

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: June 19, 2013
Item No.: 4.a.
Staff: Tom Dougherty

SPECIAL USE PERMIT

FILE NUMBER: S13-0003/Opportunity Acres

APPLICANT: Jagamo LLC

AGENT: DS Wagner Construction

REQUEST: Special use permit request to allow horse boarding, adult autism daycare, a non-public autism high school, horse training and riding clinics, corporate events, petting zoo, fruit and vegetable growing for off-site sales and ranch use, one 36 square-foot lighted, free standing sign, and a separate caretaker's quarters. There would be approximately 50 event attendees on the weekends and 25 employees during the week.

LOCATION: East side of South Shingle Road approximately 0.5 mile northeast of the intersection with Latrobe Road in the Latrobe area, Supervisorial District 2. (Exhibit A)

APN: 087-021-34

ACREAGE: 56 acres

GENERAL PLAN: Rural Residential (RR) (Exhibit C)

ZONING: Residential Agricultural 40-Acre (RA-40) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION: Staff recommends the Zoning Administrator take the following action:

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), incorporating the Mitigation Measures in the Conditions of Approval as listed in Attachment 1;
3. Conditionally approve Special Use Permit S13-0003 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2; and

STAFF ANALYSIS

Project Description: Special use permit request to allow horse boarding, adult daycare programs for individuals with autism, a non-public high school for students with autism, horse training clinics, horse riding cross country schooling, 12 corporate events per year with 50 attendees or less, a petting zoo, fruit and vegetable growing for off-site sales and ranch use, and one 36 square-foot lighted, free standing sign,. The applicants propose to install three 20-foot by 40-foot portable classrooms, and construct two 36-foot by 60-foot, ten-stall barns. They are also requesting to utilize the existing 1,440 square-foot mobile home as a caretaker's quarters.

The following table lists the existing and proposed uses. The building letters correspond to the Plot and Site Plans (Exhibits E and F):

BUILDING LETTER	USE (As labeled in Exhibits E & F)	SIZE
a	Existing Home	2,005 square feet
b	Detached Garage	728 square feet
c	Existing Equipment Barn	24'x48' = 1152 square feet
d	Existing 2 Stall Barn	24'x48' = 1152 square feet
e	Existing enclosed arena	84'x120' = 11,080 square feet
f	Existing arena (open)	140'x270' = 37,800 square feet
g	Existing round pen	Approx. 346 square feet, 60' diameter
h	Existing 10 stall barn	36'x60' = 2160 square feet
i	Proposed Portable Classroom 1	24'x40' = 960 square feet
j	Proposed Portable Classroom 2	24'x40' = 960 square feet
k	Proposed Portable Classroom 3	24'x40' = 960 square feet
l	Caretaker's quarters	1,440 square feet
m	Overflow parking	200'x200' = 40,000 square feet
n	Existing Sign	12 sq feet text, 10 feet tall
o	Proposed Sign	36 sq feet text, 12 feet tall, lighted
p	Special events area	300'x300' = 90,000 square feet
q	Future 10 stall barn	36'x60' = 2160 square feet
r	Future 10 stall barn	36'x60' = 2160 square feet

Adult Day Program: Adults diagnosed with autism would come to Opportunity Acres to assist in the running and managing of the ranch (animal care, ranch care, and gardening) and would receive guidance and instruction in doing so from staff members. Opportunity Acres has obtained a community care license from the Department of Social Services, Community Care Licensing Division. The adult day program will operate approximately 250 days per year from 8:30 am to 2:30 pm Monday through Friday. The maximum number of adults participating in

the day program would be 30. The number of clinical staff members serving this program would be 10.

Non-Public High School: Opportunity Acres would also be home to a small non-public high school for a maximum of 20 students diagnosed with autism. The number of staff members assigned to this program will be 10. Students will learn academic and prevocational skills specifically oriented toward agriculture. The program would be certified by the state department of education and would operate approximately 218 days per year, Monday through Friday 8 am to 3 pm. The students would also participate in the care of the animals and property, run the petting zoo and assist with community events.

Additions to the property would include two portable classrooms (20 feet x 40 feet each) with one bathroom in each classroom. The portables would be situated next to the portable being used for the Adult Day Program. See Site Plan letter “h” and “I”. All three portables will be set to the south of the main house adjacent the garage and will be painted to match the main house.

Special Events: Opportunity Acres would like to host small corporate events (meetings, luncheons, day retreats), for less than 50 people, no more than 12 times per year. No additional structures or buildings would need to be added to the property. Special events would not include any amplified music or amplified communication devices. These events would be held closest to the main house or in the main house on the property which is several hundred feet from the nearest neighbors on all sides of the property.

Parking for special events would be provided in the spaces adjacent to the portable buildings shown as letter “m” on the plot plan. All other parking would be provided adjacent to the house as noted on the site plan. Guests who require handicap accommodations or a shorter walking distance can use the paved driveway in front of the garage or the two required accessible spaces. Overflow parking is provided as noted on the Plot Plan as letter (m).

Site Description: The project is located at an average elevation of 900 feet above mean sea level with gradual slopes to the west. Improvements include the structures/features listed above. Vegetation is dominated by annual grassland with scattered oak and pine trees. The property has been grazed by domestic animals for many years. There is an intermittent stream passing through the western portion, draining from northeast to southwest. White Thorn Road passes through a portion of the parcel from west to east.

Background: The existing 1,440 square-foot mobile home was first permitted by Special Use Permit in 1972 as a primary residence when mobile homes required a use permit. It was converted to a temporary mobile home in 2002 as temporary while constructing the primary dwelling. It was supposed to be removed after the primary dwelling was finished in 2003. As discussed below, this permit would legitimize the continued use of the mobile home.

	Zoning	General Plan	Land Use/Improvements
Site	RA-40	RR	Residential agriculture/primary and caretaker residence, and outbuildings.
North	AE	AL	Residential/Single family residence
South	RA-40	RR	Residential/Single family residence
East	RA-40-	RR	Residential/Single family residence
West	RA-40	RR	South Shingle Road/Residential/Single family residence

Project Issues: The primary issue with this project is site compatibility. Other discussion items include the intermittent stream and soils, caretaker’s residence, parking, lighting; water supply, septic improvements, and the oversized sign.

Site Compatibility: The project includes a school, adult daycare, and special events. There could be 20 students, 30 day care attendees, 25 staff, approximately 30 or fewer visiting students from elementary schools for the petting zoo who would come on a school bus with teachers and chaperones, and a potential for about five people training their horses on the cross country course on any given weekday. The petting zoo would be open to the general public in the summer when the day program and school are not in session so it would not add to the number of people using the facility on any given day.

The school and day program are only open approximately 215 days per year (this varies based on how and when holidays fall, staff development days where there will be no clients, variable funding from the state so the school days could be reduced to 210 per year, etc). The rest of the proposed activities and events would occur on the weekends.

General Plan Policy 2.2.5.21 requires that a project be analyzed for compatibility with the surrounding area. The project includes provisions to control dust, minimize soil erosion, prevent lighting trespass, has adequate interior circulation, The parcel’s size and configuration allows for the concentration of structures to be at an adequate distance from residences on the surrounding parcels.

There would be adequate services to facilitate the site, such as water, septic facilities, parking spaces, power and telephone communication facilities in compliance with Policy 5.1.2.1 (adequate utilities and public services).

Because of the project’s provisions of adequate access, site design, and attention to design features that fit within the context of the surrounding uses, it is also consistent with Policy 6.2.3.2 (adequate access) because the project would utilize existing driveways previously inspected by the Latrobe Fire Protection staff for access and interior circulation, and provides secondary emergency ingress/egress to White Thorn Road..

Policy 2.2.5.9 allows for certain types of extended family support services and institutional uses in areas in which residential uses are allowed. The project provides agriculturally oriented

services and support of individuals with autism for the community. Adults who are impaired to the extent that they cannot obtain vocational instruction and job opportunities in urban settings, would have the opportunity to learn multiple skills in a ranch setting. These would contribute to the rural/agriculture use of this land and the community in which it is situated. The project would support severely impaired students residing in the area that do not have other support services or options for instruction. Additionally, because the curriculum would focus on agriculture and ranch management, students would be learning the importance of maintaining rural land and producing goods and services for their community.

The project would be compatible with Policy 7.3.11 (soil conservation) and 7.3.3.4 (wetlands) because compliance with County Codes and the project mitigation measures would allow the conservation of the soils and protection of the intermittent stream.

The project would also be compatible with Policies 8.1.3.5 (diminish or impair the existing or potential agricultural use), and 8.1.4.1 (Agricultural Commission review) because the Commission recommended approval of the project as they determined the findings can be made for these Policies.

The project would comply with the Development Standards of the RA-40 Zone District and it complies with the requirements of Chapter 17.22, Special Use Permits because the proposed uses are not considered detrimental to the public health, safety and welfare, nor injurious to the neighborhood, because it has been designed to comply with setback requirements, provides for safe access, circulation, parking, and conservation of natural resources.

Other Issues

Intermittent Stream/Soil Erosion: There is an intermittent stream crossing the parcel. General Plan Policy 7.3.3.4 requires a 50-foot setback. Policy 7.3.1.1 encourages the use of Best Management Practices, as identified by the Soil Conservation Service, in watershed lands as a means to prevent erosion, siltation, and flooding. The applicants worked with the El Dorado County Resource Conservation District (RCD) to develop a stream zone conservation strategy that includes soil and water conservation methods. That resulted in the Preservation and Best Management Plan included as Exhibit I.

The plan addresses manure, water, drainage, dust, mud, and potential overgrazing management. The plan for the stream area includes fences placed at 50-foot setbacks from the high-water marks of the creek, and utilization of the existing grasses within those setbacks for filtering and to reduce soil erosion. There will be no regular grazing permitted in that area. Occasionally, goats would be enclosed in rotating temporary fenced areas for approximately three to four days a month to manage over growth in that area, as recommended by the RCD. The applicants are also working with the RCD to develop a more detailed conservation plan for ongoing conservation of the natural resources of the site.

Two mitigation measures have been included requiring compliance with the Preservation and Best Management Plan, and the development of an ongoing soil conservation plan. As mitigated, the project would incorporate “Best Management Practices” to minimize impacts on

the intermittent stream, and the project could be found to be consistent with the intent of General Plan Policy 7.3.3.4, the Interim Interpretive Guidelines for that Policy, and Policy 7.3.1.1 for an agricultural-type operation.

Caretaker Residence Request: The applicants are requesting that the second dwelling on the property, a mobile home, be permitted to continue to be used as a caretaker's residence. The mobile home is 1,440 square feet which exceeds the 1,200 square feet allowed for a second residence.

The property currently supports 15 horses, five llamas, six goats and four miniature horses. The applicants plan to breed some of the animals and offspring would be sold. Cattle, horses, poultry, and similar animals kept for domestic use or for profit, especially on a ranch or farm are being raised on this property and require a caretaker's presence at all times. Additionally, horse boarders expect that their horses will be monitored around the clock. Because the owners do not reside on the property and the main house will be used Adult Day Program operations, the applicants contend that a caretaker is necessary for the safety and welfare of the animals.

The mobile home can be allowed to exist as a caretaker's residence for the life of the uses allowed by this special use permit. However, if the uses allowed by special use permit cease, the mobile home will need to either be removed.

Parking: The applicants are proposing 28 parking spaces. Two of which must be accessible. None of the students (20) and none of the adults (30) in the day program would be driving themselves. The applicants transport most of them with three different vehicles or they would be dropped off by a school bus in the morning and picked up in the afternoon.

There would be parking needed for the maximum number of 25 employees during the week. There would be a maximum of 50 people potentially attending the special events on the weekend. Estimating 2.7 persons per car equates to 19 spaces required, leaving 9 spaces for overlapping events. Additionally, there is a 200 by 200 foot graveled, overflow parking area proposed for events that require horse trailers and extra spaces. Planning has determined there would be adequate parking for the proposal.

Lighting: Policy 2.8.1.1 directs that excess nighttime light and glare be limited from the parking area lighting, signage and buildings. All outdoor lighting is required to 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.

The applicants are proposing exterior light at the two ends of the ten-stall barn (500 watts each), lights around the perimeter of the arenas (see Plot Plan between "e" and "f"), and one exterior light on each new portable building. As proposed and conditioned, the lighting would comply with County Code.

Water Supply: The parcel currently utilizes two wells. The water supply must meet the requirements of EDC policy #800-02. Proof of adequate water supply must be submitted for review and approval by the Environmental Health Division. A yearly permit to operate as a

“CalCode Water Supply” would be required. The water supply must meet the potable water standards of a transient non-community water system as listed in the California Safe Drinking Water Act (Chapter 4, commencing with Section 116720 of Part 12).

Septic Improvements: There are existing County-approved septic systems utilized by the primary residence and caretaker’s dwelling. Additionally, an engineer’s report was provided that determined the site appears to have the ability to support an additional septic system that will serve the three portable classrooms. The Environmental Health Division would review specific septic designs that accompany future development plans to ensure that the final septic disposal design meets County standards.

Sign: The RA-40 Zone District permits an unlighted sign of 12 square feet and 12 feet tall. The applicants are requesting a lighted sign that would stand no more than 12 feet above the ground, containing 36 square feet of text area on both sides. The sign would be designed to compliment the natural landscape with a wrought iron lamp post design containing ranch-style lettering advertising only horse boarding, trail rides, and lessons. None of the other uses proposed in this project would be advertised on the sign. The sign would be lighted by lamppost style lighting that shines downward on the lettering and would not send light in the direction of the road.

Planning recommends that the sign size be reduced to 24 square feet and be unlighted. This is twice the maximum size permitted in the zone and it would still be large enough to be viewed by vehicles traveling at a high rate of speed. There does not appear to be a need for lighting of the sign since activities occur during the daylight hours.

Agency Comments: The following agencies provided comments on this application.

Agricultural Commission: The Agricultural Commission reviewed the project at their April 10, 2013 meeting for consistency with General Plan Policies 8.1.3.5 and 8.1.4.1. The Commission voted 4 to 3 in support of the project (see Exhibit K).

Latrobe Fire Protection District (Fire District): Fire District staff has visited the site in the past and did not report that there were any site access and interior circulation issues. They did not respond with any recommended conditions of approval for the project.

ENVIRONMENTAL REVIEW: Staff has prepared an Initial Study (Exhibit N) to determine if the project has a significant effect on the environment. Potentially significant effects of the project on the environment have been mitigated by recommended conditions that avoid or lessen the impacts to a point of insignificance; therefore a Mitigated Negative Declaration has been prepared and a Notice of Determination (NOD) will be filed. A \$50.00 filing fee for the NOD is required and the NOD must be filed within five working days from the project approval.

The filing of the NOD begins the statute of limitations time period for when litigation may be filed against the County’s action on the project. If the NOD is filed the statute of limitations ends 30 days from its filing. If no NOD is filed, it ends 180 days from the date of final action by the County.

In accordance with California Fish and Game Code Section 711.4, the project is subject to a fee of \$2,156.25 after approval, but prior to the County filing the Notice of Determination on the project. This fee plus the \$50.00 filing fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,156.25 is forwarded to the State Department of Fish and Wildlife and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Designations
Exhibit E	Plot Plan
Exhibit F	Site Plan
Exhibit G	Sign Plan
Exhibit H	Lighting Fixture Specification Sheets (three pages)
Exhibit I	Preservation and Best Management Plan (three pages)
Exhibit J	Applicant's Project Description (four pages)
Exhibit K	Agricultural Commission Memorandum, April 10, 2013 (three pages)
Exhibits L-1 to L-6	Site Visit Photos
Exhibit M-1, M-2	Aerial Maps
Exhibit N	Proposed Mitigated Negative Declaration and Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S13-0003/Opportunity Acres
Zoning Administrator/June 19, 2013

Planning Services Division

1. **Project Description:** This 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 EPlot Plan
Exhibit F.....Site Plan
Exhibit G.....Sign Plan
Exhibit H.....Lighting Fixture Specification Sheets (three pages)
Exhibit IPreservation and Best Management Plan (three pages)

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.

Approval of this Special Use Permit allows the existing structures/improvements and proposed and existing events and activities at Opportunity Acres` on the parcel currently identified by Assessor's Parcel Number 087-021-34 as follows:

BUILDING LETTER	USE (As labeled in Exhibits E & F)	SIZE
a	Existing Home	2,005 square feet
b	Detached Garage	728 square feet
c	Existing Equipment Barn	24'x48' = 1152 square feet
d	Existing 2 Stall Barn	24'x48' = 1152 square feet
e	Existing enclosed arena	84'x120' = 11,080 square feet
f	Existing arena (open)	140'x270' = 37,800 square feet
g	Existing round pen	Approx. 346 square feet, 60' diameter
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p	Special events area	300'x300' = 90,000 square feet

q	Future 10 stall barn	36'x60' = 2160 square feet
r	Future 10 stall barn	36'x60' = 2160 square feet

- a. Horse boarding for a maximum of 46 horses;
- b. Adult daycare programs for individuals with autism for a maximum of 30 individuals with a maximum of ten clinical staff members;
- c. A non-public high school for students with autism for a maximum of 20 students diagnosed with Autism, with a maximum of 12 clinical staff members;
- d. Horse training clinics, horse riding cross country schooling;
- e. Corporate events (meetings, luncheons, day retreats), for less than 50 people, no more than 12 times per year;
- f. Petting zoo with a maximum of ten animals allowing a maximum of two groups of 30 or fewer students per day;
- g. Cross country horse and rider schooling for a maximum of ten horses per hour; and
- h. Clinics for riders with a maximum of 10 clinics per year.

There will be up to 25 staff members and employees at the site during the week, and up to 50 attendees for events on the weekends.

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 attached 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

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

- 2. **BIO 1:** The applicant shall initiate the measures for protection of the intermittent stream as outlined within the Preservation and Best Management Plan included as Exhibit G.

Monitoring Responsibility: Planning Services

Monitoring Requirement: Fences shall be placed at 50-foot setbacks from the high-water marks of the intermittent stream, and the existing grasses within those setbacks shall be utilized and maintained for filtering and to reduce soil erosion. There shall be no regular grazing permitted in that area. Goats can be enclosed in rotating temporary fenced areas for approximately three to four days a month to manage over growth of blackberry shrubs in that area. The applicants shall provide Planning Services proof that the fencing has been installed prior to the initiation of the uses allowed by this permit.

3. **BIO 2: Soil Erosion:** In order to comply with General Plan Policy 7.3.1.1, the applicant shall develop a long-term, ongoing plan with the El Dorado County Resource Conservation District (RCD) for the conservation of the site soils, prevention of overgrazing, prevention of excessive dust, and management of storm water for the entire site.

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicants shall supply Planning Services with a copy of the plan developed with, and approved by, the RCD for the entire site, prior to issuance of any development permit.

Development Services Division (Planning)

4. **Caretaker's Quarters:** The existing 1,440 square-foot mobile home shall be utilized as a caretaker's quarters. If the uses allowed by the special use permit are abandoned, the caretaker's residence shall be removed.
5. **Lighting:** The following outdoor light locations are approved:
 - a. Exterior light at the two ends of the ten-stall barn;
 - b. Six pole lights around the perimeter of the arena (see Plot Plan between "e" and "f"); and
 - c. One exterior light on each new portable building.

Exterior lighting shall be located as shown on the approved Plot Plan and be substantially consistent with the Exhibit H specification sheets. 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. Any light fixture that does not have a specification sheet that specifically states that fixture meets the full cutoff standards, shall require a fixture substitution that meets that requirement.

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.

6. **Parking:** Parking shall conform to the approved Plot and Site Plans, shall be improved consistent with Chapter 17.18 of the County Code, and include 26 standard spaces and two accessible spaces constructed in accordance with Title 24 of the current Building Code. The 200 by 200 foot overflow parking area identified by the letter (m) on the approved Plot Plan shall be graveled with a two-inch aggregate base.
7. **Signs:** One 24 square-foot, unlighted, free standing sign is approved and shall be located as shown, and labeled as (o), on the Plot Plan, Exhibit E. The existing sign labeled (n) shall be removed.
8. **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.
9. **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.
10. **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.

11. **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
12. **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

13. **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

Environmental Health Division

14. **Food Service:** All food service must comply with the California Retail Food Code. A Health Permit to operate is required if food is to be served to the students attending Opportunity Acres. Plans must be submitted for review and approval and a yearly permit to operate must be obtained from Environmental Health.
15. **Water Supply:** The water supply for Opportunity Acres must meet the requirements of EDC policy #800-02. Proof of adequate water supply must be submitted for review and approval by EDC Environmental Health. A yearly permit to operate as a "CalCode Water Supply" will be required. The water supply must meet the potable water standards of a transient non-community water system as listed in the California Safe Drinking Water Act (Chapter 4, commencing with Section 116720 of Part 12).

El Dorado County Air Quality Management District

16. **Asbestos Dust:** Current county records indicate this property is located within the Asbestos Review Area. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions asbestos hazard mitigation during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.2. In the event NOA is discovered during project construction, all work shall cease and an Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to re-start of project construction. (Rules 223 and 223.2)
17. **Paving:** Project construction may involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
18. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
19. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Architectural Coatings AQMD (Rule 215).
20. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>. An applicability flow chart can be found here: http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf. Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.

21. **New Point Source:** Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501 and 523)

22. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be under permit from the California Air Resources Board (CARB). A copy of the current portable equipment permit shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

ATTACHMENT 2

FINDINGS

Special Use Permit S13-0003/Opportunity Acres Zoning Administrator/June 19, 2013

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 Through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Rural Residential (RR) land use designations as defined within General Plan Policy 2.2.1.2 because the land use designation permits agricultural uses, support structures, and residential support services.
- 2.2 As conditioned, and with adherence to County Code, the project is consistent with all applicable Policies of the General Plan, including:
 - 2.2.1 2.2.5.21 (compatibility with surroundings) because as conditioned and mitigated, it would be compatible with surrounding uses, have minimal impacts on visual resources, existing utilities, existing emergency response access and times, and will preserve the intermittent stream and soils. There are adequate services to facilitate the site, such as water, power and telephone communication facilities. The project provides agriculturally oriented services and support of individuals with autism for the community. Adequate access and

site design has been provided, and attention to design features ensures that the project fits within the context of the surrounding uses;

- 2.2.2 5.1.2.1 (adequate utilities and public services) because the project will connect to existing water, electrical, and telecommunication facilities currently existing within the parcel;
- 2.2.3 6.2.3.2 (adequate access) because the project will utilize existing driveways previously inspected by the Latrobe Fire Protection staff for access and interior circulation;
- 2.2.4 7.3.1.1 (soil conservation) and 7.3.3.4 (wetlands) because compliance with County Codes and the project mitigation measures would allow the conservation of the soils and protection of the intermittent stream; and
- 2.2.5 8.1.3.5 (diminish or impair the existing or potential agricultural use), and Policy 8.1.4.1 (Agricultural Commission review) because the Commission recommended approval of the project as they determined the findings can be made for these Policies.

3.0 ZONING FINDINGS

- 3.1 The proposed use is permitted by Special Use Permit in the Residential Agricultural 40-Acre (RA-40) zone district, pursuant to Section 17.30.090.A provided that the administrative findings outlined below can be made by the Zoning Administrator.
- 3.2 As proposed and conditioned, the project meets 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 17.30.100.

4.0 ADMINISTRATIVE FINDINGS FOR A SPECIAL USE PERMIT

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

As stated in more detail above in the General Plan section, the proposed project has been analyzed for consistency with the General Plan Policies listed above, and is consistent with these policies.

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 RA-40 Zone District. The proposed Special Use Permit for the facilities complies 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 setback requirements, provides for safe access, circulation, parking, and conservation of natural resources.

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

The proposed use is permitted in the RA-40 Zone District pursuant to Section 17.30.090.A of the Zoning Ordinance.

4.4 **Excess Signage Size**

The sign can be approved because it is typical of signs within the Latrobe area that are identifying other agricultural businesses. Because of the high rate of speed of passing traffic, the increased sign size for the frontage sign is necessary. The lighting of the sign cannot be approved because of the rural nature of the vicinity, and there is not a need for sign lighting since the activities occur during the daylight hours.