

**Findings**

**1.0 CEQA**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 Through feasible conditions and mitigation placed upon the project, significant impacts on the environment relating to Biological Resources have been eliminated or reduced to less than significant.
- 1.3 The document and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department-Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 Public resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

**2.0 ADMINISTRATIVE**

**2.1 General Plan**

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

**2.2 Zoning Ordinance**

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

### **3.0 Special Use Permit**

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

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

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

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

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

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

**Conditions**

1. The Special Use Permit-Revision and Rezone is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A through Exhibit E, dated October 25, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or future environmental review. Deviations without the above described approval will constitute a violation of permit approval.

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

This revision to a Special Use Permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-D, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project, as approved, consists of the following:

The proposed project is a revision to a special use permit to allow construction of one additional building and the development of a multi-purpose ball field. The project also includes a rezone to bring parcel 109-161-01 into conformance with the General Plan.

The proposed 13,720 square foot Sunday school building will be located directly behind the current church facility and will be a two-story building. The original special use permit that allowed for two additional buildings, including a formal sanctuary (8,000 square feet) and an elementary school facility (10,000 square feet) will be abandoned.

A multi-purpose playing field will be developed on the adjacent 5-acres parcel south of the current property. The design includes one softball field and one soccer field that overlap allowing use of one field at a time. The applicant is required to ensure the multi-purpose ball field shall include, but not be limited, to the following Church activities and special events: Church carnival (no typical commercial carnival rides); flea markets; rummage sales; Church retreats and Vacation Bible School; and Church-sponsored sports activities and events. The uses shall be limited to day use only. No lighting shall be allowed. The multi-purpose ball field shall be enclosed by a six (6) foot tall chain link fence.

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

**Conditions from the Mitigated Negative Declaration**

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

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

3. Prior to the issuance of a grading permit from Building Services the applicant shall provide the following Mitigation Measures to be executed to protect elderberry bushes on-site:
  - a. Fence and flag all areas to be avoided. Provide a minimum setback of twenty (20) feet from the drip line of each elderberry plant, surrounded by a 100-foot buffer.
  - b. The contractors for the project shall be advised by the applicant on the need to avoid damaging the elderberry plants and the penalties for not complying with these regulations.

- c. The applicant shall require the contractors to put up signs every 50 feet along the edge of the avoidance areas with the following information: "This area is habitat of the Valley Elderberry Longhorn Beetle, a threatened species and must not be disturbed. Violators are subject to prosecution, fines, and imprisonment." The signs shall be clearly visible from a distance of 20 feet during the life of construction.
- d. Applicant is to instruct construction crews about the status of the Beetle and the need to protect its elderberry host plant.
- e. Transplant elderberry plants that cannot be avoided. Planning Services shall inspect the project site for the location of elderberry plants which will be impacted due to construction.
- f. Plant additional elderberry plant seedlings or cuttings, adjacent to the native species outside the proposed development areas. (MM BIO-2).

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

- 4. The 8,000 square foot sanctuary building and 10,000 square foot elementary school shall be eliminated from the project phasing plans.
- 5. The propane tank shall be separated from the buildings and/or trash enclosures by no less than 10 feet from tanks up to 500 gallons and 25 feet for tanks up to 2,000 gallons.
- 6. For the proposed parking lot area, the lighting within 20 feet of the centerline of the poles and wires shall not exceed 15 feet in height.
- 7. 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.
- 8. 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.
- 9. The applicant shall install low level lights on both sides of the project entry. Pole mounted lights shall deflect illumination directly downward on the project site.

10. The trash enclosure shall be a concrete block wall with a solid gate(s).
11. The trim accent and stucco of the buildings shall be "oyster" color shade and the roof shall be a dark green.
12. A Landscape Plan application shall be submitted to the Planning Services for review and approval prior to issuance of the building/grading permit prior to the issuance of the Building Permit.

**Site Specific Conditions - Planning Services**

13. The project trim accent, stucco, and roof of the building shall be consistent with the existing building.
14. A final Landscape Plan shall be submitted to Planning Services for review and approval prior to issuance of a building and/or grading permit.
15. No lighting or sound system shall be installed or used with the multi-purpose ball field.
16. The existing single-wide trailer shall be removed prior to final sign-off of the building permit issued by Building Services.
17. The project site is located within the Ecological Preserve Mitigation Area 1 for the new church structure and the area developed for the multi-purpose ball field. Applicant shall be required to pay in lieu of Ecological Preserve Mitigation for the direct impacts caused by development on rare plants and rare plant habitat.
18. The applicant is required to ensure the multi-purpose ball field shall include, but not be limited, to the following Church activities and special events: Church carnival (no typical commercial carnival rides); flea markets; rummage sales; Church retreats and Vacation Bible School; and Church-sponsored sports activities and events. The uses shall be limited to day use only, beginning time on Saturdays to be no earlier than 9:00 a.m. and on Sundays no earlier than 12:00 p.m.
19. The applicant is required to insure that the multi-purpose ball fields shall not have public access except through the scheduling of events through the Church office.
20. Parking shall be restricted to the Church lot for all ball field activities.
21. The multi-purpose ball field shall be enclosed by a six (6) foot tall chain link fence and shall be installed prior to use of the multi-purpose ball field. Planning Services shall verify installation of the fence prior to use.

22. 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.
23. Prior to commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services for verification of compliance with applicable conditions of approval.
24. Prior to issuance of a grading permit, the applicant shall remit payment of any outstanding fees as detailed and required in the *Agreement for Payment of Processing Fees* authorized for this project.
25. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

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

#### **Department of Transportation**

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

## **El Dorado County Environmental Management**

### *Air Quality Management District (AQMD)*

27. The project construction would involve grading and excavation operations, which would result in a temporary negative impact on air quality with regard to the release of particulate matter (PM<sub>10</sub>) in the form of dust. Current county records indicate that this property is not located within the Asbestos Review Area. Therefore, District Rules 223 and 223-1 which addresses the regulations and mitigation measures for fugitive dust emissions shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rules 223 and 223-1. In addition, a Fugitive Dust Plan Application shall be submitted long with the appropriate fees to and approved by the District prior to start of project construction.
28. Project construction may involve road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
29. Burning of wastes that result from "Land Development Clearing" must be permitted through the District. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
30. The project construction would involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.
31. The District goal is to strive to achieve and maintain the ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following measures used to reduce impacts on air quality impacts from equipment exhaust emissions:

### **Heavy Equipment and Mobile Source Mitigation Measures**

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



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

**El Dorado County Fire District**

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

**El Dorado Irrigation District**

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