

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



**Agenda of:** March 24, 2011  
**Item No.:** 8.b  
**Staff:** Tom Dougherty

**SPECIAL USE PERMIT**

**FILE NUMBER:** S10-0012/Georgetown Divide Recreation District Aquatic and Recreation Center

**APPLICANT:** Georgetown Divide Recreation District, Carl Clark

**REQUEST:**

1. Special Use Permit to allow the construction of an aquatic and recreation center, pedestrians paths, and a small amphitheater within existing Garden Valley Park;
2. Three signs exceeding the size permitted in the Estate Residential (RE-10) zone district; and
3. Finding of Consistency with General Plan Policy 7.3.3.4 to allow a reduction of the wetland setback from 50 feet to zero with installation of a turf area and amphitheater within the required setback.

**LOCATION:** Southwest corner of the intersection of Garden Valley and Marshall Roads, in the Garden Valley area, Supervisorial District 4. (Exhibit A)

**APN:** 060-391-34

**ACREAGE:** 6.26 acres

**GENERAL PLAN:** Medium Density Residential & Public Facility (MDR & PF) (Exhibit D)

**ZONING:** Estate Residential Ten-Acre (RE-10) (Exhibit E)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**RECOMMENDATION:** Staff recommends the Planning Commission 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 S10-0012 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2; and
4. Determine a Finding of Consistency with General Plan Policy 7.3.3.4 to allow a reduction of the wetland setback from 50 feet to zero with installation of a turf area and amphitheater within the required setback.

**BACKGROUND:** The Georgetown Divide Recreation District to construct an Aquatic and Recreation Center at the existing Garden Valley Park passive recreational facilities and associated uses. The existing park improvements located north of Johntown Creek on the site plan included as Exhibit G are referred to as the passive park area within the Staff Report and Environmental Checklist/Discussion of Impacts. Passive is intended to imply that there are no “active” formal baseball, soccer fields, basketball courts, etc., present. The existing facilities and uses within Garden Valley Park are described in detail below in the Project Description section. The proposed new facilities are labeled as Phase 1 and Phase 2 in Exhibit G (proposed site plan).

The Georgetown Divide Recreation District (GDRD) originally acquired the project site from the Black Oak Mine Unified School District (BOMUSD). The project site is currently the location of the Garden Valley Park. The BOMUSD operates Golden Sierra High School and Divide Continuation High School on the parcel adjoining to the southeast.

The following historical details that attempt to chronicle the history of Garden Valley Park site are quoted from an email communication received from the first GDRD General Manager, Pete Feild dated January 2011: *The very first efforts to create a park on what was then simply "an extra" parcel owned by BOMUSD (they acquired it at the same time they got the larger parcel where the High School is built, maybe early '70's?) was initiated by the Garden Valley Community Association (GVCA). The idea also came out of the fact that the Garden Valley/Kelsey Fourth of July parade and picnic was quickly outgrowing the use of the old Kelsey Schoolhouse grounds, and needed a larger area. Through volunteer efforts and use of Growlersburg Conservation Camp, the property was cleared, fenced and a few picnic tables installed, I'm thinking between about 1980 and 1986.*

The following historical details that attempt to chronicle the history of Garden Valley Park site are quoted from an email communication received from the current GDRD General Manager, Carl Clark dated January 2011. Bullets were added for separation:

*Garden Valley – BOMUSD*

- *Joint Powers Agreement (1986) between El Dorado County & BOMUSD assigned to GDRD in 1988.*
- *Site Plan Approved by BOMUSD, implemented by GDRD with the assistance of GVCA.*
- *Maintenance and operation shared with GDRD and BOMUSD.*
- *GDRD maintained insurance and provided BOMUSD with a certificate of insurance.*

*Garden Valley – Acquisition: APN # 060-391-01*

- *First Offer: June, 1995.*
- *Title Insurance: December, 1998.*
- *PG&E Easement.*
- *Road Easement (1981) granted to Grace A. Ritchey, et al (Northeast portion).*
- *Grant Deed, December, 1998.*

*Department of Fish & Game: May to October 15, 1999 (Timeline).*

- *Streambed Alteration Notification # II-173-99 (Johntown Creek).*
- *Flood protection work, including minor bank stabilization and vegetation removal.*

*Playground: February, 2000, Playworld Systems.*

*Shade Structure/Stage: August, 2002 (Building permit). (Permit 140477).*

*Initial Irrigation System installed: January, 2003.*

*Restroom Project: Building Permit issued October 26, 2004, January, 2005 completed. (Permit 160198).*

*Garden Valley Park Restoration October, 2007 completed.*

- *New turf, removal of serpentine gravel and replacement with limestone gravel.*
- *Replacement of service gate and bollards.*
- *Materials for Shade Structure (labor by volunteers).*
- *Perc test & preliminary septic design for future restrooms.*

Boundary Line Adjustment BLA10-0033, approved in 2011, adjusted the boundary line between the GDRD and BOMUSD adjoining properties and resulted in the current parcel configuration as shown in Exhibits C (Record of Survey for BLA10-0033), and E (aerial with boundary depicted).

## **STAFF ANALYSIS**

**Project Description:** The applicants are requesting a Special Use Permit to allow the construction of a four-lane swimming pool, modular exercise/classroom building, restroom/shower building, zero depth splash play area, trash enclosure, bike rack, shaded fabric canopy area, fenced enclosure for the pool/splash play equipment, and three free-standing signs. The pool/splash play area, recreation building, restroom/shower building, and shade canopy area are proposed to be surrounded by a ten-foot tall chain link fence. Proposed for the area labeled

as Phase 2 on the site plan are picnic areas, pedestrian paths with bench sitting areas, a small log-bench amphitheater with a concrete pad stage, and a prefabricated pedestrian bridge to span the creek to connect the upper aquatic center area with the lower existing passive park area. The project proposes to share the off-site south parking lot shown on Exhibit G (site plan) with the school district. The septic facilities and trash collection facilities would also be located off-site. All off-site facilities, access points, and parking area shared with the school district would be subject to a recorded easement between GDRD and the BMUSD.

The Special Use Permit request would also include the existing structures and uses currently located within the northern portion of the project which include a covered stage area used for outdoor acoustic music events and community organization events, restroom, tot lot play area, horseshoe throwing event area, and the picnic areas. The central northern park area is proposed to continue to be utilized intermittently for small community events as it has been since the 1980s.

The following table corresponds to the site plan attached as Exhibit G and lists the existing and proposed uses and structures:

| Use (as labeled on the submitted site plan, Exhibit G)   | Size/Area  |
|--|--|
| <b>PROPOSED IMPROVEMENTS</b>   |  |
| <b>A. Phase 1 Area*</b>  |  |
| Four-lane swimming pool  | 32 ft. by 75 ft. (2,400 sq. ft.)   |
| Modular exercise and classroom building (Modular Building)   | 35 ft. by 40 ft. (1,400 sq. ft.)   |
| Restroom and Shower Building   | 26 ft. by 43 ft. (1,118 sq. ft.)   |
| Zero depth splash play area  | 30-ft. round   |
| Fabric shade canopy area   | Approximately 1,554 sq. ft.  |
| Fenced equipment enclosure for the pool and splash play equipment with a fabric canopy atop  | 400 sq. ft.  |
| Free-standing park signs (2 total. 1 is the existing park sign located near the intersection of Marshall and Garden Valley Roads.) | 4 ft. wide by 3 ft. tall copy area (12 sq. ft.) mounted on posts to be 6 ft. tall. |
| Free-standing entry sign   | 4 ft. wide by 3 ft. tall copy area (12 sq. ft.) mounted on posts to be 6 ft. tall. |
| Dumpster enclosure   | 200 sq. ft.  |
| <b>B. Phase 2 Area*</b>  |  |
| 5-ft. wide asphalted path  | Approximately 250-ft. length   |
| 8-ft. wide asphalted path  | Approximately 500-ft. length   |
| Log Bench Amphitheater area  | Approximately 50 ft. by 40 ft.   |
| Prefabricated pedestrian bridge  | 6-ft. wide by 35-ft. long  |
| <b>EXISTING IMPROVEMENTS/USES (Passive Park Area)</b>  |  |
| Covered stage  | 20-ft. by 30 ft. (600 sq. ft.)   |
| Horseshoe playing area   | 56 ft. by 59 ft. (3,304 sq. ft.)   |
| Tot lot/playground area  | 92 ft. by 40 ft. (3,680 sq. ft.)   |
| Restroom   | 170 sq. ft.  |
| North picnic area (between the tot lot/playground and stage).  | Randomly placed picnic tables.   |

|  |                                |
|--|--------------------------------|
| South picnic area (between Garden View Road and the horseshoe playing area). | Randomly placed picnic tables. |
|--|--------------------------------|

\* The site plan shows Phase One and Phase Two. These sections are labeled that way for the benefit of GDRD financing and their grants. For the purposes of this Special Use Permit request, the applicants have chosen to have both phases reviewed together, but are proposed to be constructed at different times.

**Splash Play Area:** The splash play area is proposed to be a small zero depth water play area with interactive ground level water jets and above ground spray elements.

**Shade Canopy Area:** The shade canopy is proposed to be a fabric shade sail structure that with consist of a total of three triangular shade sails attached at various heights to five posts. The sails will be angled to maximize shade under the canopy for the picnic tables.

**Georgetown Divide Recreation District Operation Plan for New Facilities at Garden Valley Park (as submitted by the GDRD General Manager):** The new facilities are proposed to be operated primarily during non-school hours. The use of the aquatic facility is proposed to be limited to six months a year (April to October).

- A. Summer Operations (June 1 – August 15)**  
(Summer vacation period for neighboring school)  
M-F Hours: 8am – 7pm  
# Employees = 2-3  
Attendance = 10 – 50 people mixed ages mostly youth  
  
Sat/Sun Hours: 1pm – 5pm  
# Employees = 2  
Attendance = 20 – 50 people mixed ages mostly youth
- B. Summer Special Events (3 Saturday Swim meets)**  
Sat Hours: 8am – 3pm  
# Employees = 2  
Attendance = 50 – 100 people mixed ages, mostly families
- C. Fall Operations (August 15 – September 30)**  
M-Th Hours: 11am – 1pm; 3pm-7pm  
# Employees = 2  
Attendance = 10–20 people mixed ages mostly students from school

**Closed Weekends and Holidays**

- D. Winter Operations (October – March)**  
M-Th Hours: 11am – 1pm; 3pm-7pm  
# Employees = 1  
Attendance = 5-10 people mixed ages mostly students from school

**Closed Weekends and Holidays**

- E. Spring Operations** (April – May 30)  
 M-Th Hours: 11am – 1pm; 3pm-7pm  
 # Employees = 2  
 Attendance = 10–20 people mixed ages mostly students from school

The following activities/events are proposed as listed below:

**Classroom and Exercise Activities:** Small exercise classes, individual exercise programs, small youth sports team leader meetings, room to support swimming pool training classes.

**Aquatic Center Activities:** Recreational swimming, senior citizen aquatic therapy, swim lessons, and competitive swim team training and 2-3 Saturday morning competitive events during non-school time.

**Existing Passive Park Area Activities:** Framers market, arts and craft sales, music events, horseshoe competition events, community group events

**Site Description:** The project is located at an average elevation of 1,875 feet above mean sea level. Improvements include the structures/features listed above along with graveled and asphalted access driveways and parking areas. Vegetation is dominated by annual grassland with intermittent landscape trees with some individual indigenous oak, pine and alder trees. The project site contains an intermittent stream (Johntown Creek) which crosses from the northeast underneath Garden View Road and flows to southwest exiting underneath Garden Valley Road. The proposed aquatic and recreation center area is currently an asphalted parking area used by the school district. That area sits approximately 15-feet higher in elevation than the existing park area in the northern section of the parcel. The northern section contains the stream and existing passive park facilities listed above in the table in the Project Description section.

**Adjacent Land Uses:**

|              | Zoning         | General Plan | Land Use/Improvements   |
|--------------|----------------|--------------|---|
| <b>Site</b>  | RE-10          | MDR/PF       | Public Facility/Park support facilities, asphalted parking lot. |
| <b>North</b> | RE-5/R2A       | MDR          | Residential/Single family residences                            |
| <b>South</b> | RE-10          | PF           | Public facility/High school facilities                          |
| <b>East</b>  | RE-10/RE-5/R2A | MDR/PF       | Residential/Single family residences, school facilities.        |
| <b>West</b>  | CG/R2A         | C/MDR        | Commercial, residential/Restaurant, single family residence     |

**Discussion:** There is a restaurant at the southwest corner of the intersection of Garden Valley and Marshall Roads, but the majority of the surrounding parcels are designated for medium density residential uses by the General Plan. Both said roads separate the project parcel from the residential uses. The school parcel adjoins to the southeast. The park portion of the project parcel has been utilized by local residents as a community park site since the 1980s. The school

district has utilized their adjoining parcel since the 1970's. The proposed Special Use Permit for the addition of the aquatic and recreation center, pedestrian paths and bridge, and amphitheater to the existing park site, as conditioned, would not introduce uses and impacts considered dissimilar to the existing uses. (See Exhibits D (General Plan designations), E (zoning designations), F (close-up aerial), and P (surrounding area aerial).

**Project Issues:** Discussion items for this project include access and circulation, fire safety, lighting, parking, pedestrian paths, pool facility, septic improvements, signs, and water supply.

**Access and Circulation:** The project's primary access points are from two encroachments onto Garden Valley Road, one existing and currently used as the primary access point into Golden Sierra High School, and one proposed to the north of that one which would enter directly into the shared parking area. Garden Valley Road is a County maintained road. A third encroachment into the project site from Garden Valley Road, would provide a gated entrance for emergency and maintenance access for the proposed aquatic and recreation facility. This interior roadway also provides a vehicular connection between Garden Valley and Garden View Roads for a secondary and emergency ingress/egress for the proposed Phase 1 facilities. This roadway has historically provided through access for residents on Garden View Road to exit to Garden Valley Road when Johntown Creek flows over Garden View Road when the culverts under that road become clogged with debris. As shown on the site plan, this roadway presents setback conflicts with the project elements over 30-inches tall as well as the pool as all require a 30-foot setback. The applicant has stated they would resolve this issue by changing wither the location of this road easement or the language in the easement description to restrict it for emergency ingress/egress only. Planning has determined that either scenario would resolve the setback conflicts. A condition of approval has been recommended for the project to assure this problem is resolved prior to issuance of a grading and/or building permit (Condition 14).

The Garden Valley Fire Protection District (Fire District) and the El Dorado County Department of Transportation (DOT) have reviewed the proposed on-site and off-site access and circulation proposed for the project. The Fire District found the proposed driveway circulation plans to be adequate for safe emergency ingress and access width and surfacing. DOT has conditioned the project for review of the encroachments through the encroachment permit process to assure the three encroachments onto Garden Valley Road would meet County standards for width, line-of-sight safety, turn-lane safety, and surfacing.

As conditioned, neither DOT nor the Fire District has any outstanding concerns with the proposed access and circulation of the project as proposed.

**Fire Safety:** The project would be supplied by public domestic water which would be required to be delivered at a pressure consistent with Fire District standards. There is an existing Georgetown Divide Public Utility District (GDPUD) fire hydrant located near the existing school tennis courts. The Fire District has recommended conditions to assure adequate water pressure, fire extinguishers, and Knox locks on buildings and gated entrances, prior to issuance of final occupancy for a building permit.

**Lighting:** Outdoor lighting would be installed within Phase 1 area proposed to be surrounded by the ten-foot tall chain link fencing. As required by the County outdoor lighting requirements, all lighting would be required to be full cut-off and downward shielded to prevent light trespass.

The applicants have submitted a lighting plan that includes a Photometric Analysis showing the proposed locations and specification for the proposed pole and wall sconce lights. That plan is included as Exhibits K-1 to K-3 and includes 16 pole lights, and 12 wall sconce, motion activated, building lights. A condition of approval has been included in Attachment 1 that would allow for no more than 50 percent of the pole lights to remain on during hours of non-operation.

**Parking:** The submitted site plan was reviewed to verify compliance with Zoning Ordinance on-site parking requirements. Section 17.18.060 of the Zoning Ordinance lists the parking requirements by use. The Phase 1 area is shown in the site plan in Exhibit G to have room for 63 standard spaces located in the existing off-site school district parking lot adjoining the subject parcel south of the proposed buildings. Three of those would be required to be handicap accessible parking spaces with two of those having van accessibility, located as shown on the submitted site plan.

The existing passive park area contains graveled parking space areas located adjacent to the east and west parcel boundaries. The east side along Garden Valley Road contains five existing spaces, one of which is a handicap accessible space with van accessibility. The west side, along Garden View Road, contains 24 existing spaces, one of which one is an accessible space with van accessibility.

Section 17.18.060 (41) of the Zoning Ordinance requires that the number of spaces for parks with day uses be determined by *the approving authority as provided in Section 17.18.040(D) based on the size of the facility, number of activities provided, intensity of use and impacts to surrounding community.* Section 17.18.040(D) concerns increases and decreases in parking requirements using the following criteria for determinations:

1. *Increases. The number of parking spaces required by this chapter may be increased by the approving authority as a condition of a special use permit or planned development permit where it is determined that the proposed use would have a parking demand in excess of the requirements of this chapter.*
2. *Decreases. Administrative relief from the strict compliance with the provisions for commercial and industrial uses may be granted where the planning director or planning commission finds all of the following:*
  - a. *The intent of the parking ordinance is preserved;*
  - b. *The parking provided is sufficient to serve the use for which it is intended;*
  - c. *The modification will not be detrimental to the public health or safety.*

*In considering requests for reduction in the number of parking spaces, the approving authority shall consider:*

1. *Size and type of use or activity;*
2. *Composition and number of tenants;*
3. *Peak traffic and parking loads;*



4. *Rate of turnover;*
5. *Availability of public transportation including carpools or employer-provided transportation.*

The applicant supplied Operation Plan for New Facilities at Garden Valley Park lists 100 people as the anticipated maximum anticipated number of potential users of the proposed Phase 1 facilities. Planning has historically assumed that each car average three persons per car. That would mean 63 spaces would potentially allow parking for 189 persons. Section 17.18.040(40) directs that a health spa, gym would require one parking space per 300 square feet of gross use area. The 1,400 square-foot modular exercise and classroom building would therefore require five spaces on its own. Pools are not specifically listed in Chapter 17.18.

The following table summarizes the parking:

| <b>PARKING REQUIREMENTS TABLE</b>                  |                               |   |
|--|-------------------------------|---|
| <b>Parking Stall Standard</b>                      | <b>No. of Spaces Required</b> | <b>No. of Spaces Provided</b>                         |
| <b>Proposed Aquatic and Recreation Center Area</b> |                               |   |
| Standard Space                                     | Not defined by County Code    | 63  |
| Accessible Spaces                                  | 3 (with van accessibility)    | 3 (2 with van accessibility)                          |
| <b>Existing Passive Park Area</b>                  |                               |   |
| Standard Spaces                                    | Not defined by County Code    | 28: 4 along west boundary.<br>24 along east boundary. |
| Accessible Spaces                                  | 2 (with van accessibility)    | 2: 1 along west boundary.<br>1 along west boundary.   |

The existing number of parking spaces listed within the passive park area has served that area adequately since the 1980s so Planning is recommending a minimum of 28 be required in the existing area. The 63 spaces proposed to be utilized by the Phase 1 area would seem to be a more than adequate number of spaces for the applicants' anticipated attendance of that area during non-school hours. Using the applicants' estimate of 100 persons being the anticipated maximum number of event attendees, Planning is recommending that the number of parking spaces be 34 minimum spaces required (100 persons/3 per car) for the proposed Phase 1 area.

**Pedestrian Paths:** The project proposes to construct asphalt pedestrian paths connecting the upper Phase 1 area with the proposed lower Phase 2 area and the existing passive park area. The path beginning at the proposed asphalted and concreted surfaces of the Phase 1 area is proposed to be five-feet wide. That section would join a proposed eight-foot wide path proposed for the Phase 2 area, and would provide an eastern and western pedestrian and bike connection between Garden Valley and Garden View Roads and the park site. That proposed path system would include a pre-fabricated pedestrian bridge proposed to span Johntown Creek providing a pedestrian connection to the existing passive park area. The bridge is proposed to be anchored to concrete pier-type foundations proposed to be located outside of the Ordinary High Water Mark, as located by the project's biological consultant, to prevent intrusion to the natural flow of the creek. The path system would also allow access to the proposed amphitheater area which would

include short wooden posts set in concrete with logs installed on the posts for benches. A concrete pad would be constructed below the bench area for a small stage area.

This “Phase 2” area of the park would be located within the 50-foot setback required for intermittent streams and this is discussed further below in the General Plan Policy 7.3.3.4 section.

**Pool Facility (Aquatic Center):** The Environmental Health Division has reviewed the plans for the pool facility and has recommended conditions that require that the public pool comply with the California Health and Safety Code, California Code of Regulations, California Building Code, and the California Electrical Code. The GDRD would be required to obtain a yearly permit from Environmental Health to operate the pool. The back wash from cleaning the filters would be required to be disposed of in a manner acceptable to Environmental Health. The recommended conditions of Approval adding these requirements are included in Attachment 1.

**Septic Improvements:** The Phase 1 project area proposes to construct new septic facilities within the existing parking area proposed to be shared with the school district. The existing asphalted surface would be removed, the system installed, and new asphalt and striping would be installed over the top of the system. The Environmental Health Division has reviewed the submitted *Septic System Design*, dated December 20, 2010, and determined the report demonstrates that *the site is suitable for sewage disposal and is adequately sized. The Environmental Health Division will review specific septic designs that accompany future development plans to ensure that the final septic disposal design meets County standard.*

**Signs:** The RE-10 zone district permits one, six square-foot sign by right pursuant to Section 17.70.90.D. Other signs and sizes require Special Use Permit consideration pursuant to Section 17.70.100.E. The applicants are requesting three 3 foot high by 4 foot wide (12 square feet) free-standing signs, one to be an additional park identification sign, and one to be the Phase 1 area entrance sign, in addition to the existing 3-foot by 4-foot existing free-standing park identification sign located within the lower existing passive park area at the corner of Marshall and Garden Valley Roads. Proposed signage would consist of sandblasted redwood boards mounted on 4-inch by 4-inch redwood posts, as shown in the Exhibit J. These signs would be located as shown in the Exhibit G and would each have a total height of six feet from ground level.

The increased size and number of the signs is requested for consideration for the following reasons, submitted by the applicants:

1. *The signs requested are standard size signs that GDRD uses for all other park sites. It is a readily recognizable sign and logo around the area that allows community members to easily identify the facility as being one of GDRD's.*
2. *The type of sign is one that was carefully chosen to fit into the Divide community. The redwood sandblasted signs are made by a local sign maker that does not have the capability to easily change sign size without adding significant cost to the signs. GDRD is a small agency that tries to maximize the dollars spent. Using existing templates for the signs reduces cost greatly.*

For these reasons the applicant requests that the Planning Commissioners consider the use of larger and higher sizes than would normally be allowed under this special use permit. Planning recommends approval of the three signs as they are similar to signs in the Garden Valley area identifying other public facilities and commercial businesses.

**Water Supply:** The Georgetown Divide Public Utility District (GDPUD) responded that they currently provide water service to the GDRD and BOMUSD parcels but that the project proposal would create a water demand that exceeds the capacity of the current facilities. GDPUD would require that the GDRD be responsible for all costs associated with any necessary upgrade to the existing service to facilitate this increased demand. There are existing facilities within the proposed project area used to serve the schools. The GDPUD's consumptive domestic water line and the school's fire line are located within this area. GDPUD determined that those facilities would be affected by the project and would require modification and/or relocation. GDPUD would also require that the property owners install approved backflow prevention assemblies at the service connections to the GDPUD mainline. Additionally, the applicants would be responsible for any additional requirements for water supply due to project requirements from other agencies. The project has been conditioned to include these requirements.

**General Plan:** The General Plan currently designates a portion of the subject site as Medium Density Residential and a small portion Public Facility (MDR & PF). MDR establishes areas for residential development with larger lot sizes. PF establishes areas of publicly-owned lands used for public facilities such as schools, community parks and recreation facilities. PF is considered to be compatible with any of the zone districts, depending on the use proposed. In this case the underlying zoning is RE-10 which allows park facilities subject to Special Use Permit approval. With an approved Special Use Permit, the project would conform to the existing General Plan land use designation of MDR/PF. Note: BLA10-0033 caused the parcel to have a split land use designation. The policies and issues that affect this project are discussed below:

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

**Discussion:** The 6.26-acre site parcel exists in a primarily medium density residential area as shown in Exhibit D (General Plan Land Use Designations). The project parcel also adjoins a school site, with a small restaurant business adjacent to Garden Valley Road. The parcel is separated on three sides from the residences by existing roads and the other side by the school facilities which have been operating in the neighborhood since the 1970s. The project site has been utilized as a community park site since the 1980s. The other existing improvements were given County permit approval prior to submission of the current project request. New impacts would be the potential addition of users of the pool/splash area and the exercise/classroom building on an intermittent basis. Planning believes that the proposed use would be compatible with the rural residential character of the neighborhood and would be compatible with the zoning of the property.

**Lighting Impacts:** Policy 2.8.1.1 directs that excess nighttime light and glare be limited from the parking area lighting, signage and buildings.

Discussion: The proposed lighting details are discussed above in the Project Issues, Lighting section. Planning is recommending that the project be conditioned for all lighting to conform to Section 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation with further restrictions for the inclusion motion sensors, and hours of operation. As conditioned, staff finds the submitted lighting plan complies with this Policy. The lighting plans are provided as Exhibits K-1 to K-3.

**Fire Protection:** Policy 5.7.1.1, requires the applicant demonstrate that adequate emergency water supply, storage and conveyance facilities, and access for fire protection either are or would be provided concurrent with development, and Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Discussion: Garden Valley Fire Protection District (Fire District) has requested Conditions of Approval addressing the emergency access and emergency water availability issues for the project site. Conditions have been incorporated into the project to assure compliance with the Fire District requirements. As conditioned, the project would conform to the General Plan policies.

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

Discussion: Johntown Creek is identified as an intermittent stream by the submitted *Wetland Delineation Report* dated November 2010, and the addendum to the Wetland Delineation Report, dated January 21, 2011. A 50-foot setback would be required for development from the Ordinary High Water Mark (OHWM) established by the submitted wetland delineations for the creek as well as for the other wetland features noted in the study.

The proposed paths, pedestrian bridge, and amphitheater would encroach into a required wetland setback of a seasonal wetland. The submitted *Wetland Delineation Report* found that those proposed improvements, as conditioned, mitigated and with adherence to Best Management Practices, would have no significant impacts on the proposed improvements proposed for the Phase 2 area. This is discussed in detail more in the Environmental Checklist/Discussion of Impacts, Section IV, Biological Resources section provided as Exhibit R.

A setback reduction from 50 feet to 0 feet has been requested. Findings for approval of the reduced setback are included in Attachment 2 in accordance with the Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.3.3.4, adopted June 22, 2006. The request for the reduced setbacks are discussed in more detail below in the Finding of Consistency with General Plan Policy 7.3.3.4 section.

As conditioned and with an approved Finding for Consistency for reduced setbacks, this project can be found to be consistent with Policy 7.3.3.4.

**Species Conservation:** Policy 7.4.1.5 directs that *species, habitat, and natural community preservation/conservation strategies shall be prepared to protect special status plant and animal species and natural communities and habitats when discretionary development is proposed on lands with such resources unless it is determined that those resources exist, and either are or can be protected, on public lands or private Natural Resource lands.*

Discussion: The submitted *Biological Resources Evaluation Report and Tree Survey, Preservation and Replacement Plan* dated November 2010, determined that the project could have an impact on nesting raptors or other protected migratory birds by the tree canopy removal anticipated for the project. Depending on the timing of construction, site disturbance could result in disturbance of breeding and nesting activity of this species. According to the California Department of Fish and Game Code 3503, “take” of the nest or eggs of any bird is prohibited, except upon approval from the California Department of Fish and Game. The report found that disturbance of active nests can be avoided during construction through appropriate measures. Those measures have been included in recommended Mitigation Measure 2, included in Attachment 1.

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

Discussion: The project impact area of the subject parcel was determined by the biological consultant to contain 3.08 acres. The submitted Biology Report found that the project area has 33.7 percent oak canopy coverage. General Plan Policy 7.4.4.4 would therefore require the retention of 85 percent of the indigenous oak tree canopy for the project area. The project would remove approximately 0.23 acre of canopy (five trees) for pedestrian path and aquatic center area development which is 21.8 percent of the total canopy coverage. In lieu of the replanting and monitoring requirements set forth in Option A, the applicants have chosen to mitigate the impacts to the oak woodland by complying with the oak conservation in-lieu fee requirements (Option B) of the Oak Woodland Management Plan. With the adoption of the recommended Condition of Approval, (Oak Canopy), for 0.23 acre of impacts requiring payment of a \$731.87 fee for the 1 to 1 ratio and \$668.00 for the 2 to 1 ratio fee, (total = 1,400.19), the project would be compliant with Policy 7.4.4.4. The applicant would initiate compliance with that condition during the grading and building permit processes.

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

Discussion: In addition to the General Plan policies, the project would be required to include provisions for bicycle parking on the site pursuant to Section 5.105.4.1 and 2 of the 1020 California Green Building Standards Code, at locations at the discretion of the applicant but convenient from adjoining streets. The project proposes a bike rack adjacent to the proposed Aquatic Center. The

bike rack would be required to be installed prior to issuance of final occupancy for a building permit. The Bicycle Parking Plan is included as Exhibit N. In addition to the proposed bike rack, the project includes proposed asphalt pedestrian paths within the project site, as shown in Exhibit G, to achieve consistency with these policies and State Code. Those sidewalks and paths are all designed for handicap accessibility.

**Finding of Consistency with General Plan Policy 7.3.3.4:** As discussed above in the Policy 7.3.3.4 section, Johntown Creek was classified by the project biological consultant as an intermittent stream, requiring a 50-foot non-development setback. General Plan Policy 7.3.3.4 states, *These interim standards may be modified if more detailed information relating to slope, soil stability, vegetation, habitat or other site- or project-specific conditions supplied as part of the review for a specific project demonstrates that a different setback is necessary or would be sufficient to protect the particular riparian area at issue. Also, for projects where the County allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized.*

The applicants are requesting a reduction of the wetland setback from 50 feet to zero with installation of a turf area at the wetland border and construction of the amphitheater within the 50-foot setback. Those features are identified on the site plan within the area labeled as Phase 2. The Guidelines allow *exceptions to riparian and wetland buffer and setback requirements shall be provided to permit necessary road and bridge repair and construction, trail construction, and other recreational access structures such as docks and piers, or where such buffers deny reasonable use of the property, but only when appropriate mitigation measures and Best Management Practices are incorporated into the project.* Planning has determined this would exempt the paths and bridge, but not the proposed irrigated turf area or the amphitheater.

As discussed above in the Project Issues, Pedestrian Path section, the General Plan 7.3.3.4 section, and Section IV in the Environmental Checklist/Discussion of Impacts, the submitted reports found the implementation of Best Management Practices and recommended Mitigation Measures would reduce the impacts of the proposed Phase 2 improvements to a less than significant level. The project biological consultant has recommended that the setbacks to the wetland features be waived, because the wetlands are of very low habitat value provided that appropriate storm water BMP's are in place to catch runoff, and there would be no significant effect to the wetlands onsite or offsite, in relation to improvements proposed.

The project's engineering consultant provided the following list of the BMPs that the project would be required to adhere as a part of the grading permit requirements by County Code. The Building Services Plan Checker will review the submitted grading plan and verify that the plan includes BMPs that conform with the County's California Stormwater Pollution Prevention Plan issued by the State Water Resources Control Board, prior to grading permit issuance:

| Erosion Control        | Sediment Control                | Tracking Control                   | Non Storm Water Management          |
|------------------------|---------------------------------|------------------------------------|-------------------------------------|
| o Hydroseeding         | o Silt Fence                    | o Stabilized Construction Entrance | o Water Conservation Practices      |
| o Straw Mulch          | o Fiber Rolls                   | Waste Management                   | o Vehicle and Equipment Cleaning    |
| o Geotextiles and Mats | o Gravel Bag Berm               | o Material Delivery and Storage    | o Vehicle and Equipment Maintenance |
| Erosion Control        | o Street Sweeping and Vacuuming | o Material Use                     | Non Storm Water Management          |

The Department of the Army, Corps of Engineers (Corps) reviewed the project and determined that the wetlands identified by the submitted report may be regulated under Section 404 of the Clean Water Act if disturbance were to occur. The Corps has requested a pre-construction notification or permit application for the project, prior to construction. The project may also be regulated by potential Streambed Alteration Agreements to be obtained from California Department of Fish and Game (CDFG), if applicable, pursuant to Section 1602 of the California Fish and Game Code, as well as a potential California Water Quality Certification, Section 401 permit from the Regional Water Quality Control Board. All three agencies would require review of the development plans prior to issuance of a grading and/or building permit.

As conditioned, mitigated and with adherence to County Codes, the project would incorporate “Best Management Practices” and Mitigation Measures to minimize impacts on the wetlands and the request to reduce the required setbacks could be found to be consistent with the intent of El Dorado County General Plan Policy 7.3.3.4 and the Interim Interpretive Guidelines for that Policy.

**Conclusion:** The project has been reviewed in accordance with the General Plan policies, and it has been determined that the project would be consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

**Zoning:** The project site is zoned Estate Residential Ten-Acre (RE-10). The proposed aquatic center, exercise/classroom building and passive park areas and uses are classified collectively as a park. Parks are allowed by Section 17.70.100.C only after obtaining a Special Use Permit from the Planning Commission. The RE-10 zone district permits one, six square-foot sign by right pursuant to Section 17.70.90.D. Other signs and sizes require Special Use Permit consideration pursuant to Section 17.70.100.E. The sign requests are discussed above in the Project Issues section. The project is subject to the development standards of Section 17.70.110. The submitted site plan shows the project would meet the required 30-foot setbacks on all yards (sides). The parcel (currently 6.26 acres in size) has been of a legal non-conforming size within the RE-10 district since being designated RE-10 with the adoption of the Garden Valley Area Plan in March of 1980.

**Special Use Permit (SUP):** Parks are specifically allowed after obtaining a Special Use Permit from the Planning Commission.

The following Special Use Permit findings are required by Section 17.22.540 of the Zoning Ordinance:

1. *The issuance of the permit is consistent with the General Plan;*

Discussion: As discussed in the General Plan and Project Issues sections of the Staff Report, the project, as conditioned, would be consistent with the General Plan.

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

Discussion: The addition of recommended conditions and mitigation measures would insure that the project would not have a significant impact on the neighborhood.

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

Discussion: As discussed above, the use is specifically permitted by Section 17.70.100.C of the Zoning Ordinance with an approved Special Use Permit Staff.

**Conclusion:** As discussed above, the project conforms to the Zoning Code. Based on consistency with the General Plan, compatibility with adjacent land uses, and less than significant environmental impacts achieved by the implementation of the recommended conditions and mitigations, staff finds that the necessary findings can be made to support the project request. The details of those Findings are contained in Attachment 2.

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

**Garden Valley Community Association (GVCA):** The GDRD has been working with the GVCA throughout the planning process for this project and has incorporated some of their input into the project design. The GVCA responded to Planning with an email that stated some individuals had concerns about the potential lighting impacts and the tree removal. The GDRD has since met with the GVCA and explained their lighting plan and reasons for the removal of the potentially dangerous trees.

**U.S. Army Corps of Engineers:** The Corp responded that they would need to review the development plans for the proposed improvements in the vicinity of Johntown Creek for potential Corps permitting, prior to issuance of the grading and or building permit. This is included in the recommended Mitigation Measures in Attachment 1.

**Georgetown Divide Public Utility District (GDPUD):** The GDPUD *Verification of Water Service* letter dated February 3, 2010 stated that water is available to the site via existing GDPUD facilities. The project would be required to extend the existing facilities to the site structures to GDPUD specifications. The GDPUD comments are discussed above in the Project Issues, Water Supply section. Their recommended Condition is included in Attachment 1.



The following agencies were solicited for comments and either did not respond or responded they had no recommended Conditions of Approval:

El Dorado County Building Services  
Pacific Gas & Electric  
AT&T  
California Department of Fish and Game  
Black Oak Mine Unified School District  
Georgetown Divide Resource Conservation District  
CA Regional Water Quality Control Board

**ENVIRONMENTAL REVIEW:** Staff has prepared an Initial Study (Environmental Checklist with discussion provided in Exhibit R) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project in the areas of biology, and mandatory findings of significance. Staff has determined that significant effects of the project on the environment have been mitigated; therefore a Mitigated Negative Declaration has been prepared.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.). In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,044.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee plus a \$50.00 administration fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,044.00 is forwarded to the State Department of Fish and Game 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 .....           | Record of Survey dated January 2011           |
| Exhibit D .....           | General Plan Land Use Map                     |
| Exhibit E .....           | Zoning Designations                           |
| Exhibit F .....           | Aerial Map showing post BLA parcel boundaries |
| Exhibit G .....           | Site Plan                                     |
| Exhibit H .....           | Restroom Building Elevation (Sheet 2 of 3)    |
| Exhibit I .....           | Recreation Building (Sheet 3 of 3)            |
| Exhibit J .....           | Sign Plan                                     |
| Exhibits K-1 to K-3 ..... | Lighting Plan, (Sheets E-1 to E-3)            |
| Exhibit L .....           | Shade Canopy Plan                             |

Exhibit M .....Log Bench Amphitheater Plan  
Exhibit N.....Bicycle Parking Plan  
Exhibit O.....Garden Valley U.S.G.S. Quadrangle  
Exhibits P-1 to P-5 .....Site Visit Photos  
Exhibit Q.....Aerial Map of surrounding area  
Exhibit R.....Environmental Checklist/Discussion of Impacts

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

**Special Use Permit S10-0012/Georgetown Divide Recreation District  
Aquatic and Recreation Center  
Planning Commission/March 24, 2011**

### Planning Services

1. This Special Use Permit approval is based upon and limited to compliance with the approved project description, the following hearing exhibits:

Exhibit G.....Site Plan  
Exhibit H.....Restroom Building Elevation (Sheet 2 of 3)  
Exhibit I .....Recreation Building (Sheet 3 of 3)  
Exhibit J .....Sign Plan  
Exhibits K-1 to K-3.....Lighting Plan (Sheets E-1 to E-3)  
Exhibit L .....Shade Canopy Plan  
Exhibit M .....Log Bench Amphitheater Plan  
Exhibit N.....Bicycle Parking Plan

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 description is as follows:

Approval of this Special Use Permit allows improvements to Garden Valley Park on the parcel currently identified by Assessor's Parcel Number 060-391-34 as follows:

More specifically, the following structures and use areas are approved for use under this current approval as located and described in Exhibit G.

| <b>Use (as labeled on the submitted site plan,<br/>Exhibit G)</b> | <b>Size/Area</b>                 |
|---|----------------------------------|
| <b>PROPOSED IMPROVEMENTS</b>                                      |                                  |
| <b>A. Phase 1 Area*</b>   |                                  |
| Four-lane swimming pool   | 32 ft. by 75 ft. (2,400 sq. ft.) |
| Modular exercise and classroom building<br>(Modular Building)     | 35 ft. by 40 ft. (1,400 sq. ft.) |
| Restroom and Shower Building                                      | 26 ft. by 43 ft. (1,118 sq. ft.) |
| Zero depth splash play area                                       | 30-ft. round                     |

|  |  |
|--|--|
| Fabric shade canopy area   | Approximately 1,554 sq. ft.  |
| Fenced equipment enclosure for the pool and splash play equipment with a fabric canopy atop  | 400 sq. ft.  |
| Free-standing park signs (2 total. 1 is the existing park sign located near the intersection of Marshall and Garden Valley Roads.) | 4 ft. wide by 3 ft. tall copy area (12 sq. ft.) mounted on posts to be 6 ft. tall. |
| Free-standing entry sign   | 4 ft. wide by 3 ft. tall copy area (12 sq. ft.) mounted on posts to be 6 ft. tall. |
| Dumpster enclosure   | 200 sq. ft.  |
| <b>B. Phase 2 Area*</b>  |  |
| 5-ft. wide asphalted path  | Approximately 250-ft. length   |
| 8-ft. wide asphalted path  | Approximately 500-ft. length   |
| Log Bench Amphitheater area  | Approximately 50 ft. by 40 ft.   |
| Prefabricated pedestrian bridge  | 6-ft. wide by 35-ft. long  |
| <b>EXISTING IMPROVEMENTS/USES (Passive Park Area)</b>  |  |
| Covered stage  | 20-ft. by 30 ft. (600 sq. ft.)   |
| Horseshoe playing area   | 56 ft. by 59 ft. (3,304 sq. ft.)   |
| Tot lot/playground area  | 92 ft. by 40 ft. (3,680 sq. ft.)   |
| Restroom   | 170 sq. ft.  |
| North picnic area (between the tot lot/playground and stage).  | Randomly placed picnic tables.   |
| South picnic area (between Garden View Road and the horseshoe playing area).   | Randomly placed picnic tables.   |

\* The site plan shows Phase One and Phase Two. The Special Use Permit approval is for both Phase areas as shown in Exhibit G and they shall be permitted to be constructed separately but are valid for a period of two years unless otherwise extended pursuant to Section 17.22.250 of the Zoning Ordinance.

The following activities/events are approved as listed below:

**Classroom and Exercise Activities:** Small exercise classes, individual exercise programs, small youth sports team leader meetings, room to support swimming pool training classes.

**Aquatic Center Activities:** Recreational swimming, senior citizen aquatic therapy, swim lessons, and competitive swim team training and 2-3 Saturday morning competitive events during non-school time.

**Existing Passive Park Area Activities:** Framers market, arts and craft sales, music events, horseshoe competition events, community group events.

The project includes a Finding of Consistency with General Plan Policy 7.3.3.4, to allow a reduction of the wetland setback from 50 feet to zero with installation of the turf area

and amphitheater area as shown in the *Wetland Delineation Report* dated November 2010, and the addendum to the *Wetland Delineation Report*, dated January 21, 2011 and Site Plan (Exhibit G).

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

### **Conditions from the Mitigated Negative Declaration**

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

2. **BIO-1: Pre-construction Survey Required:** If vegetation removal is conducted within the nesting period for most migratory bird species and nesting raptor species (between March 1 and August 15), a pre-construction survey for active bird nests shall be conducted by a qualified biologist. If vegetation removal activities are delayed or suspended more than one month after the pre-construction survey, the area shall be re-surveyed. If active bird nests are identified, vegetation removal in these areas shall be postponed until after the nesting season, or a qualified biologist has determined the young have fledged and are independent of the nest site. No known active nests shall be disturbed without a permit or other authorization from USFWS or CDFG.

#### **Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and obtain all necessary permits prior to initiation of construction activities. This requirement shall be placed on the grading plans for both Phase 1 and Phase 2. Planning Services shall review the surveys prior to issuance of a grading permit and/or removal of any trees within the entire project parcel.

3. **BIO-2:** During the grading and building permit processes for the Phase 2 area shown in Exhibit G, the following shall occur:
  - a. There is to be no excavation or discharge of material into water channels or wetlands. If the project grading plan shows that there will be excavation or discharge of material into water channels or wetlands, appropriate permits shall be obtained from State and Federal agencies or any other agency that may be involved when the grading plan is submitted.

- b. Best Management Practices that conform with the County's California Stormwater Pollution Prevention Plan, issued by the State Water Resources Control Board for erosion and sediment control, shall be incorporated into the project development plans and implemented as approved by Building Services.
- c. No equipment shall be allowed within water channels or wetlands.
- d. The bridge abutment shall be set back from the top of the water channel, and shall be constructed wholly outside of the water channel.
- e. No turf or irrigation will be permitted within, or within five feet of, the canopy of any native oak tree.

**Monitoring Responsibility:** Planning Services and Building Services.

**Monitoring Requirement:** The applicant shall include mitigations a-e above on the grading and building permit plans submitted for the Phase 2 area shown on the site plan included as Exhibit G of the Staff Report. Planning Services shall review the grading and/or building permit plans to insure their inclusion prior to issuance of a building and/or grading permit. The Building Services field inspector shall verify compliance with said mitigations upon site inspections for the grading and building permits.

- 4. **BIO-3: 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 for the Phase 2 improvements only, 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.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** The applicant shall provide a copy of the 1602 Streambed Alteration Agreement to Development Services prior to issuance of the grading permit for Phase 2 only. 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 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 area labeled as Phase 2 on the site plan includes as Exhibit G.

- 5. **BIO-4: Wetland Delineation Verification:** A total of 0.32 acres of seasonal wetlands were mapped in the combined study area by the submitted Wetland Delineation Report, dated November 2010 and the addendum to the Wetland Delineation Report, dated January 21, 2011. 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

applicants shall provide project construction and development drawings or maps including e.g. wetland areas, denoting a clear span bridge (both pavements and pedestrian) and abutments in relation to the Ordinary High Water Mark (OHWM). If fill of any potential waters of the U.S are anticipated, the appropriate Corps 404 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. This mitigation applies to Phase 2 improvements only.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** 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 applicants shall request a no-permit-required letter from the Corps and provide Planning Services with a copy prior to issuance of a building, and/or grading permit for the project area labeled as Phase 2 on the site plan included as Exhibit G.

6. **BIO-5: 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 for Phase 2 improvements only. Appropriate mitigation measures would be developed in coordination with in the context of the agreement process.

**Monitoring Responsibility:** Planning Services

**Monitoring Requirement:** The applicant shall provide a copy of the Section 401 permit to 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 Planning Services with confirmation from them of that determination prior to issuance of a building and/or grading permit for the project area labeled as Phase 2 on the site plan includes as Exhibit G.

**Planning Services**

7. **Site Improvements:** All site improvements shall conform to Exhibits G thru N. All structures authorized shall be consistent with the developments standards of the RE-10 zone district, Chapter 17.70. Changes in the uses and in the structures/facilities as approved shall require review by Planning Services to determine if the changes can be

approved administratively or are substantial enough to require the submittal of a Special Use Permit revision application with review by the Planning Commission.

8. **Condition Compliance:** The applicants shall submit a narrative along with the grading and/or building permit application that clearly states how each Condition of Approval has been, or will be satisfied. 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. The applicant shall also schedule an inspection by Planning Services prior to issuance of final occupancy for verification of compliance with applicable Conditions of Approval.
9. **Site Lighting:** Lighting shall be substantially compliant with Exhibits K-1 to K-3 and shall conform to Section 17.14.170 requiring full shielding pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Development Services shall review and approve the final light fixture detail prior to issuance of a building permit to verify full-cut-off designation. 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 the Development Services Director or his designee.

Outdoor lighting includes 16 pole lights, and 12 motion activated, sconce wall lights as described and located in Exhibits K-1 to K-3, sheets E1 to E3. In addition, no more than 50 percent of the pole lights may remain on during hours of non-operation.

10. **Signs:** Approved are three free-standing signs to include: a. Two "Wood Park Signs" with copy areas three feet high by four feet wide (12 square feet), one being the existing free-standing sign located within the lower existing passive park area at the corner of Marshall and Garden Valley Roads; and b. One 3 foot high by 4 foot wide (12 square feet) "Wood Entry Sign." All three signs shall consist of sandblasted redwood boards mounted on 4-inch by 4-inch redwood posts with a maximum height of six feet from ground level. All signage installed as part of the project shall demonstrate consistency with the approved Sign Program in Exhibit J and are subject to a Sign Permit through Building Services. The Development Services Director or designee may approve minor modifications to the approved signage where it may be found that the change would not substantially alter the original approval action. Changes to the signage which may affect a Condition of Approval or finding that was specifically addressed by the approving authority may only be approved by the Planning Commission pursuant to the requirements for submittal of a new permit.
11. **Parking:** Parking shall be provided as shown in Exhibit G, and as follows:



| <b>PARKING REQUIREMENTS TABLE</b> |                               |
|-----------------------------------|-------------------------------|
| <b>Parking Stall Standard</b>     | <b>No. of Spaces Required</b> |
| <b>Phase 1 Area</b>               |                               |
| Standard Space                    | 34 minimum total              |
| Accessible Spaces                 | 3 (2 with van accessibility)  |
| <b>Existing Passive Park Area</b> |                               |
| Standard Spaces                   | 28 minimum total              |
| Accessible Spaces                 | 2 (with van accessibility)    |

12. **Oak Canopy:** The project will remove 0.23 acres of oak canopy. The required 85 percent retention of oak canopy as established by the General Plan shall be achieved through payment of a \$1,400.19 in-lieu fee. Said fee shall be paid prior to issuance of the first building and/or grading permit for either Phase.
  
13. **Joint Access and Parking Agreement:** A joint access and parking agreement shall be provided to insure on-going access and maintenance of the parking between the Georgetown Divide Recreation District and the Black Oak Mine Unified School District. A copy of said agreement shall be provided to Planning Services for review and approval prior to recordation, and the approved agreement shall then be recorded and a copy of the recorded agreement shall be provided to Planning Services for the project file, prior to issuance of final occupancy. The agreement shall also satisfy Condition 19 below.
  
14. **Emergency Ingress/Egress Roadway:** The applicant shall either relocate the road easement shown within Phase 1 in Exhibit G to connect Garden View and Garden Valley Roads so no structures over 30 inches, or the proposed pool facility, are not within the 30-foot setbacks required by the RE-10 zone district, or change the language in the easement description to restrict it for emergency ingress and egress only. The applicants shall provide a copy of the proposed easement revision to Planning Services for review and approval prior to recordation. The applicant shall provide a copy of the recorded easement to Planning Services prior to issuance of a grading and/or building permit for the project.
  
15. **Cultural Resources:** If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the applicant shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or

archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.

16. **Payment of Processing Fees:** The applicant shall make the actual and full payment of Development Services Department processing fees for the Special Use Permit prior to issuance of a grading and/or building permit for either Phase improvements.
17. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,044.00 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.
18. **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, 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 processing 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, which action is brought within the time period provided for in Section 66499.37 of the California Government Code.

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

### **Department of Transportation**

19. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the driveway encroachment onto Garden Valley Road to the provisions of County Design Standard 103D. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to initiation of any use permitted by the approval of the Special Use Permit.

### **El Dorado County Environmental Health**

20. **Easements:** Any use of adjacent property must have a recorded easement for that use.
21. **Pool Permits:** Plans for the public pool shall comply with the California Health and Safety Code, California Code of Regulations, California Building Code, and the California Electrical Code. Those plans shall be submitted to Environmental Health for review and approval prior to issuance of a building and or grading permit for the pool. The pool must obtain a yearly permit to operate from Environmental Health. The back

wash from cleaning the filters must be disposed in an acceptable manner. The applicants shall provide proof of compliance of said conditions to the Environmental Health Division, prior to issuance of final occupancy.

### **El Dorado County Hazardous Materials and Solid Waste**

22. **Storage of Hazardous Materials:** If the commercial facilities will store reportable quantities of hazardous materials (55 gallons) or generate hazardous waste, prior to commencing operations the owner/operator must:
  - a. Prepare, submit and implement a hazardous materials business plan and pay appropriate fees.
  - b. Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
  - c. Train all employees to properly handle hazardous materials and wastes.
  - d. Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.
23. **Hazardous Materials Business Plan:** Business owners and operators intending to handle hazardous materials in excess of reportable quantities are required by law to complete and file a hazardous materials business plan with our Department prior to obtaining a business license. Hazardous Materials Business Plan forms are available at [http://www.edcgov.us/emd/solidwaste/bus\\_plan\\_index.html](http://www.edcgov.us/emd/solidwaste/bus_plan_index.html).
24. **Handling Hazardous Materials:** If any hazardous materials handling has taken place from commercial, industrial, agricultural, or mining activities on the site in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a workplan and conduct a Phase II ESA and any required site remediation activities prior to developing property.
25. **Solid Waste Disposal Containers:** The applicant shall provide sufficient space for both trash and recycling dumpsters. All solid waste, including animal waste must be stored in trash containers with tight fitting lids and hauled from the site at least once every seven days for proper disposal.

### **Air Quality Management District**

26. **Fugitive Dust Plan:** The project construction will involve grading and excavation operations, which will 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 this property is not located within the Asbestos Review Area. AQMD Rules 223 and 223.1, which address 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 Rule 223 and 223.1. In addition, a Fugitive Dust Plan (FDP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction.

27. **Open Burning:** Burning of wastes that result from “Land Development Clearing” must be permitted through the AQMD Rule 300 Open Burning. Only vegetative waste materials may be disposed of using an open outdoor fire.
28. **Road Development:** Project construction may involve road development and should adhere to AQMD Rule 224 Cutback and Emulsified Asphalt Paving Materials.
29. **Equipment Exhaust Emissions:** The AQMD’s goal is to strive to achieve and maintain 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 are measures used to reduce impacts on air quality from equipment exhaust emissions:

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

- a. Use low-emission on-site mobile construction equipment.
- b. Maintain equipment in tune per manufacturer specifications.
- c. Retard diesel engine injection timing by two to four degrees.
- d. Use electricity from power poles rather than temporary gasoline or diesel generators.
- e. Use reformulated low-emission diesel fuel.
- f. Use catalytic converters on gasoline powered equipment.
- g. Substitute electric and gasoline powered equipment for diesel powered equipment where feasible.
- h. Do not leave inactive construction equipment idling for prolonged periods (i.e. more than two minutes).
- i. Schedule construction activities and material hauls that affect traffic flow to off-peak hours.
- j. Configure construction parking to minimize traffic interference.
- k. 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.

**Garden Valley Fire Protection District**

30. **Gate Locks:** The applicant shall provide a low priority “Knox” padlock on all access gates within the project boundaries. Applications for both high and low security “Knox” systems are provided at the Fire District office. Proof of compliance with said condition

shall be confirmed by the Fire District prior to issuance of final occupancy of a building permit.

31. **Building Locks:** Applicant shall provide a high priority “Knox Box” to access the buildings, (if not already provided), and keys for all buildings shall be placed within the “Knox Box.” Proof of compliance with said condition shall be received by the District prior to issuance of final occupancy of a building permit.
32. **Fire Extinguisher:** The applicant shall provide one minimum rated 2A10:BC fire extinguisher within 75 feet of travel distance to all areas of the facility. It shall be mounted in a location that is readily visible and easily accessible. The top of the box shall be no higher than five feet from ground level. The applicant shall proof of compliance with said condition to the Fire District, prior to issuance of final occupancy for a building permit.
33. **Hydrant Location and Fire Flow:** The location of fire hydrant and systems for fire flows are to meet the requirements of the Fire District for location and water flow pressure. The location of hydrant shall be shown on the improvement plans which shall be subject to the approval of the Fire District prior to issuance of a building permit. Fire flow for this project shall be 1,000 gallons per minute @ 20 psi for two hours. The applicants shall provide documentation to the Fire District from the Georgetown Divide Public Utility District, that the water system will meet fire flow requirements, prior to issuance of final occupancy for a building permit.

#### **Georgetown Divide Public Utility District (GDPUD)**

34. The applicants shall be responsible for all costs associated with any upgrades to the existing domestic water metered service determined by GDPUD to be necessary to supply the project. The applicants shall install approved backflow prevention assemblies at the service connections to the GDPUD mainline. Additionally, the applicants shall be responsible for any additional requirements for water supply due to project requirements from other agencies. The applicant shall provide proof to the GDPUD of compliance with their requirements for all facility upgrades, prior to issuance of final occupancy for any related building and/or grading permit.

## **ATTACHMENT 2**

### **FINDINGS**

#### **Special Use Permit S10-0012/Georgetown Divide Recreation District Aquatic and Recreation Center Planning Commission/March 24, 2011**

#### **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.
- 1.3 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 Medium Density Residential & Public Facility (MDR & PF) land use designations as defined within General Plan Policy 2.2.1.2 because the land use designation permits parks in areas which residential uses are allowed with an approved Special Use Permit.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 (land use compatibility), 2.8.1.1 (lighting impacts), 5.7.1.1 (fire protection), 6.2.3.2 (fire safe access), 7.3.3.4 (wetlands), 7.4.1.5 (species conservation), 7.4.4.4 (oak woodlands), and 9.1.2.4, 9.1.2.8, (non-motorized transportation) concerning compatibility with surrounding development, lighting glare, potable and emergency water supply, waste and storm water, would protect oak tree canopy, considers impacts to migratory birds and wetland features, and includes provisions that promote non-vehicular travel. Because of

the project's provisions of adequate access, site design, and attention to design features that fit within the context of the surrounding uses, it is consistent with the General Plan policies identified above.

### **3.0 ZONING FINDINGS**

3.1 The proposed use is permitted by Special Use Permit in the Estate Residential (RE-10) zone district, pursuant to Section 17.70.100.C provided that the administrative findings outlined below can be made by the Planning Commission.

3.2 As proposed and conditioned, the proposed aquatic and recreation center and sign package 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 17.70.110.

### **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 General Plan Policies 2.2.5.21, 2.8.1.1, 5.7.1.1, 6.2.3.2, 7.3.3.4, 7.4.1.5, 7.4.4.4, and 9.1.2.4, 9.1.2.8, and has been found to be consistent with these policies.

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 RE-10 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 setback requirements (with a finding of consistency), provides for safe access, circulation, parking, fire safety, conservation of natural resources, and complies with lighting requirements. The project would not be detrimental to adjacent uses as the park site as it has been used as such since the 1980's and is adjacent to a school site 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 RE-10 Zone District pursuant to Section 17.70.100.C of the Zoning Ordinance which states that parks 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 50 foot non-development setback from intermittent streams and the project is proposing to install a turf area adjacent to the edge of the Ordinary High Water Mark, and an amphitheater within the required setback. 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 submitted by the applicants, and as analyzed in the Environmental Checklist/Discussion of Impacts, impacts have been reduced to a less than significant level by incorporation of Mitigation Measures, Conditions of Approval, and with required adherence to County Code. As such, this project can be found to be consistent with Policy 7.3.3.4.