assure that all emergency vehicle access points shall be placed where possible for ambulance access and that all shade structures shall be NFPA 701 compliant or equivalent. With those conditions, the Fire District has no outstanding concerns with the project. Therefore, the project would be in compliance with the General Plan Policy.

Noise Impacts: **Policy 6.5.1.2** states that *where proposed non-residential land uses are likely to produce noise levels exceeding the performance standards of Table 6-2 at existing or planned noise-sensitive uses, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in the project design.* Policy 6.5.1.7 states that *noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise-sensitive uses.*

Discussion: As discussed in the Noise section above, the applicant has submitted an acoustical analysis that concludes with incorporation of specific mitigation measures that the proposed dog park would be in compliance with Policy 6.5.1.2.

Wetlands/Streams: **Policy 7.3.3.4** directs that buffers and special setbacks 50-foot setback is required from intermittent streams and wetlands and a minimum setback of 100 feet is required from all perennial streams, rivers and lakes.

Discussion: New York Creek is indicated on the USGS map as an intermittent creek, that is, it flows during the rainy season and is usually dry by summer. Previous wetland delineations have concluded that this is almost certainly the natural condition for this creek; however runoff from summer irrigation and other sources has converted the creek to perennial status. A 100-foot setback would be required for development from the Ordinary High Water Mark (OHWM) established by the previously submitted wetland delineations for the creek identifying it as perennial.

The proposed multi-use trail, pedestrian bridge, and dog park would encroach into the required 100 foot setback for a perennial stream. The submitted Policy 7.3.3.4 setback reduction request, Exhibit J, concludes that all features would be outside of the OHWM and riparian vegetation/habitat associated with New York Creek. A qualified biologist has determined that both the pedestrian trail and bridge would not have a significant impact on New York Creek or any existing riparian vegetation or habitat. This is discussed in more detail in the Environmental Checklist/Discussion of Impacts, Section IV, Biological Resources section provided as Exhibit K.

General Plan Policy 7.3.3.4 states, *These interim standards may be modified if more detailed information relating to slope, soil stability, vegetation, habitat or other site- or project-specific conditions supplied as part of the review for a specific project demonstrates that a different setback is necessary or would be sufficient to protect the particular riparian area at issue. Also, for projects where the County allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized.*

The applicants are requesting a reduction of the perennial stream setback from 100 feet to zero with installation of a pedestrian bridge, a multi-use trail, and a dog park. Those features are identified on the site plan shown on Exhibit I-4. The Policy 7.3.3.4 allows *exceptions to riparian and wetland buffer and setback requirements shall be provided to permit necessary road and bridge repair and construction, trail construction, and other recreational access structures such as docks and piers, or where such buffers deny reasonable use of the property, but only when appropriate mitigation measures and Best Management Practices are incorporated into the project.* Therefore, this would exempt the paths and bridge, but not the proposed dog park.

As discussed above in the Project Issues, Pedestrian Path section, General Plan Policy 7.3.3.4 section, and Section IV in the Environmental Checklist/Discussion of Impacts, the submitted reports found the implementation of Best Management Practices and recommended Mitigation Measures would reduce the impacts of the proposed improvements to a less than significant

level. The project biological consultant has recommended that the setbacks to the wetland features be waived, because the perennial stream and riparian features would not be directly effected provided that appropriate storm water BMP's are in place to catch runoff, and there would be no significant effect to the stream and riparian onsite or offsite, in relation to improvements proposed.

The project's consultant provided a list of the BMPs that the project would be required to adhere as a part of the grading permit requirements by County Code. These include Conditions of Approval numbers 15, 19, 20, and 21 which consist of sedimentation and erosion control measures, avoidance and minimization of potential impacts from construction material releases, and best management practices. The Building Services Plan Checker will review the submitted grading plan and verify that the plan includes BMPs that conform with the County's California Stormwater Pollution Prevention Plan issued by the State Water Resources Control Board, prior to grading permit issuance:

The proposed bridge has been designed to span the stream and flood zone in order to reduce the impact to the stream and riparian habitat and reduce permitting requirements. Mitigations have been included for the required permitting from the USACE and CDFG if bridge plans are changed in the future and there is an impact to the jurisdictional features of the stream. As proposed there are no direct effects to jurisdictional features of the stream and the plans have been reviewed by the USACE and CDFG.

Therefore, with conditions 15, 19, 20, and 21 and with adherence to County Codes, the project would incorporate "Best Management Practices" and Mitigation Measures to minimize impacts on the stream and the request to reduce the required setbacks could be found to be consistent with the intent of El Dorado County General Plan Policy 7.3.3.4 and the Interim Interpretive Guidelines (June 22, 2006) for that Policy.

Oak Canopy Coverage: **Policy 7.4.4.4** establishes the native oak tree canopy retention and replacement standards.

Discussion: The submitted plans verify that no native oaks would be removed for this project revision. As proposed, there would be no conflicts anticipated with this policy.

Bicycle Transportation: **Policies 9.1.2.4 and 9.1.2.8** direct that discretionary projects be evaluated with regard to their ability to implement, integrate and link, where possible, existing and proposed National, State, regional, County, city and local hiking, bicycle, and equestrian trails for public use.

Discussion: In addition to the General Plan policies, the project would be required to include provisions for bicycle parking on the site pursuant to Section 5.105.4.1 and 2 of the 2010 California Green Building Standards Code, at locations at the discretion of the applicant but convenient from adjoining streets. The project proposes a bike rack adjacent to the proposed dog park. The bike rack would be required to be installed prior to issuance of final occupancy for a building permit. In addition to the proposed bike rack, the project includes a proposed asphalt multi-use trail within the project site, as shown in Exhibit I-2, which would achieve consistency with these policies

and State Code. An existing multi-use path is located on the western end of the project parallel to El Dorado Hills Drive that provides a non-vehicular connection for the El Dorado Hills Drive corridor.

Conclusion: The project has been reviewed in accordance with the 2004 General Plan policies, and it has been determined that it is consistent with the General Plan because the General Plan land use designation description for Public Facilities specifically lists regional parks and recreation facilities and the proposed revision including a dog park, basketball courts, multi-use trail, and batting/pitching cages are an integral part of community/regional park. Staff finds that the proposed expanded use, as proposed and conditioned, conforms to the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning and Special Use Permit Request: The proposed use is subject to a special use permit in the Recreation Facilities zone district, pursuant to Section 17.48.060(E). Section 17.48.060(E) states: *Any recreational use such as those enumerated in Section 17.48.050, which by their nature or design will operate after daylight hours, or are designed for overnight use, or will create a nuisance beyond the confines of the property, or are designed for the use of more than fifty people at any one time, or will produce or create visual or other modification that are inconsistent with the surrounding environment.* This special use permit is required as the park as a whole was determined to meet the requirement for a Special Use Permit when first proposed. Individual uses within the park may not meet the requirement for a special use permit, but reviewed as a single project parcel and park facility; the site is capable of more than the 50 persons and some uses will operate after daylight hours.

In order to approve the use, the approving authority must 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 the conditions and mitigation measures and comments received from public agencies, staff finds that the project would not be detrimental to the public health, safety, and welfare and would not be injurious to the neighborhood.

Previous Conditions of Approval and Mitigations

The Initial Study prepared for S03-0005-R and agency comments on the original Special Use Permit S03-0005 identified the presence of soils containing asbestiform and potential noise impacts from the skate park as the primary issues for the development of the phase one and two park expansions.

The geotechnical reports prepared for the existing bicycle path and parking lots identified trace amounts of tremolite asbestos in one test pit and 1.3 percent chrysotile asbestos in another. At the skate park one soil sample identified asbestos at a concentration of 0.25 percent. No sampling was completed for this revision as any development of the project site will require mitigations previously adopted for naturally occurring asbestos.

The potential asbestos impacts were reduced to less than significant by the following mitigation measures:

- Preparation of a Fugitive Dust Prevention and Control Plan.

- Preparation of a Contingent Asbestos Hazard Dust Mitigation Plan.
- Development of a Health Risk Assessment.
- Periodic observation of the excavation work by a geologist to check for visible asbestos.
- Mitigation Measure 1 has been amended to the most current requirements for asbestos airborne toxic control measures.

Potential skate park noise impacts to the surrounding residential neighborhood were mitigated to a less than significant level by the following mitigation measures:

- Provide insulation of fiberglass ramps to reduce the resonance of sound inside the cavities of the ramps. The ramps were ultimately constructed of steel which would not have the vibration issues of fiberglass.
- Prohibit the use of portable music systems, amplified musical instruments or other noise making devices within the skate park.
- Close facility operations by 10:00 pm.
- Construct a noise barrier around the western, northern, and eastern boundaries of the park to attenuate skate park noise.
- Monitor the site for compliance with County Noise Performance Standards.

All other potential impacts were considered less than significant or were mitigated to less than significant by the imposition of standard project conditions.

Please refer to Attachment 1, Conditions of Approval, for detailed descriptions of the existing and proposed mitigation measures. New conditions and mitigations related to this revision are shown as underlined and conditions that are either completed or are no longer relevant have been shown as strike out.

Development Standards: Section 17.48.070.A through G of the County Code establishes development standards that apply in all recreational districts.

Discussion: After review of the submitted site plans and elevations, it has been determined that the proposed project meets the standards contained in Section 17.48.070.A through G of the County Code. 17.48.070.C requires structural setbacks of 50 feet on all yards. All proposed structures meet this setback requirement. The Zoning ordinance is silent on setbacks for fences in commercial and recreational zone districts. The placement of the dog park 45 feet from the property line meets the intent of the zoning ordinance as it does not constitute a structure as the proposed fence height would not exceed seven feet in height. As proposed the project is consistent with the RF zone district's development standards.

Conclusion: As discussed above, staff finds the project, as proposed and conditioned, is consistent with all applicable provisions of County Zoning Ordinance Title 17.

ENVIRONMENTAL REVIEW

The El Dorado Hills Community Services District, the project applicant, has met CEQA compliance through the preparation of a subsequent mitigated negative declaration, which would

tier off of the existing approved 2003 and 2005 IS/MND documents. CEQA compliance for the 2003 and 2005 El Dorado Hills Community Services District Park Master Plan Projects included the development of Initial Study/Mitigated Negative Declarations (IS/MND). The previous approvals are detailed below.

S03-0005:

SCH Number: 2003082073

Document Type: Neg - Negative Declaration

Project Lead Agency: El Dorado County

Project Description: Special Use Permit for a revision to the El Dorado Hills Community Services District Recreational Facilities Master Plan.

SCH Number: 2003082073

Document Type: NOD - Notice of Determination

Project Lead Agency: El Dorado County

Project Description: Development of new park facilities for the El Dorado Hills Community Park, including lighted skate park; restroom; bike path; maintenance facility and parking lot to provide public conference room and offices for staff; temporary administration building; new parking lot areas; and expansion of existing parking areas.

S03-0005-R:

SCH Number: N/A

Document Type: Neg - Negative Declaration

Project Lead Agency: El Dorado County

Project Description: Special Use Permit for a revision to the El Dorado Hills Community Services District Recreational Facilities Master Plan.

SCH Number: N/A

Document Type: NOD - Notice of Determination filed October 04, 2005

Project Lead Agency: El Dorado County

Project Description: Development of new teen center for the El Dorado Hills Community Park.

The proposed project meets the following conditions described in CEQA Section 15162, which include 1) substantial changes are proposed in the project which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; 2) substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or 3) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative declaration was adopted. This includes the development of feasible mitigation measures that would reduce one or more significant effects of the environment.

The proposed changes to El Dorado Hills Community Services District Park Master Plan will require additional mitigation measures that would reduce potential significant effects of the environment to a level that will be less than significant. All mitigation measures, environmental commitments, and Best Standard Practices included in the previous IS/MND adopted in 2003 will be incorporated into this document. Additional mitigation measures will be added to reduce impacts to less than significant for this revision which includes the following proposed uses; a dog park, a basketball court, four batting/pitching cages, a restroom, a multi use trail, and a foot bridge over New York Creek.

The applicant has submitted an Initial Study (Environmental Checklist with discussion provided in Exhibit R) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project in the areas of biology, geology, hydrology, noise, and mandatory findings of significance. The Initial Study concludes that significant effects of the project on the environment can be mitigated; therefore a Mitigated Negative Declaration has been prepared. The Initial Study and Mitigated Negative Declaration have been adopted by the El Dorado Community Services District Board and have been circulated by the State Clearinghouse. For S03-0005-R-2 and the County Planning Commission, the MND will be circulated for a new 30 day public review period.

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.). The Mitigated Negative Declaration was previously adopted by the Board of the El Dorado Hills Community Services District and the County filed the Notice of Determination on the project. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,101.50 after approval, but prior to the County filing the Notice of Determination on the project, however only one filing fee needs to be paid per project (14 CCR § 753.5(e)(3)). The Fish and Game CEQA document filing fee was paid during the EDHCSD's adoption so a duplicate fee is not required. The County Clerk processing fee of \$50.00 will be required and is to be submitted to Planning Services and must be made payable to El Dorado County.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zone District Map
Exhibit E	Applicant-submitted Project Description (3 pages)
Exhibit F	Project Site Plan, Existing Community Park
Exhibit G	El Dorado Hills Community Park Master Plan
Exhibit H	El Dorado Hills Community Park Master Plan Proposed
Exhibit I-1	El Dorado Hills Community Park Vicinity Map
Exhibit I-2	Site Plan
Exhibit I-3	Restroom Building Enlargement
Exhibit I-4	Dog Park, Trail, and Bridge Enlargement
Exhibit I-5	Dog Park, Trail, and Bridge Enlargement Landscape Plan
Exhibit I-6	Basketball Court, Picnic & Play Area Enlargement
Exhibit I-7	Basketball Court, Picnic & Play Area Enlargement Landscape Plan
Exhibit J	General Plan Policy 7.3.3.4 Exception Request Letter; October 21, 2011
Exhibit K	Mitigated Negative Declaration and Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit Revision S03-0005-R-2/El Dorado Hills Community Park Revision Planning Commission/May 10, 2012

Planning Services

1. ~~The project, as approved, consists of the following: This special use permit amends Special Use Permit S03-0005 and the approved site plans. This revision request consists of the addition of a Teen Center to the El Dorado Hills Community Park facilities.~~
2. ~~The following uses and all associated site improvements shall conform to the submitted site plans attached on Exhibit D through Exhibit J of Special Use Permit S03-0005 as amended by the attached exhibit D of this Special Use Permit Revision S03-0005R.~~
 - a. ~~Skate Park~~
 - b. ~~Class I Bike Path~~
 - c. ~~Expanded Parking~~
 - d. ~~New Parking~~
 - e. ~~Public Restroom~~
 - f. ~~Teen Center~~
 - g. ~~Maintenance Building~~
 - h. ~~Temporary Administration Building~~

~~Minor modifications may be approved by the Deputy Director of Planning. Major modifications are subject to approval by the Planning Commission.~~

1. This Revised Special Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

<u>Exhibits E</u>	<u>Applicant Submitted Project Description (3 pages)</u>
<u>Exhibit F</u>	<u>Project Site Plan, Existing Community Park</u>
<u>Exhibit G</u>	<u>EDH Community Park Master Plan</u>
<u>Exhibit H</u>	<u>EDH Community Park Master Plan Proposed</u>
<u>Exhibit I-1</u>	<u>EDH Community Park Vicinity Map</u>
<u>Exhibit I-2</u>	<u>Site Plan</u>
<u>Exhibit I-3</u>	<u>Restroom Building Enlargement</u>
<u>Exhibit I-4</u>	<u>Dog Park, Trail, and Bridge Enlargement</u>
<u>Exhibit I-5</u>	<u>Dog Park, Trail, and Bridge Enlargement Landscape Plan</u>
<u>Exhibit I-6</u>	<u>Basketball Court, Picnic & Play Area Enlargement</u>
<u>Exhibit I-7</u>	<u>Basketball Court, Picnic & Play Area Enlargement Landscape Plan</u>

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Approval of Special Use Permit Revision S05-0003-R-2 allows development of new park facilities within the El Dorado Hills Community Park, located within the existing 39.5-acre parcel identified by Assessor's Parcel Number 125-110-09, and consisting of the following:

- a. One (1) dog park with the following features:
 - 0.72 acre large dog park.
 - 0.59 acre small dog park.
 - Hours of operation 7 am to 7 pm.
- b. One (1) basketball court
- c. Four (4) batting/pitching cages
- d. One (1) picnic area
- e. A multi-use trail that parallels the eastern park boundary and along New York Creek.
- f. A pedestrian bridge for general/ADA access from the northern parking lots across New York Creek to the dog park area
- g. A 4-stall restroom has been added adjacent the parking lot near the northernmost baseball field.
- h. Skate Park
- i. Class I Bike Path
- j. Expanded Parking
- k. New Parking
- l. Public Restroom
- m. Teen Center
- n. Maintenance Building
- o. Temporary Administration Building

Minor modifications may be approved by the Director of Development Services. Major modifications are subject to approval by the Planning Commission.

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

Conditions from the Mitigated Negative Declaration and Previous Approvals

The following Mitigation Measures are required as a means to reduce potential significant environmental effects to a level of insignificance:

Air Quality and Hazardous Materials Mitigation Measures

21. A Fugitive Dust Prevention and Control Plan and Contingent Asbestos Hazard Dust Mitigation Plan shall be submitted to and approved by the El Dorado County Air Quality Management District prior to beginning project construction. The plan shall comply with the requirements of the California Code of Regulation “Title 17 Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations” Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 of the El Dorado County Air Quality Management District.
32. A Health Risk Assessment shall be prepared for the project, which must identify airborne toxic pollutants expected to be generated by the project, and must determine if the project site is located in an area that may impact existing or planned schools, or facilities with the potential to emit toxic or hazardous pollutants. The applicant shall assist the District in preparing a public notice, in which the proposed project for which an application for a permit is made is fully described, and complies to Health and Safety Code 42301.6.
43. The project shall comply with Title 17 section 93105 et seq., for Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surfacing Mining Operations. Additionally, the El Dorado County Air Quality Management District’s Air Pollution Control Officer may require air monitoring.
54. A geologist should periodically observe excavation work to check for visible asbestos. Where asbestos containing rock and/or soil is disturbed and mitigated, or if air monitoring for asbestos is performed, an asbestos management and mitigation report should be prepared. This report should document where asbestos was found, where it was placed, any mitigation measures that were used, and provide the results of air monitoring (if applicable) (Youngdahl Consulting Group Inc., 2003).

Soils Mitigation Measures

65. Review and approval of the erosion control and revegetation plan required by the El Dorado County Resource Conservation District prior to construction activities. The plan requires complete revegetation and stabilization of all disturbed areas from construction activities.
76. Project compliance with the County Grading, Erosion, and Sediment Control Ordinance, including review and approval of a final drainage plan by the El Dorado County Department of Transportation, prior to issuance of a commercial grading permit.

87. Project compliance with the mitigation measures identified in the geotechnical report prepared by Anderson Geotechnical Consultants, Inc. Wherever the dark grey clay exists within 2 feet of the finished grade of a building pad, or within 2 feet of the finished subgrade in a pavement area, it be completely removed and replaced with granular soil or weathered rock (Anderson Geotechnical Consultants, Inc., 1985).
98. Any tan or light brown clay uncovered during the native soil scarification process should be thoroughly mixed with the surrounding granular soil. After scarification and mixing (if necessary), the soil should be moisture conditioned and recompact to a minimum of 90 percent relative compaction at or near optimum moisture content. Compaction requirements are based on ASTM D1557-78 specification for the determination of maximum dry density.
109. Clay soils encountered during earthwork should be thoroughly mixed with on-site granular soils during fill placement, and not used as fill within the upper foot of building pads or those subgrades supporting exterior flatwork (Wallace-Kuhl & Associates Inc., 2003).

Water Quality Mitigation Measures

110. Project compliance with El Dorado County Department of Transportation (DOT) conditions of approval, regarding stormwater treatment requirements and grading activities, including compliance with the County Grading, Erosion, and Sediment Control Ordinance. DOT approval of a final drainage plan prior to issuance of any County permits for the project, to ensure no net increase of runoff off-site through the use of stormwater detention basins or other appropriate facilities indicated in the DOT conditions of approval for the project.
121. Project compliance with erosion control and revegetation requirements with the El Dorado County Resource Conservation District, including approval of an Erosion Control and Revegetation Plan prior to construction activities.
132. Project coordination with the California Regional Water Quality Control Board regarding stormwater discharge regulatory/permitting requirements and associated mitigation.
- ~~13. Project coordination with California Department of Fish and Game regarding the potential for a Streambed Alteration Agreement and associated mitigation.~~
14. Mitigation Measure BIO-02: Sedimentation and Erosion Control Measures

The contractor shall prepare and implement an erosion control plan and Stormwater Pollution Prevention Plan (SWPPP) to ensure erosion and sedimentation from the project is kept to a minimum. For all activities disturbing greater than one acre, the contractor will be required to obtain a Statewide General Construction Stormwater Discharge Permit (RWQCB, 2009). The contractor shall prepare and implement the SWPPP, and standard

erosion and sediment control best management practices will be used during and after construction to control accelerated soil erosion and sedimentation and ensure there will be no adverse affect on local drainages. Straw bales, silt fence, coir rolls, and other erosion protection devices will be used in areas of bare soil, and in drainages near all areas of disturbance to reduce surface runoff velocities and to prevent sediment from entering drainages. Maintenance of erosion and sediment control measures during the construction phase will be conducted on a weekly basis.

Mitigation Measure BIO-02 Implementation Responsible Party: El Dorado Hills Community Services District will require the contractor to develop and implement the Stormwater Pollution and Prevention Plan (SWPPP) and revegetate the site.

Timing: During and immediately after construction activities.

Monitoring and Reporting Program: The recording and evaluation of the SWPPP and erosion control practices will be conducted by El Dorado Hills Community Services District and kept on file at the El Dorado Hills Community Services District offices.

15. Mitigation Measure BIO-03: Streambed Alteration Agreement, pursuant to Fish and Game Code 1602, if applicable

Streambed Alteration Agreement: A Streambed Alteration Agreement, pursuant to Fish and Game Code 1602, shall be obtained by the applicants, from the California Department of Fish and Game, if applicable, for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. Appropriate mitigation measures would be developed in coordination with CDFG in the context of the agreement process. Authorization prior to placement of any fill is required from the U.S. Army Corps of Engineers if any impacts are proposed to jurisdictional riparian habitat. This authorization may require mitigation as deemed necessary by the Corps of Engineers.

Mitigation Measure BIO-03 Implementation Responsible Party: El Dorado Hills Community Services District, if necessary, will be responsible for consulting with the CA Dept. of Fish and Game and receiving a 1602 Streambed Alteration Agreement.

Timing/Implementation: The applicant shall provide a copy of the 1602 Streambed Alteration Agreement to El Dorado County Development Services prior to issuance of the grading permit. If it has been determined by Fish and Game that said permit does not apply after their review of the development plans for the project, the applicant shall provide El Dorado County Planning Services with verification from Fish and Game that no Agreement is needed for the project, prior to issuance of a building and/or grading permit for the project.

16. Mitigation Measure BIO-04: Nationwide Permit, Section 404 permit, if applicable

Wetland Delineation Verification: Prior to potential disturbance of any waters of the United States including any wetland features, the applicants shall submit a request to the U.S. Army Corps of Engineers (Corps) for a wetland verification. Along with the request, the applicant shall provide project construction and development drawings or maps including wetland areas, denoting the proposed stream crossing. If fill of any potential waters of the U.S is anticipated, the appropriate Corps 404 permit, most likely a Nationwide Permit, must be obtained prior to the fill activity occurring. The appropriate terms of mitigation including the wetland acreage to be mitigated for would be defined in the issued Corps permit if one is deemed appropriate. Any waters of the U.S. that would be lost or disturbed should be replaced or rehabilitated at a “no net-loss” basis in accordance with the Corps’ mitigation guidelines. Habitat restoration, rehabilitation, and/or replacement should be at a location and by methods agreeable to the Corps. Mitigation may include the purchase of mitigation credits from an approved wetland mitigation bank at an appropriate ratio for each acre of wetland /waters proposed to be impacted as determined by the Corps of Engineers.

Mitigation Measure BIO-04 Implementation Responsible Party: El Dorado Hills Community Services District, if necessary, will be responsible for consulting with the Corps of Engineers and receiving a Section 404 permit.

Timing/Implementation: The applicant shall provide either a copy of the 404 permit, or if the Corps concurs that all waters of the U.S. are avoided and no 404 permit is required, the applicant shall request a no-permit-required letter from the Corps and provide El Dorado County Planning Services with a copy prior to issuance of a building, and/or grading permit.

17. Mitigation Measure BIO-05: Water Quality Certification, Section 401 permit, if applicable

Water Quality Certification: A Water Quality Certification, Section 401 permit, if applicable, shall be obtained by the applicant from the California Regional Water Quality Control Board. Appropriate mitigation measures would be developed in coordination with in the context of the agreement process.

Mitigation Measure BIO-05 Implementation Responsible Party: El Dorado Hills Community Services District, if necessary, will be responsible for consulting with the California Regional Water Quality Control Board and receiving a Section 401 permit.

Timing/Implementation: The applicant shall provide a copy of the Section 401 permit to El Dorado County Development Services prior to issuance of the grading permit. If it has been determined by the California Regional Water Quality Control Board that said permit does not apply after their review of the development plans for the project, the applicant

shall provide El Dorado County Planning Services with confirmation from them of that determination prior to issuance of a building and/or grading permit.

18. Mitigation Measure GEO-01: Sedimentation and Erosion Control Measures

The contractor shall prepare and implement an erosion control plan and Stormwater Pollution Prevention Plan (SWPPP) to ensure erosion and sedimentation from the project is kept to a minimum. For all activities disturbing greater than one acre, the contractor will be required to obtain a Statewide General Construction Stormwater Discharge Permit (RWQCB, 2009). The contractor shall prepare and implement the SWPPP, and standard erosion and sediment control best management practices will be used during and after construction to control accelerated soil erosion and sedimentation and ensure there will be no adverse affect on local drainages.

Straw bales, silt fence, coir rolls, and other erosion protection devices will be used in areas of bare soil, and in drainages near all areas of disturbance to reduce surface runoff velocities and to prevent sediment from entering drainages. Maintenance of erosion and sediment control measures during the construction phase will be conducted on a weekly basis.

Revegetation of all graded and disturbed areas of bare soil will completed within six months, or prior to the rainy season. Native seed mixes will be used to replicate the naturally occurring vegetation.

Mitigation Measure GEO-01 Implementation Responsible Party: El Dorado Hills Community Services District will require the contractor to develop and implement the Stormwater Pollution and Prevention Plan (SWPPP) and revegetate the site.

Timing: During and immediately after construction activities.

Monitoring and Reporting Program: The recording and evaluation of the SWPPP and erosion control practices will be conducted by El Dorado Hills Community Services District and kept on file at the El Dorado Hills Community Services District offices. Standards of Success: Minimize on and off site erosion and prevent introduction of significant amounts of sediment into any stream or drainage.

19. Mitigation Measure HYD-01: Avoid/Minimize Potential Impacts from Construction Material Release.

Prior to construction he contractor shall develop a Spill Prevention and Contingency Plan for any grading activities that impact greater than one acre.

Containment and cleanup equipment (e.g., absorbent pads, mats, socks, granules, drip pans, shovels, and lined clean drums) will be at the staging areas and construction site for use, as needed.

Staging areas where refueling, storage, and maintenance of equipment occur will not be located within 100 feet of drainages or the creek bed to reduce the potential contamination by spills.

Construction equipment will be maintained and kept in good operating condition to reduce the likelihood of line breaks or leakage.

No refueling or servicing will be done without absorbent material (e.g. absorbent pads, mats, socks, pillows, and granules) or drip pans underneath to contain spilled material. If these activities result in an accumulation of materials on the soil, the soil will be removed and properly disposed of as hazardous waste.

If a spill is detected, construction activity will cease immediately and the procedures described in the Spill Prevention and Contingency Plan will be immediately enacted to safely contain and remove spilled materials.

Simultaneous to implementing the containment measures, construction crews will contact El Dorado County and other appropriate resource agency personnel.

Spill areas will be restored to pre-spill conditions, as practicable.

Spills will be documented and reported to El Dorado County appropriate resource agency personnel.

Responsible Party: El Dorado Hills Community Services District will require the construction contractor to develop and implement a Spill Prevention and Contingency Plan for all activities in the vicinity of drainages associated with the project area. For grading activities impacting larger than one acre, a SWPPP will also be developed.

Timing: The BMPs and Plans will be implemented prior to and during all phases of construction.

Monitoring and Reporting: Evaluation of BMPs and Spill Prevention and Contingency Plan (and SWPPP) will be conducted by El Dorado Hills Community Services District. Reports of spills will be documented and kept on file at El Dorado Hills Community Services District offices.

Standard of Success: Prevention of construction material spills in drainages near the project area.

20. Mitigation Measure HYD-02: Implement Construction-Related Best Management Practices

El Dorado Hills Community Services District will implement multiple erosion and sediment control BMPs in areas with potential to drain into any nearby waterway. The BMPs to be implemented would include the following:

Temporary erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, grassy swales and temporary revegetation or other ground cover) will be employed to control erosion from disturbed areas

Vegetative cover will be established on the construction staging area as soon as possible after disturbance to minimize erosion potential. Vegetative cover will consist of a seed mix containing grasses either native to the area or non-invasive.

Mitigation Measure HYD-02 Implementation Responsible Party: El Dorado Hills Community Services District will require the construction contractor to develop and implement erosion control BMPs and develop a SWPPP for grading in areas greater than one acre.

Timing: The BMPs and Plans will be implemented prior to and during all phases of construction.

Monitoring and Reporting: Evaluation of BMPs and SWPPP will be conducted by El Dorado Hills Community Services District. Reports of spills will be documented and kept on file at El Dorado Hills Community Services District offices.

Standard of Success: Prevention erosion and significant sediment laden runoff in drainages near the project area.

Noise Mitigation Measures

Skate Park Mitigation Measures

14. ~~Provide insulation of fiberglass ramps to reduce the resonance of sound inside the cavities of the ramps. The County Planning Department shall review the ramp design prior to installation. This measure is expected to reduce overall park noise emissions by 3-5 dB.~~
2145. Community Services District Policy 1140.180 requires that radios, tape players, musical instruments or other noise making devices shall not be played at excessive noise levels. Signs shall be posted informing park users of this restriction. ~~The County Planning Department shall approve the sign locations prior to operation of the skate park.~~

- ~~2246.~~ Facility operations shall be closed by 10:00pm. The facility shall be fenced and the gates locked to prevent after hours skating. ~~Consideration shall be given to contacting the Auburn Recreation District for guidance on how this important issue has been handled at the Auburn Overlook Skate Park.~~
- ~~17.~~ A noise barrier shall be constructed around the western, northern, and eastern boundaries of the park to attenuate Skate Park noise emissions in the direction of the nearest residences. ~~Specifically, the barrier shall consist of solid barrier constructed of a combination of earth and solid wall of not less than 6' in height.~~

Community Park Mitigation Measures

- ~~2318.~~ Monitor the site for compliance with the County's Noise Performance Standards and nuisance noise. Upon commencement of activities at the skate and dog park, conduct reviews of the facilities to ensure that they do not become a source of nuisance noise for the nearby residential areas. Reviews shall be conducted seasonally for the first two years of operation. All activity areas within Community Park shall comply with the County's Noise Standards (Tables 6.1 and 6.2 of the El Dorado County General Plan).

The periodic reviews may include discussions with neighbors, observations of skate and dog park usage and, if necessary, unannounced follow-up noise monitoring of the facility. If it is determined by the collection of ambient noise data that the users of the skate and dog park or the teen center are creating nuisance noise, the following measures shall be considered by the District to mitigate excessive noise:

1. The hours and days of park usage could be restricted.
 2. The maximum number of occupants could be limited (requires supervision—~~this is currently done at the Roseville skate park~~).
 3. Persons causing noise complaints could be restricted from future use of the facility (requires supervision).
- ~~2419.~~ Minimize noise disturbance during construction. Hours of operation for construction activities shall be limited to the hours of 7 a.m. to 9 p.m. during weekdays, and 8 a.m. to 6 p.m. on Saturdays; no work shall be permitted on Sundays. Additional noise mitigation could be accomplished through the installation of noise reduction equipment (mufflers) and regular maintenance of construction vehicles. Equipment staging areas shall be located as far away as possible from residences and Oak Ridge High School. The location for the staging areas shall be approved by the County Planning Department prior to construction activity.
- ~~2520.~~ Public notification of blasting activity. Should blasting be required as part of the construction related earthmoving activities, adjacent residences should be notified in advance of the proposed blasting schedule, and all such blasting activities should take place during daytime hours. In addition, the company responsible for conducting the blasting operations should design and set the charges in such a manner as to minimize the potential for adverse public reaction from the neighbors.

21. ~~Prior to issuance of a County building permit, a noise study shall be required to demonstrate compliance with the interior noise standards of Table 6-1 for office buildings. This mitigation measure is intended to apply primarily for the new maintenance building, due to its close proximity to El Dorado Hills Boulevard.~~

Dog Park Mitigation Measures

26. Mitigation Measure NOISE-01: Operational Constraints at Dog Park

To reduce typical dog park noise levels to a state of compliance with the daytime noise standards recommended for this study, the following options should be implemented by El Dorado Hills Community Services District:

1. Install a solid barrier material at the northern and eastern boundaries of the large dog area, such as solid vinyl sheets at the fence line as proposed by the project applicant. A barrier height of 5-6 feet should be adequate to intercept line of sight between the dogs and nearest residences; and
2. Limit dog-park hours of use to 7 am to 7 pm. Due to the lower noise level standards which apply to evening hours (7 pm – 10pm), this restriction may be necessary to ensure that dog-park noise generation during evening hours is not excessive.

Biological Mitigation Measures

27. Mitigation Measure BIO-01 Pre-construction Raptor and Migratory Bird Nesting Surveys

If construction is proposed during breeding season (March-August), a pre-construction raptor and migratory nest survey shall be conducted within 30 days prior to the beginning of construction activities by a qualified biologist in order to identify active nests in the project site vicinity. The results of the survey shall be submitted to the California Department of Fish and Game (CDFG) and the Planning Department. If no active nests are found during the preconstruction survey, no further mitigation is required. If active nests are found, construction shall not occur within 500 feet of an active nest until the young have fledged, as determined by a qualified biologist, or until the project applicant receives written authorization from the CDFG to proceed. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season (approximately March 1 and August 15), then an onsite biologist/monitor experienced with raptor behavior shall be retained by the project proponent to monitor the nest, and shall along with the project proponent, consult with the CDFG to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated on-site biologist/monitor shall

be on-site daily while construction related activities are taking place and shall have the authority to stop work if raptors are exhibiting agitated behavior. In consultation with the CDFG and depending on the behavior of the raptors, over time it may be determined that the on-site biologist/monitor may no longer be necessary due to the raptors acclimation to construction related activities.

Mitigation Measure BIO-01 Implementation: Responsible Party: El Dorado Hills Community Services District would require that the surveys be implemented by a qualified biologist and will be responsible to ensure that no protected raptors or migratory birds are impacted by the project.

Timing: Surveys to be conducted no more than 30 days from the beginning of construction, if construction occurs during the nesting season (March 1 – August 15).

Monitoring and Reporting Program: El Dorado Hills Community Services District will require the qualified biologist to conduct the survey and submit a monitoring report.

CONDITIONS

El Dorado County Department of Transportation

283. 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. A commercial permit is required.
294. 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.
305. The applicant shall provide a soils report at time of grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential and pavement section based on TI and R values. Any export to be deposited within El Dorado County shall require an additional grading permit.
316. The applicant shall provide a drainage report at time of grading permit application addressing storm water runoff increases, impacts to downstream facilities and properties to the satisfaction of the Department of Transportation. Mitigation of any significant impacts shall be included in the report and in the project design. The report shall include water quality facilities (BMP’s), oil/grease separators, etc. The report shall discuss the necessity of storm water detention as mitigation to identified significant impacts. The project shall include any recommended detention facilities in the construction design. Parking lot storm drainage shall include facilities to separate oils and grits from storm

water in accordance with the recommendations of the Storm Water Quality Task Force's *California Storm Water Best Management Practices Handbook (1993)*. Flows through landscaped areas or grassy swales are the preferred approach to storm water quality enhancement.

327. The applicant shall be subject to the County's traffic impact mitigation fee programs. Said fees shall be due upon the issuance of a building permit.
338. All parking lot drainage shall flow through landscape areas or grassy swales prior to flow off-site for water quality purposes. Design of these drainage courses shall be reviewed by the Department of Transportation.
349. Access roads and aisles shall be a minimum of 24 feet in width for two way travel and 12 feet wide for one-way travel and shall be paved. Parking maneuvering space shall be 24 feet. Access lane near the entrance shall be set back a sufficient distance to prevent storage of vehicles from blocking vehicular or pedestrian access along Harvard Avenue.
3510. The applicant shall be subject to encroachment permits, standard plan 103G for the easterly driveway access, and modified standard plan 103G to accommodate right turn in and right turn out for the westerly driveway access on Harvard Way along the south-central portion of APN 112-120-23.
3614. The existing project access driveway onto Harvard Way shall be relocated easterly approximately 60-feet to improve sight distance to the satisfaction of the Department of Transportation. In addition, this driveway shall be for right turn in and right turn out only, and the project improvement plans shall include traffic delineation to accomplish same.
3712. The most easterly project access driveway onto Harvard Way shall be aligned with the existing most westerly access driveway to Oakridge High School. Project improvement plans shall include installation of an all-way stop at this location in Harvard Way including appropriate striping, crosswalk, and signage to the satisfaction of the Department of Transportation. In addition, improvement plans shall also reflect re-curb no parking, with signage for "NO STOPPING ANY TIME" and "NO PARKING", along the north side of Harvard Way from Clermont westerly to 50-feet westerly of the relocated westerly project access.
3813. Applicant shall align the proposed pedestrian walkway within the on-site parking lot to direct pedestrians to the project's most easterly driveway location. In addition, on-site improvement plans shall incorporate landscaping, mounding, and possibly decorative fencing to channelize pedestrians to appropriate crosswalk on Harvard Way.

El Dorado County Department of Environmental Management

3914. Project construction may involve road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

4015. 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.
4146. The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.
4217. Heavy equipment and mobile source mitigation measures:
- a. Use low emission on-site mobile construction equipment.
 - b. Retard diesel engine injection timing by two to four degrees.
 - c. Use reformulated low-emission diesel fuel.
 - d. Use catalytic converters on gasoline powered equipment.
 - e. Substitute electric and gasoline powered equipment for diesel powered equipment where feasible.
 - f. Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
 - g. Configure construction parking to minimize traffic interference.
 - h. Develop a construction traffic management plan that includes, but is not 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 and off-site.
4318. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construction applications shall be submitted to the District. Submittal of application shall include facility diagram(s), equipment specifications and emission factors.
4419. If and when the District establishes an air pollution mitigation measure trust fund to provide assistance in mitigating measurements to reduce air pollution, the project applicant would contribute a pro-rata share to the air pollution mitigating measurement trust fund to help improve the air quality of the District.
4520. Under the CUPA programs, the existing hazardous materials business plan for the site must be amended to include the maintenance facility and all reportable quantities of hazardous materials stored and generated therein.
4621. The applicant shall comply with the standard storm water runoff Best Management Practices to minimize the impact to the creek bordering the site.
4722. Solid waste enclosures in adequate number, as determined by the Environmental Health Division, to meet the needs of the project shall be provided. Adequate space shall be

provided within each solid waste enclosure to accommodate both mixed solid waste and recyclable bins.

El Dorado Hills Fire Department

4823. The potable water system for the purpose of fire protection for these commercial buildings within this project shall provide a minimum fire flow that is determined by the Fire Department. A set of engineering calculations reflecting the fire flow capabilities of the system shall be supplied to the Fire Department for review and approval.
- ~~24. This project shall install Mueller Dry Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this project shall not exceed 300 feet. The exact location of each hydrant shall be determined by the Fire Department.~~
- ~~25. To enhance the nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and Fire Safe Regulations.~~
- ~~26. In order to provide this project with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by El Dorado Hills Fire Department Standard 103.~~
- ~~27. The access roadways and fire lanes shall be designed to a turning radius requirement of 40 feet inside and 56 feet outside.~~
4928. All buildings within this project shall be fire sprinklered in accordance with El Dorado Hills Fire Department requirements.
5029. Every building within the project shall be provided with a fire lane access roadway within 150 feet of every portion of a building's extension wall as required by the Uniform Fire Code.
5130. A Wildland Fire Safe Plan shall be developed for the non-irrigated open space areas within this project.
- ~~31. The proposed sports field, tennis courts, and pedestrian walkways and bicycle paths are remotely located within this project and have no access roadways provided that would allow emergency response equipment to access these areas during any type of emergency.~~
52. All emergency vehicle access points shall be placed where possible for ambulance access. Locations to be determined by the fire department.

53. All shade structures shall be NFPA 701 compliant or equivalent.

El Dorado County Resource Conservation District

5432. Prior to grading operations, the applicant shall contact the RCD for approval of an erosion control plan.
5533. Complete revegetation and stabilization of all disturbed areas, both within and outside of County rights-of-way, will be required. All road cuts and fills will have a maximum slope of 2:1. If cuts expose subsurface rock, the project engineer should identify stabilization measures that will be required.
5634. Revegetation of all disturbed soils will be accomplished with approved amounts and types of vegetative species, mulch, and fertilizer material as stated in the “El Dorado County Erosion Control Requirements and Specifications”.
5735. Mitigation of sediment runoff beyond project boundaries will be addressed in the erosion control plan.
5836. Areas involving extensive grading and shaping will require stockpiling/re-use of topsoil to provide for adequate revegetation.
5937. Erosive velocities in water conveyance structures will be identified by the project engineer. Where necessary, riprap or similar practices will be required.

El Dorado County Planning Services

6038. An approved permit is valid for a period of twenty-four (24) months, except as other provided for in conditions of approval or other provisions of Title 17.22.250 of County Code, unless one of the following has occurred:
1. The permit has been implemented by satisfaction of conditions prerequisite to construction and a building permit has been issued and at least one inspection has been conducted and approved by the Building Official; or
 2. The permit has been implemented by satisfaction of conditions prerequisite to establishment of a use not requiring a building permit and the use has been established on the site and is in operation; or
 3. An extension of time has been granted pursuant to subsection C of this section.
6139. All outdoor lighting is subject to all applicable requirements of Section 17.14.170 of County Code.
62. Project Conformance: Project improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall

substantially comply with Exhibits E to I-7. Minor variations are allowed, however, any major changes in any element of the approved project shall require review and approval by the Development Services Director. The Director shall decide if the changes can be approved administratively or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit. This review shall always occur prior to any approved project modifications.

63. Conditions Compliance: Prior to issuance of a building permit or 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 prior to Building Permit final for any Building Permit for verification of compliance with applicable Conditions of Approval.

64. Hold Harmless Agreement: 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 Special Use Permit.

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

6540. During all grading and construction activities in the project area, an archaeologist or Historian approved by the Planning Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance. The project grading plans shall include this mitigation/condition on the plans. The Planning Department shall review the grading plans prior to issuance of a grading permit.

6644. 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. The

project grading plans shall include this mitigation/condition on the plans. The Planning Department shall review the grading plans prior to issuance of a grading permit.

El Dorado County Building Services

6742. Project facilities shall be subject to a building and grading permits from the El Dorado County Building Services Department.

California Regional Water Quality Control Board

6843. A NPDES General Permit for Storm Water Discharges Associated with Construction Activities, Order No. 99-28-DWQ is required when a project involves clearing, grading, disturbances to the ground, such as stockpiling, or excavation. Construction activity that involves soil disturbances on construction sites one acre or greater, or which are part of a larger common plan of development or sale require a construction storm water permit. A Storm Water General Permit must be obtained prior to construction.

~~44. If a U.S. Army Corp of Engineers (ACOE) permit is required due to the disturbance of wetlands, then Water Quality Certification must be obtained from the Regional Board prior to initiation of project activities.~~

ATTACHMENT 2

FINDINGS

Special Use Permit Revision S03-0005-R-2/El Dorado Hills Community Park Revision Planning Commission/May 10, 2012

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 Subsequent Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. 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 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 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 the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The Subsequent Mitigated Negative Declaration was prepared by Stantec Engineering for the El Dorado Hills Community Services District for revision of the El Dorado Hills Community Park Master Plan. The El Dorado Hills Community Services District adopted the Subsequent Mitigated Negative Declaration on September 20, 2011 and the Notice of Determination was filed on September 27, 2011. The State Clearinghouse project number is 2011072047.
- 1.5 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-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Public Facility (PF) land use designations as defined within General Plan Policy 2.2.1.2 because the land use designation permits regional parks and recreation facilities on publicly-owned lands.

- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 (land use compatibility) because as conditioned the uses would be compatible with adjacent residential uses; 2.8.1.1 (lighting impacts) because no new lighting is proposed; 6.2.3.2 (fire safe access) because adequate emergency access exists; 7.3.3.4 (wetlands) because the project has been conditioned to lessen or remove potential impacts to New York Creek; 7.4.4.4 (oak woodlands) because no native oaks will be removed; and policies 9.1.2.4 and 9.1.2.8, (non-motorized transportation) because the project proposed multi-use trails and bicycle parking facilities. Because of the project's provisions of adequate access, site design, and attention to design features that fit within the context of the surrounding uses, it is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

- 3.1 The proposed use is permitted by Special Use Permit in the Recreational Facility (RF) zone district, pursuant to Section 17.48.060.E provided that the findings outlined below can be made by the Planning Commission.
- 3.2 As proposed and conditioned, the proposed additions to the El Dorado Hills Community Park meet all applicable development standards contained within the El Dorado County Zoning Ordinance. The project has been proposed with sufficient access, lighting, and parking and would meet the development standard requirements contained in Section 17.48.070.

4.0 SPECIAL USE PERMIT FINDINGS

4.1 The issuance of the permit is consistent with the General Plan;

As stated in more detail above in the General Plan section, the proposed project has been analyzed for consistency with General Plan Policies 2.2.5.21, 2.8.1.1, 6.2.3.2, 7.3.3.4, 7.4.1.5, 7.4.4.4, and 9.1.2.4, 9.1.2.8, and has been found to be consistent with these policies. The project would be compatible and consistent with the high density residential, commercial and public facility land use designations that are adjacent to the project site. The project has been designed to minimize the potential noise effects the project may have on adjacent properties, as directed by the General Plan noise policies. As discussed in the Mitigated Negative Declaration, mitigation measures have been made condition of approval to reduce the noise levels to consistency with General Plan Policies on noise, impacts to riparian features, and possible biological impacts. All mitigations measures have been agreed upon by the project applicant. All facility components would be consistent with existing uses and structures within the park. A dog park, basketball court, and batting/pitching cages are appropriate features of a community park typically found in a residential area. Therefore, staff finds the use is compatible with the surrounding single family residential uses. As proposed and conditioned the requested revisions to the park would be consistent with the General Plan.

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

The proposed project will comply with the Development Standards of the RF Zone District. The proposed Special Use Permit for the park facilities has been found to comply with the requirements of Chapter 17.22, Special Use Permits, and the proposed use is not considered detrimental to the public health, safety and welfare, nor injurious to the neighborhood, because the project has been designed to comply with stream setback requirements (with a finding of consistency), provides for safe access, circulation, parking, fire safety, conservation of natural resources, and complies with noise requirements. The project would not be detrimental to adjacent uses as the park site has been used as such since the 1980's and is adjacent to a school site, commercial uses, and heavily-traveled roads.

4.3 The proposed use is specifically permitted by Special Use Permit pursuant to this Title.

The proposed use is specifically permitted in the RF Zone District pursuant to Section 17.48.060.E of the Zoning Ordinance which states that parks that designed for the use of more than fifty people at any one time are allowed only after obtaining a Special Use Permit.

5.0 FINDINGS OF CONSISTENCY WITH GENERAL PLAN POLICY 7.3.3.4

5.1 The alternative setback is consistent with the General Plan.

The Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.3.3.4 requires a 100 foot non-development setback from perennial streams and the project is proposing to install a bridge, multi-use trail, and dog park within the required setback of New York Creek. The Interim Interpretive Guidelines allows an alternative setback when the applicant demonstrates that the alternative setback would still provide sufficient protection of the biological resources and avoids or minimizes impacts as required by the General Plan. A Wetland Delineation Report has been previously submitted by the applicants, and as analyzed in the Environmental Checklist/Discussion of Impacts, impacts have been reduced to a less than significant level by incorporation of Mitigation Measures, Conditions of Approval, and with required adherence to County Code. Mitigation measures include sedimentation and erosion control measures, avoidance and minimization of potential impacts from construction material releases, and best management practices. As such, this project can be found to be consistent with Policy 7.3.3.4.