



COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room
2850 Fairlane Court, Placerville, CA 95667
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Phone: (530) 621-5355 Fax: (530) 642-0508

Walter Mathews, Chair, District 4
Rich Stewart, First Vice-Chair, District 1
Dave Pratt, Second Vice-Chair, District 2
Tom Heflin, District 3
Brian Shinault, District 5

Char TimClerk of the Planning Commission

MINUTES

**Regular Meeting
July 24, 2014 – 8:30 A.M.**

CALL TO ORDER

Meeting was called to order at 8:32 a.m. Present: Commissioners Stewart, Pratt, Heflin, and Shinault; David Livingston-County Counsel; and Char Tim-Clerk of the Planning Commission.

ADOPTION OF AGENDA AND ADDENDUM

Motion: Commissioner Pratt moved, seconded by Commissioner Shinault, and carried (4-0), to approve the agenda and addendum as presented.

AYES: Heflin, Shinault, Pratt, Stewart
NOES: None
ABSENT: Mathews

PLEDGE OF ALLEGIANCE

CONSENT CALENDAR (All items on the Consent Calendar are to be approved by one motion unless a Commission member requests separate action on a specific item.)

Motion: Commissioner Shinault moved, seconded by Commissioner Pratt, and carried (4-0), to approve the Consent Calendar and pull item #2 for discussion.

AYES: Heflin, Pratt, Shinault, Stewart
NOES: None
ABSENT: Mathews

1. (14-0967) Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of July 10, 2014.

This was Approved on Consent Calendar.

2. (14-0965) Chief Administrative Office, Parks Division, submitting request to consider the transfer of River Use Permit #20 from Mick Brockman, owner of River Otter Adventures, LLC, to Monica Stark, owner of Rise Up River Trips, LLC; and staff recommending the Planning Commission take the following actions:

- 1) Approve the transfer of River Use Permit #20 from Mick Brockman, owner of River Otter Adventures, LLC, to Monica Stark, owner of Rise Up River Trips, LLC; and
- 2) Approve a one-year provisional River Use Permit for Rise Up River Trips, LLC owned by Monica Stark.

Noah Triplett presented the item and referenced the public comment letters recently submitted.

Chair Pro Tem Stewart asked for clarification on the definition of “applicant” on page 5 of the Staff Report.

Shawna Kinney, representing Monica Stark, was available for any questions.

Chair Pro Tem Stewart closed public comment.

Motion: Commissioner Pratt moved, seconded by Commissioner Shinault, and carried (4-0), to approve staff’s recommendations.

AYES: Heflin, Shinault, Pratt, Stewart
NOES: None
ABSENT: Mathews

END OF CONSENT CALENDAR

DEPARTMENTAL REPORTS AND COMMUNICATIONS
(Development Services, Transportation, County Counsel)

Lillian MacLeod notified the Commission that the El Dorado Hills Retirement Residence project was unanimously approved by the Board of Supervisors on July 22, 2014.

COMMISSIONERS’ REPORTS – None

PUBLIC FORUM/PUBLIC COMMENT – None

AGENDA ITEMS

3. (14-0769) Hearing to consider the following: (1) General Plan Amendment increasing the maximum residential density to 55 dwelling units/acre; (2) El Dorado Hills Specific Plan Amendment incorporating multifamily residential use, density, and related

standards; (3) Rezone from General Commercial-Planned Development (CG-PD) to Multifamily Residential-Planned Development (RM-PD); and (4) Revision to the approved Town Center East Development Plan incorporating multifamily residential use, density, and related design and development standards for the proposed 250-unit apartment complex [General Plan Amendment A14-0001/Rezone Z14-0001/Specific Plan Revision SP86-0002-R/Planned Development Revision PD94-0004-R-2/El Dorado Hills Apartments]* on property identified by Assessor's Parcel Numbers 121-290-60, 121-290-61, 121-290-62, consisting of 4.56 acres, within the Town Center East Commercial Center in El Dorado Hills, submitted by Alexandro Economou/Spanos Corporation; and staff recommending the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

- 1) Adopt the Subsequent Mitigated Negative Declaration based on the Initial Study;
 - 2) Adopt the Mitigation Monitoring Reporting Program in accordance with CEQA Guidelines Section 15074(d), incorporated as Conditions of Approval;
 - 3) Approve General Plan Amendment A14-0001 based on the Findings;
 - 4) Approve amendments to the El Dorado Hills Specific Plan SP86-0002-R based on the Findings;
 - 5) Approve Rezone Z14-0004 based on the Findings; and
 - 6) Approve Revisions to the Town Center East Planned Development PD94-0004R-2 based on the Findings and subject to the Conditions of Approval.
- (Supervisory District 1) (Cont. 06-26-14, Item 4)

Mel Pabalinas referenced the applicant's written request to continue the item to the August 28, 2014 meeting.

Alex Economou, applicant, stated that they had taken the feedback from the last hearing and were preparing detailed information, which was requiring more time than originally anticipated. All or most of the information should be available by the first of August.

Commissioner Pratt questioned the applicant on if they could truly meet the August 28th meeting or if it would be better to continue the item off-calendar.

John Jakowatz inquired when the information would be available for the public.

Don Van Dyke voiced concern that the public would only have 2 weeks to review the new detailed information. He requested more time.

Gay Willyard corrected her name in the minutes from the June 26, 2014 meeting.

Chair Pro Tem Stewart closed public comment.

Motion: Commissioner Heflin moved, seconded by Commissioner Pratt, and carried (4-0), to continue the item to the August 28, 2014 meeting.

AYES: Shinault, Pratt, Heflin, Stewart
NOES: None
ABSENT: Mathews

4. (14-1017) Hearing to consider the development of a community dog park within the existing El Dorado Hills Community Park and 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 ten feet with installation of fencing for a dog park within the required setback [Special Use Permit Revision S03-0005-R-3/El Dorado Hills Community Dog Park]** on property identified by Assessor's Parcel Number 125-110-09, consisting of 39.5 acres, in the El Dorado Hills area, submitted by El Dorado Hills Community Services District; and staff recommending the Planning Commission take the following actions:

- 1) Find that the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15303;
- 2) Conditionally approve Special Use Permit Revision S03-0005-R-3 based on the Findings and subject to the Conditions of Approval; and
- 3) 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 ten feet with installation of fencing for a dog park within the required setback.

(Supervisory District 1)

Aaron Mount presented the item to the Commission with a recommendation for approval.

Brent Dennis, applicant, made the following comments:

- Happy to see project moving forward;
- Thanked Mr. Mount for his assistance;
- Recognized the El Dorado Hills Dog Owners Guild as a park partner in this project;
- Dog owners have been very patient and are anxious for this project; and
- This is a win-win situation for all park users.

Kevin Loewen, applicant, responded to inquiries to tree trimmings and stated the dog park would fit within the natural tree growth.

Holly Morrison, El Dorado Hills Dog Owners Guild, made the following comments:

- This has been 8 years in the making;
- Has long-standing partnership with the CSD;
- Dog park is a much needed community amenity; and
- Urged approval of project.

Wayne Lowry gave a historical perspective on loose dogs at the parks. He felt that the new proposed location is much better as it is farther away from nearby residents.

Noel Mattock stated that the proposed new location used to be an area that teens would loiter, so this would also resolve that problem.

Ron Mickulaco, El Dorado Hills resident, stated that this was much needed in El Dorado Hills and he encouraged the Commission to approve it.

Chair Pro Tem Stewart closed public comment.

Chair Pro Tem Stewart inquired on lighting and noise study assumptions.

Commissioner Heflin stated that this was a vast improvement from the previous proposal.

Motion: Commissioner Pratt moved, seconded by Commissioner Shinault, and carried (4-0), to take the following actions: 1) Find that the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15303; 2) Conditionally approve Special Use Permit Revision S03-0005-R-3 based on the Findings and subject to the Conditions of Approval; and 3) 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 ten feet with installation of fencing for a dog park within the required setback.

AYES: Heflin, Shinault, Pratt, Stewart
NOES: None
ABSENT: Mathews

Findings

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made pursuant to Section 66472.1 of the California Government Code:

1.0 CEQA FINDINGS

- 1.1 The project is Categorical Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines. The project would be exempt from CEQA because it involves a minor expansion within the existing 39 acre park for the installation of fencing to allow a community dog park. No physical impacts are proposed other than installation of fencing and the use is consistent with a community park.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department, 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 proposed the community dog park 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; and 7.4.4.4 (oak woodlands) because no native oaks will be removed. Because of the project's provisions of adequate access, site design and location, 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 ADMINISTRATIVE FINDINGS FOR A SPECIAL USE PERMIT

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

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, 7.4.4.4, 9.1.1.3, and 9.1.1.7 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 and conditioned to minimize the potential noise effects the project may have on adjacent properties, as directed by the General Plan noise policies. No trees would be removed and the dog park would have no impact on the adjacent stream. The community dog park would be consistent with existing uses and structures within the park as it is an appropriate feature 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 revision 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, nearby 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 are 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 fence within the required setback of New York Creek. The dog park location would be a minimum of 10 feet from New York Creek with an existing trail between the creek and the proposed use. 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 previous Environmental Checklist/Discussion of Impacts, impacts were 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.

Conditions of Approval

Planning Services

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>Exhibit E</u>	<u>Site Plan</u>
<u>Exhibit F</u>	<u>Vicinity Map</u>
<u>Exhibit G</u>	<u>Site Plan Detail</u>
<u>Exhibit H</u>	<u>Site Cross Section</u>
<u>Exhibit I</u>	<u>EDH Community Park Master Plan/Airphoto Overlay</u>

Exhibits E.....Applicant Submitted Project Description (3 pages)
Exhibit F.....Project Site Plan, Existing Community Park
Exhibit G.....EDH Community Park Master Plan
Exhibit H.....EDH Community Park Master Plan Proposed
Exhibit I 1.....EDH Community Park Vicinity Map
Exhibit I 2.....Site Plan
Exhibit I 3.....Restroom Building Enlargement
Exhibit I 4.....Trail and Bridge Enlargement
Exhibit I 5.....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

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-32 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 community dog park to be located west of New York Creek and east of the baseball fields to be accessed by a paved trail from the northern parking lot and from a native surface trail connecting to the main parking lot adjacent to the teen center. Hours of operation shall be from 7 am to sunset.

The following uses were previously approved by S03-0005, S03-0005-R, and S03-0005-R-2:

- a. One (1) basketball court
- b. Four (4) batting/pitching cages
- c. One (1) picnic area
- d. A multi-use trail that parallels the eastern park boundary and along New York Creek
- e. A pedestrian bridge for general/ADA access from the northern parking lots across New York Creek
- f. A 4-stall restroom has been added adjacent the parking lot near the northernmost baseball field
- g. Skate Park
- h. Class I Bike Path
- i. Expanded Parking
- j. New Parking

- k. Public Restroom
- l. Teen Center
- m. Maintenance Building
- n. 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 Previous Approvals

Air Quality and Hazardous Materials Mitigation Measures

2. 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.
3. 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.
4. 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.
5. 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

6. Review and approval of the erosion control and revegetation plan required by the El Dorado County Resource Conservation District prior to construction activities if required. The plan requires complete revegetation and stabilization of all disturbed areas from construction activities.
7. 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.
8. 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).
9. 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.
10. 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

11. 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.
- ~~12. 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.~~
123. Project coordination with the California Regional Water Quality Control Board regarding stormwater discharge regulatory/permitting requirements 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.~~

138. 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.

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

Prior to construction the 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.

1520. 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

1621. 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.

1722. Facility operations shall be closed by 10:00pm. The facility shall be fenced and the gates locked to prevent after hours skating.

Community Park Mitigation Measures

1823. Monitor the site for compliance with the County's Noise Performance Standards and nuisance noise. Upon commencement of activities at the skate 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 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 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).
3. Persons causing noise complaints could be restricted from future use of the facility (requires supervision).

1924. 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.

205. 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.

Biological Mitigation Measures

216. 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 Division

227. 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.
238. 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.
249. 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.
2530. 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.

- ~~31. 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.~~
- ~~32. 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.~~
2633. 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.
2734. 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.
2835. 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.
2936. 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.
307. 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 Division

318. Project construction may involve road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
329. 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.
3340. The project construction may ~~will~~ involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.
3441. 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.
3542. 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.
3643. 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.
3744. 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.
3845. The applicant shall comply with the standard storm water runoff Best Management Practices to minimize the impact to the creek bordering the site.

3946. 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

407. 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.

418. All buildings within this project shall be fire sprinklered in accordance with El Dorado Hills Fire Department requirements.

429. 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.

430. A Wildland Fire Safe Plan shall be developed for the non-irrigated open space areas within this project.

4451. All emergency vehicle access points shall be placed where possible for ambulance access. Locations to be determined by the fire department.

4552. All shade structures shall be NFPA 701 compliant or equivalent.

El Dorado County Resource Conservation District

4653. Prior to grading operations, the applicant shall contact the RCD for approval of an erosion control plan.

4754. 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.

4855. 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".

4956. Mitigation of sediment runoff beyond project boundaries will be addressed in the erosion control plan.

507. Areas involving extensive grading and shaping will require stockpiling/re-use of topsoil to provide for adequate revegetation.
518. 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 Division

52. If complaints about noise emanating from the dog park are received from multiple residences adjacent to the dog park, the applicant shall be required to submit an acoustical analysis to Planning Services for review as a condition of approval. If the analysis shows that noise levels within the active use areas are not consistent with the General Plan Noise Element the applicant shall be required to modify the dog park fencing in order to ensure that noise sources are a sufficient distance from adjacent residences to meet the required decibel levels.
539. 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.
5460. All outdoor lighting is subject to all applicable requirements of Section 17.14.170 of County Code.
5561. 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.
5662. 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.

5763. 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.

5864. Archeological Resources: The following shall be incorporated as a note on the grading/improvement plans:

In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a "unique archeological resource", contingency funding and a time allotment sufficient to allow recovering an archeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archeological mitigation takes place.

If the find is determined to be a "unique archeological resource", the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a "nonunique archeological resource".

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

~~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.~~

5965. Human Remains: The following shall be incorporated as a note on the grading/improvement plans:

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

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

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

~~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.~~

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

California Regional Water Quality Control Board

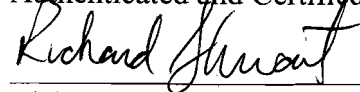
617. A NPDES General Permit for Storm Water Discharges Associated with Construction Activities, Order No. 99-28-DWQ is required when a project involves clearing, grading, disturbances to the ground, such as stockpiling, or excavation. Construction activity that involves soil disturbances on construction 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.

ADJOURNMENT

Meeting adjourned at 9:18 a.m.

APPROVED BY THE COMMISSION

Authenticated and Certified:

 8/14/14
Rich Stewart, Chair Pro Tem