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TO: Planning Commission Agenda of: June 13, 2013

FROM: Aaron Mount, Project Planner Item No.: 9

DATE: June 11, 2013

RE: **Z12-0004/S11-0007/Rescue Community Center; Revised Findings and Conditions of Approval**

At the April 25, 2013 public hearing, the Planning Commission identified several issues, remanded the project to staff for further revised conditions, and continued the item to May 9, 2013. The Planning Commission provided a list of concerns to staff including the public address system, days and hours the proposed gate should be locked and further alternatives for the days of operation of the race car track. Due to differing opinions on the issues between Planning Commissioners, alternatives have been provided in the Conditions of Approval.

The hearing was then continued to June 13, 2013 at the applicant's request.

Attached are Revised Conditions of Approval (Attachment 1) and Revised Findings (Attachment 2). Recommended changes and options are shown in underline and strike-out format. Conditions modified are 1, 2, 4, 5, and 6. Options are provided in Condition 1 (days of operation), Condition 2 (use of PA system), and Condition 6 (time gate should be locked).

Recommendation:

Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the Revised Conditions of Approval and Mitigation Measures in Attachment 1 dated June 13, 2013;
3. Approve Rezone Z12-0004 based on the Revised Findings in Attachment 2 dated June 13, 2013; and

4. Conditionally Approve Special Use Permit S11-0007 subject to the Revised Conditions of Approval in Attachment 1 dated June 13, 2013 and as amended by action of the Commission, based on the Revised Findings in Attachment 2 dated June 13, 2013.

Attachments to Staff Memo:

Attachment 1Revised Conditions of Approval; June 13, 2013
Attachment 2Revised Findings; June 13, 2013.

ATTACHMENT 1

REVISED CONDITIONS OF APPROVAL

**Z12-0004/S11-0007/Rescue Community Center
Planning Commission/June 13, 2013**

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

Exhibit ESite Plan

Exhibit IApplicant Submitted Project Description

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:

Rezone of parcel APN 069-160-16 from Estate Residential Five –Acre (RE-5) to Recreational Facilities (RF).

Special Use Permit to allow the continued use and expansion of the Rescue Community Center. The approval shall allow the following uses:

- A. The use of the existing non-conforming community center building as a social and recreation facility.
- B. Use of the project parcel outside of the community center building for the following existing non-conforming uses: use of the horse arena for horse shows, horse shoe pits, farmers market, community garden, flea market, community events, training for the fire department, dog shows, agricultural educational events (4H), Girl Scout and Boy Scout events, swap meets, and general outdoor recreational uses.
- C. Use of the existing horse arena as a remote control scale car race track as follows;
 - 1. Maximum of 20 ~~50~~ users at any given time, except during racing events.
 - 2. Racing season is from March 1st through October 31st.
 - 3. Race times ~~to~~ may begin at no earlier than 9 am and shall end by 7 pm. Setup ~~will~~ may begin no earlier than 8 am and all patrons shall leave the site by ~~10~~ 8 pm.
 - 4. Racing events will be on Friday, Saturday, and Sunday only during racing season. Races may be held every other weekend. There may will be two ~~Friday events and two three-day events. There may be up to 50 racing events per season.~~
 - 5. The maximum attendance by racers and spectators shall be 100 persons at

- any one time.
6. Snacks may be sold on race days to benefit the Rescue Community Center.
 7. The track is open for use Thursday through Sunday and shall be closed to all use Monday through Wednesday. The hours of operation are from 9 am to 7 pm.

AND/OR

The track shall be closed every other weekend.

AND/OR

The track shall be closed every other Sunday.

This approval shall include the following, located as shown on Exhibit E:

- a. One 2,509 square foot community center building (#1 on site plan);
- b. An out building as an accessory to the community center (#2 on the site plan);
- c. A horse arena use as a remote control car race track;
- d. A 216 square foot scoring building (#8 on the site plan);
- e. A drivers stand for the off-road track(#9 on the site plan);
- f. A 160 square foot container for storage of race track items (#12 on the site plan);
- g. A drivers stand for the oval track (#14 on the site plan);
- h. A grandstand for viewing (#15 on the site plan).

Conditions from the Mitigated Negative Declaration

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

2. **Noise-1:** In order to bring potential noise impacts to a less than significant level the following provisions shall be implemented by the property owner:
 - a. All race events and race track related uses shall be conducted within the proposed hours of 9 am to 7 pm.
 - b. The applicant shall setup and operate the proposed P/A system such that it does not result in exceedance of the County noise standards at nearby sensitive areas. Noise level readings should be taken during initial P/A system setup and operation to allow adjustments to speaker locations and amplifier settings as appropriate to satisfy those standards.

AND

A P/A system shall only be allowed to be used for two weekends each year at the remote control scale race car track.

OR

A P/A system shall not be allowed at the project site as part of the remote control scale race car track.

- c. Gas powered remote control scale cars shall not be allowed to be used on the project parcel.

Monitoring Responsibility: Planning Services and Building Services

Monitoring Requirement: Planning Services and Building Services Code Enforcement shall notify the property owner if complaints are received from adjacent property owners. If complaints are shown to be about uses consistent with the mitigation measure an additional acoustical analysis may be required to show conformance with General Plan Policies. If uses are taking place beyond what is allowed by the special use permit, revocation of the special use permit may be required to be scheduled for hearing.

Development Services Department (Planning)

3. The use of the arena for horse events ~~or a remote control race track shall~~ may be seven days a week from 9 am to 7 pm.
4. The remote control race car track shall be watered down prior to use each day and between events if necessary in order to reduce the potential for dust to travel beyond the property lines.
5. In order to ensure the remote control race car track is not used outside of the hours of operation the following measures shall be completed prior to initiation of the use:
 - a. Fencing with locked gates between the parking lot and the Race Track shall be installed.
 - b. A set of 4 phone numbers of local resident volunteers shall be provided to the neighbors to call in case of trespassing when the track is closed, or in the event of other misuse of the track. The volunteer will ask the trespassers to leave. Refusal to comply, or repeated offence may result in the involvement of local law enforcement or other legal restrictions.
 - c. ~~Financing and technology allowed;~~ a security camera shall be located at the property and streamed directly to the website.

- d. Signage shall be posted at the track entrance indicating hours of operation and terms of use. Applicable county ordinances and codes and consequences of rule violation and associated fines can be posted as indicated of requested. The content of the sign shall be reviewed and subject to approval by Planning Services.
 - e. All Rules and regulations will also be posted on the Official Rescue Raceway Website. Social media, when possible and reasonable, shall also be used to inform users of problems, concerns, or requests regarding security and policing.
6. Gates shall be locked Sunday at 7:00 pm and unlocked Thursday at 9:00 am.
- Or
- Gates shall be locked during hours of non-operation.
74. **Permit Implementation:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (24) months of approval of this Special Use Permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
85. **Condition Compliance:** Prior to issuance of certificate of occupancy 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.
96. **Building Permit:** An application for an “as built” building permit shall be submitted for the existing unpermitted structures associated with the race track within 30 days of approval of this special use permit. The applicant shall take the necessary steps to final the permit within 90 days of issuance. This deadline may be extended upon written request by the applicant to Planning Services if the ability to final the permit is delayed due to time necessary to obtain permits from other agencies. The applicants shall demonstrate that they are diligently pursuing said permits prior to granting of any extension.
107. **Lighting:** All outdoor lighting shall conform to Section 17.14.170 of the Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of North America’s (IESNA) full cut-off designation. In addition, the following apply:
- a. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.

- b. Any lighting for outdoor display areas shall be turned off within 30 minutes after the closing of the business. No more than 50 percent of the parking lot lighting may remain on during hours of non-operation. Any security lighting on the buildings shall be designed with motion-sensor activation.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

118. **Free-standing Sign:** No other signs other than the existing freestanding sign at the entrance to the community center, as shown on Exhibit H, shall be installed. The sign shall be located where it will not conflict with the required site distance onto Green Valley Road.

129. **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 applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval by El Dorado County. County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

1340. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,156.25 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.

1444. **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 archaeological resource", contingency funding and a time allotment sufficient to allow recovering an archaeological 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 archaeological 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

1542. **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

Rescue Fire Protection District

1643. The applicant shall maintain vegetation clearances of 30 feet set back from all buildings and the speedway on all sides around the project to meet Fire Safe standards.

1744. The Rescue Community Centers kitchen range and hood system shall be inspected by a Licensed C-16 Fire Protection Contractor. The kitchens range and hood system shall meet the requirements of the California Fire Code Section 904.11.
1845. Minimum of one portable fire extinguisher complying with Section 906 of the CFC shall be installed and maintained at the speedway.

ATTACHMENT 2

REVISED FINDINGS

Z12-0004/S11-0007/Rescue Community Center
Planning Commission/June 13, 2013

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 El Dorado County has considered the 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.
 - 1.2.a The Planning Commission finds that the revised mitigation proposed by the Commissioners for the reduction of noise related to the use of a public address system has been determined to be equivalent and more effective in mitigating potentially significant impacts, as permitted by CEQA Section 15074.1 (b)(2). This change has been made a condition of the project and, therefore, the Mitigated Negative Declaration can be modified without re-circulation.
- 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 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 The project is consistent with the Medium Density Residential (MDR) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The project consists of a zone change to RF, which is consistent with General Plan Table 2.4, and an existing community center and a remote control car race track, which is consistent with the allowed uses for the RF Zone District with an approved Special Use.
- 2.2 As conditioned, mitigated and with adherence to County Code, the project is consistent with all applicable Policies of the General Plan, including:
- 2.2.1 2.2.5.3 (rezone criteria) because the project was analyzed for water and wastewater capacity, critical flora and fauna areas, wetland impacts, transportation, existing land use pattern and historical and archeological resources;
- 2.2.2 2.2.5.21 (compatibility with surroundings) because the project has been a community center since 1951 and is an asset to the community and the County and because noise issues related to the remote control car race track have been mitigated;
- 2.2.3 6.5.1.7 (noise from non-transportation source), because the project has been mitigated to reduce potential noises from the remote control race car track;

3.0 ZONING FINDINGS

The existing and proposed community and recreational facility and anticipated uses are consistent with the Recreational Facilities zone district under Section 17.48.060 and applicable standards in Title 17. Conditions of approval and mitigation measures are imposed to ensure implementation of the project occurs in an orderly and safe manner, consistent with all applicable development standards of Title 17 and General Plan policies. The zone change can be found to be a benefit to the Rescue community and the County.

4.0 ADMINISTRATIVE FINDINGS FOR A SPECIAL USE PERMIT

- 4.1 The issuance of the permit is consistent with the General Plan as set forth in Section 2.2.
- 4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood because as conditioned and mitigated, the potential noise from the race track will be reduced to a less than significant level and will provide a project compliant with applicable County Codes, as well as those of the Rescue Fire Department.
- 4.3 The proposed use is specifically permitted by Special Use Permit pursuant to Zoning Ordinance 17.48.060.D, subject to the approval of the rezone to Recreational Facilities.