

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



Agenda of: May 23, 2013
Item No.: 9
Staff: Tom Dougherty

SPECIAL USE PERMIT

FILE NUMBER: S11-0003/Bayley House Historic Park

APPLICANT: Georgetown Divide Recreation District

REQUEST: Special use permit request to allow the following:

1. Two free-standing signs;
2. Recreational uses;
3. Community meetings; and
4. Special events.

LOCATION: West side of State Route 49, approximately 800 feet north of the intersection with Rattlesnake Bar Road, in the Pilot Hill area, Supervisorial District 4. (Exhibit A)

APN: 071-051-08

ACREAGE: 9.42 acres

GENERAL PLAN: Public Facility (PF) (Exhibit C)

ZONING: Recreational Facility (RF) (Exhibit D)

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; and
3. Conditionally approve Special Use Permit S11-0003 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

STAFF ANALYSIS

Project Description: Special use permit request by the Georgetown Divide Recreation District (GDRD) to allow recreational uses, community meetings and events, weddings, family reunions, and amplified music events, with a maximum of 200 people for any event.

The park has operated under GDRD authority since 1989, but now uses have grown and require a special use permit pursuant to Zoning Ordinance Section 17.48.060.E.

Site Description: The following table lists the existing structures and improvements (See Exhibits G-1, G-2):

EXISTING STRUCTURES/IMPROVEMENTS	
Bayley House and Water Tower	4,037 sq. ft.
Bayley Barn/Community Center	75 ft. by 70 ft.
Graveled Parking Area	12,760 sq. ft.
Paved and Striped ADA Parking	1 space
Restroom	2 stalls, 285 sq. ft.
Message Kiosk Sign	8.6 square foot copy area (3.75 foot wide by 2.30 foot tall) with a total structure height of 9 feet
Road Frontage Sign	One 20 square-foot copy area (4-foot tall by 5-foot wide) with a total structure height of 8 feet
Play Area	2,332 sq. ft.

Vegetation on the entire parcel is dominated by annual grassland with some individual, and groupings of indigenous oak trees, with a few random non-indigenous landscape trees. The project site contains an ephemeral drainage swale which crosses the northern portion from northwest to southeast. North of that is a ridgeline with groupings of trees. The parcels to the north and west are vacant except for grazing animals. Those parcels share the Bayley House parcel encroachment onto SR 49 with a road and utility easement that continues to the west to gates along the west boundary.

Background: In the 1970s the firm of Alexander & Baldwin donated the Bayley House and its surrounding grounds of 10 acres to El Dorado County as a gift. El Dorado County designated the Bayley House as a historical place. Then in 1978 the building was placed on the National Register of Historic Places, after being nominated by the California Department of Parks and Recreation. In 1989, the County sold the Bayley House property to the GDRD for \$1.

GDRD has been holding amplified music events, weddings, and community events in the past. The County has issued building permits for repairing and stabilizing the Bayley House north wall, remodeling of the barn/community center assembly building, and the addition of a separate restroom building. There have been no complaints received over that time period so the County was not aware of the need for a special use permit. Now the GDRD wants to legitimize the uses via the special use permit process.

The application was originally submitted in March of 2011 for a caretaker mobile home. That application was deemed incomplete on April 14, 2011. A new application form, project description, and site plans were submitted on February 21, 2013 for the current project, minus the caretaker mobile home, but the same project number and file were utilized.

Zoning Discussion: The GDRD is requesting a special use permit, as required by Zoning Ordinance Section 17.48.060.E for projects that will “operate after daylight hours or are designed for overnight use or will create a nuisance beyond the confines of the property or are designed for the use of more than fifty people at any one time or will produce or create visual or other modifications that are inconsistent with the surrounding environment.” Some events would have amplified music and some are proposed to occur after daylight hours. Events would be attended by more than 50 people, with a maximum of 200 people for any event.

Future Improvements: Future potential improvements at the site are projected by the applicants to be limited to renovations to the existing Bayley Barn structure to improve energy efficiency, better utilize interior spaces, and provide a non-commercial warming kitchen where previously prepared food can be kept warm or cold for events. Illuminated exit signage, panic hardware exiting doors, fire extinguishers, and emergency lighting would also be added/upgraded for fire compliance.

These improvements to the Bayley Barn are not projected to increase the overall footprint of the building. Those types of improvements are not required to be obtained through the special use permit process. However, they would be subject to the El Dorado County Building Permit process including potential review by the Environmental Management.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RF	PF	Bayley House structure, water tower structure, barn, playground equipment area, free-standing bathroom, two free-standing signs, wooden arbor/trellis.
North	RE-5	LDR	Residential/Vacant.
South	RF	PF	Vacant El Dorado County Fire Protection District substation.
East	R1	LDR	Residential/Single-family residence, horse ranch.
West	R1	LDR	Residential/Vacant.

Project Issues: The primary issues with this project are potential environmental impact to historic and cultural resources, and noise. Other discussion items include zoning and permit issues regarding parking, landscaping, lighting; septic system, signs, grading and drainage.

Environmental Impacts

Historic and Cultural Resources: A Cultural Resources Assessment for the Bayley House Historic Park, dated March 2013, identified historical resources that may be impacted by the planned improvements and potentially impacted by future improvements on the site.

Mitigation measures were recommended by the Cultural Resource Assessment to reduce any impacts to a less than significant level for the A-D categories within the Cultural Resources section V of the Proposed Mitigated Negative Declaration and Initial Study, provided as Exhibit K in Attachment 1 of this staff report. There is a more detailed analysis and discussion of cultural resources within the Initial Study. The recommended mitigation measures were reviewed by the Community Development Agency, Cemetery Administration Division. The final recommended mitigation measures are included in Attachment 1.

Noise: Approval of the SUP would allow special events in the barn, such as family reunions and weddings, as well as youth sports such as basketball practice in the evening. Special events may include amplified music inside the barn. Noise increases associated with these events would be short-term. In the summer (June to mid-August), events average two per month and are required by the GDRD to conclude by 10:00 PM. GDRD is requesting up to ten events with amplified music during the summer. In the spring (April and May), GDRD requires that the events must conclude by 8:00 PM. GDRD is requesting up to eight events with amplified music during the spring. If amplified music is proposed for an event, applicants are required by the GDRD to get a noise permit from the Sheriff's Office. Because the amplified music is proposed to be held inside the barn, and the doors can be closed during the amplified music events, there is the ability to comply with the noise standards. Planning has recommended a condition to assure compliance with the General Plan Table 6.2 noise standards as provided in Policy 6.5.1.7, as well as the GDRD time frames. There is a more detailed discussion of noise in Section XII in the proposed Mitigated Negative Declaration and Initial Study, provided as Exhibit K.

Zoning Issues

Parking: The applicants are proposing 75 parking spaces. There is one existing accessible space with van accessibility. They are required to have three accessible spaces for up to 75 total parking spaces pursuant to Table 11B-6 of the current California Building Code.

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. The applicants are proposing 75 parking spaces for up to 200 persons which equates to 2.7 persons per vehicle. Given the nature of the existing and proposed events, Planning has determined the 75 parking spaces would be adequate to serve the proposed project.

Section 17.18.070.A requires that parking areas for commercial projects be surfaced with a minimum of two inches of asphaltic concrete over four inches of aggregate base or equivalent in concrete. Although not a commercially designated parcel, it could be interpreted that a public gathering place would require paving. The applicants are requesting that this requirement be waived for the parking lot and interior roadways are proposing to utilize the existing ¾ inch A.B. (aggregate base-gravel) surface directly surrounding the barn.

Additionally there is a 200 foot by 60 foot overflow parking lot area proposed to provide 42 of the 75 spaces. The area is relatively flat and is currently comprised of dirt and grasses. The applicants Preliminary Grading and Drainage Plan shows that grading it flat would involve approximately 150 cubic yards of grading to prepare for the application of gravel. A grading permit is required for grading over 250 cubic yards so no grading permit is required.

The El Dorado County Fire Protection District reviewed the project plans and responded that their concerns for surfacing, interior circulation, and fire protection capabilities had been met.

While the site plan submitted with this special use permit application shows potential parking and access improvements that could be implemented if required as conditions of approval, GDRD feels strongly that such improvements would actually detract from the rural and historic character of the Bayley Barn Historic Park facilities. Planning agrees with that perspective and given the parcel size, and location of the parking areas away from residential parcels, is recommending that no parking surfaces be paved, and that an A.B. (aggregate base-gravel) surface would adequate and appropriate for the site.

Landscaping: Zoning Ordinance Section 17.18.090 requires that parking lots be buffered along a public road. The applicants are proposing that the existing vegetation along State Route 49 be found to be adequate buffering for the parking area. Section 17.18.090.4 allows for an approval of an alternative to the landscaping standards within the special use permit process when it is determined the intent of the landscaping requirements can be met. While the existing vegetation does not provide complete buffering of the parking area, Planning agrees with the applicant's perspective for this particular site for security reasons and to allow partial views of the historic buildings by passing vehicles, and is recommending that no additional landscaping along SR 49 be required.

Lighting: There is one outdoor light mounted over the primary entrance to the barn There is a double light located on the side of the barn at the rear overlooking the play area, and another located on the back of the barn. There is one at the entrance to the restroom building. All lights are sensor-operated to come on automatically at dusk and turn off at dawn. For special events after dark that will need additional illumination, GDRD requires users to bring in portable lighting with a generator.

General Plan 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. Planning has

included a recommended condition of approval for those requirements. As conditioned, the existing lighting would be compliant with this Policy.

Septic Improvements: The existing restroom facility has 2 private stalls. Portable restrooms are typically brought in to provide additional capacity as needed for special events. The existing restroom is scheduled to utilize 250 gallons/day of the total existing septic field capacity of 440 gallons/day. However, two years of usage data for the property show average usage is 52 gallons per day. The addition of a kitchen sink when future interior renovations take place could account for an additional 60 gallons/day. The Environmental Health Division has reviewed the plans and has determined that the existing septic facilities are adequate and they had no further recommendations.

Signs: For the RF Zone District, Section 17.48.050.M allows one unlighted sign not exceeding sixteen square feet in area and twelve feet above ground level, advertising authorized activities on the premises. The applicants are requesting to include the following two existing signs:

1. Road frontage sign: One 20 square-foot free-standing wooden sign (4-foot tall by 5-foot wide) with a total structure height of 8 feet, mounted on two 4 inch by 4 inch wood posts; and
2. Message kiosk sign: One 8.6 square-foot sign (3.75 foot wide by 2.30 foot tall) with a total structure height of 9 feet, free-standing wooden kiosk sign mounted on two 4 inch by 4 inch wood posts. This sign provides historical information about the site.

The increased size is requested for consideration for the following reasons:

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.
3. The kiosk sign allows public noticing of Bayley House historic data for visitors, similar to signs utilized for the same purpose by other county, state, and federal parks within the County.

Planning recommends approval of the signs as they are similar to signs within the Georgetown Divide area that are identifying other public facilities, parks, and commercial businesses.

Grading and Drainage: There is an ephemeral drainage swale that crosses the northern portion of the parcel that drains northwest to southeast and eventually joining Hastings Creek, Blue Tent Creek, and into the South Fork of the American River. The closest structure to the seasonal

drainage is the playground equipment which is approximately 55 feet to the south. There is no grading or other land alteration proposed within that setback that would be anticipated to affect that ephemeral drainage swale.

If paved parking improvements are required, any such improvements would be required to be designed to retain the existing drainage pattern which discharges to the roadside swale east of the project and then flows south away from the ephemeral drainage swale. Best Management Practices would be required for disturbance of one acre or greater in conformance with the El Dorado County Storm Water Management Plan to comply with the National Pollutant Discharge Elimination System (NPDES) permit under the California State Water Resources Control Board (SWRCB). BMPs would prevent discharge of sediment laden stormwater from the site during construction and until any disturbed areas are stabilized.

Caltrans would require that parking lot improvement plans maintain the existing drainage patterns, and that the historical drainage paths into the State Route 49 drainage systems would not be altered.

Agency and Public Comments:

Caltrans: Caltrans responded that they would require that the driveway onto State Route 49 be paved to facilitate entering and exiting vehicles. They also would require that because that work would encroach onto the State Right of Way, a Caltrans encroachment permit would be required.

They also responded that no parking is allowed on State Route 49.

Georgetown Divide Public Utility District (GDPUD): The GDPUD responded that the property is located within their service boundary and currently derives water supply from them. As such, any changes or modifications to the property would require their review to ensure continued water service can be provided to the parcel. Any changes necessary to the existing water service to the parcel would be reviewed by the GDPUD, and associated costs will need to be paid by the applicant prior to performing the work.

The applicants have not proposed to change their water service facilities with the current proposal.

Cool/Pilot Hill Advisory Committee: The project was distributed to the Committee and their President verified by email that they had no comments, concerns, or recommendations.

ENVIRONMENTAL REVIEW: Staff has prepared an Initial Study (Exhibit K) 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 Wildlife 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	Pilot Hill Rural Center Map
Exhibit E	Zoning Designations
Exhibit F	Existing Conditions Map
Exhibit G-1	Preliminary Grading and Drainage Plan, Sheet 1
Exhibit G-2	Preliminary Grading and Drainage Plan, Sheet 2
Exhibit H	Sign Plan
Exhibits I-1 to I-4	Site Visit Photos
Exhibits J-1, J-2	Aerial Maps
Exhibit K	Proposed Mitigated Negative Declaration and Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S11-0003/Bayley House Historic Park Planning Commission/May 23, 2013

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 F.....Existing Conditions Map
Exhibit G-1.....Preliminary Grading and Drainage Plan, Sheet 1
Exhibit G-2.....Preliminary Grading and Drainage Plan, Sheet 2
Exhibit H.....Sign 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 the existing structures/improvements and proposed and existing events and activities at the Bayley House Historic Park on the parcel currently identified by Assessor's Parcel Number 060-391-34 as follows:

EXISTING STRUCTURES/IMPROVEMENTS	
Bayley House and Water Tower	4,037 sq. ft.
Bayley Barn/Community Center	75 ft. by 70 ft.
Graveled Parking Area	12,760 sq. ft.
Paved and Striped ADA Parking	1 space
Restroom	2 stalls, 285 sq. ft.
Message Kiosk Sign	8.6 square foot copy area (3.75 foot wide by 2.30 foot tall) with a total structure height of 9 feet
Road Frontage Sign	One 20 square-foot copy area (4-foot tall by 5-foot wide) with a total structure height of 8 feet
Play Area	2,332 sq. ft.

Recreational uses, community meetings and events, weddings, family reunions, and amplified music events of which some will occur after daylight hours and be attended by more than 50 people, with a maximum of 200 people for any event.

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 for any present or future uses, activities and/ or improvements for the Bayley House Historic Park as a means to reduce potential significant environmental effects to a level of insignificance:

2. **Cultural Resource 1:** Prior to any ground disturbing activity within the boundaries of the Bayley House historic property and archaeologically sensitive area, such as construction of a parking area between the Bayley House and the western legal boundary of the parcel, archaeological test excavations shall be conducted to determine the depth, nature and significance of any cultural deposits. If cultural deposits exist, then construction may proceed if the impacted area is first covered with a chemically compatible soil. If cultural deposits are not identified, then construction may proceed if continuously monitored by a qualified archaeologist.

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall assure these tests are completed prior to any grading of the 60 foot by 200 foot upper overflow parking lot (42 spaces) proposed for the area described above, and shown on the Preliminary Grading and Drainage Plan Sheets 1 and 2. The applicant shall submit the results to Planning Services that demonstrates compliance with this mitigation measure prior to any site grading in that area.

3. **Cultural Resource 2:** To avoid harm to the Bayley House, which is listed on the National Register of Historic Places and the California of Historical Resources, any alterations to the building should comply with the Secretary of the Interior's Standards and Guidelines on the treatment of historic buildings.

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall assure this is noted on any development permit plan application for Bayley House. The applicant shall submit a narrative with

any development permit request for the Bayley House that demonstrates compliance with this mitigation measure. Planning Services shall review and approve the narrative prior to issuance of any development permit.

4. **Cultural Resource 3:** Prior to any ground-disturbing activities on the top or slopes of the ridge at the north end of the Bayley House Historic Park, remote sensing such as ground penetrating radar and/or terrain conductivity studies aided by archaeological excavations as needed shall be conducted in an effort to locate the Bayley House cemetery. Upon determining the location of the cemetery, the cemetery area shall be enclosed with six foot high permanent fencing accessible through a locked gate. If, however, an historic grave, graves and/or cemetery are found elsewhere on the property, then further mitigation will be necessary.

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall supply the study to Planning Services with any development permit plan application for the northern 1/3rd of the project parcel, north of the ephemeral drainage. Planning Services shall review and approve the study prior to issuance of any development permit.

5. **Cultural Resource 4:** In the event of the accidental discovery or recognition of any human remains other than in an established cemetery, there shall be no further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent human remains, until compliance with the provisions of 5 1 5064.5(e)(1) and (2) of the CEQA Guidelines has occurred.

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall place this mitigation measure on any future development plan involving the disturbance of soil. Planning Services shall verify this inclusion prior to issuance of any development permit.

6. **Cultural Resource 5:** If any prehistoric or historic artifacts, or other indications of cultural resources are found once any ground-disturbing activities are underway anywhere within the Bayley House Historic Park, the find shall be immediately evaluated by a qualified archaeologist. If the find is determined to be a historical or unique archaeological resource, contingency funding and a time allotment to allow for implementation of avoidance measures or appropriate mitigation shall be made available, as provided in 5 15064.5 of the CEQA Guidelines. Work may continue on other parts of the project site while historical or unique archaeological resource mitigation takes place.

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall place this mitigation measure on any future development plan involving the disturbance of soil. Planning Services shall verify this inclusion prior to issuance of any development permit.

7. **Cultural Resource 6:** If any paleontological resources (fossils) are encountered during excavations, a qualified paleontologist should be consulted to determine if the find(s) constitute "unique paleontological" or "unique geological" resources as described in CEQA's Appendix G.

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall place this mitigation measure on any future development plan involving the disturbance of soil. Planning Services shall verify this inclusion prior to issuance of any development permit.

Development Services Department (Planning)

8. **Lighting:** The following outdoor light locations are approved:
- a. One outdoor light mounted over the primary entrance to the barn;
 - b. One double light located on the side of the barn at the rear overlooking the play area,
 - c. One double light located on the back of the barn; and
 - d. One single light located at the entrance to the restroom building.

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.

9. **Parking:** Parking shall conform to the approved Sheet 1, Preliminary Grading and Drainage Plan, Sheet 1 (Exhibit G-1), shall be improved consistent with Chapter 17.18 of the County Code, and include 72 standard spaces and three accessible spaces constructed in accordance with Title 24 of the current Building Code. The requirement for paving the parking areas and interior roads is waived in favor of the application of a 2-inch thick layer of ¾-inch aggregate base.
10. **Signs:** The following signs are approved and shall be located as shown on Exhibit F, Existing Conditions, and be consistent with Exhibit H:

- a. Road frontage sign: One 20 square-foot free-standing wooden sign (4-foot tall by 5-foot wide) with a total structure height of 8 feet, mounted on two 4 inch by 4 inch wood posts; and
 - b. Message kiosk sign: One 8.6 square-foot sign (3.75 foot wide by 2.30 foot tall) with a total structure height of 9 feet, free-standing wooden kiosk sign mounted on two 4 inch by 4 inch wood posts. This sign provides historical information about the site.
11. **Noise:** All amplified music shall occur within the barn. The following amplified music events are permitted:
- a. Summer (June to mid-August): Up to ten events with amplified music may occur during said time frame. The amplified music shall conclude prior to 10:00 pm.
 - b. Spring (April and May): Up to eight events with amplified music may occur during said time frame. The amplified music shall conclude prior to 8:00 pm.

Prior to each event, a noise permit shall be required from the El Dorado County Sheriff's Office. Noise levels for each event, measured at the subject property lines, shall not exceed those prescribed in Table 6-2 of the El Dorado County General Plan as outlined below:

	Daytime (7am-7pm)	Evening (7pm-10pm)
Hourly dB	55	50
Max. dB	70	60

12. **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.
13. **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.
14. **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.

15. **Fish and Wildlife Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,156.25 CA Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.
16. **Archeological Resources:** The following shall be incorporated as a note on the grading/improvement plans:

In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a “unique archeological resource”, contingency funding and a time allotment sufficient to allow recovering an 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 “non-unique archeological resource”.

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

17. **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

Caltrans

18. The driveway onto State Route 49 shall be paved to facilitate entering and exiting vehicles. A Caltrans encroachment permit is required and shall be completed and finalized prior to initiation of the uses permitted with this special use permit approval. A copy of the finalized permit shall be received by Planning Services prior to initiation of the uses permitted with this special use permit approval.
19. There shall be no parking allowed along the sides of State Route 49.
20. Parking plans must maintain existing drainage patterns, and historical drainage paths into the State Route 49 drainage systems shall not be altered.

ATTACHMENT 2

FINDINGS

Special Use Permit S11-0003/Bayley House Historic Park Planning Commission/May 23, 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 Public Facility (PF) land use designation as defined within General Plan Policy 2.2.1.2 because the land use designation permits more than 50 people attending parks after dark, and amplified music, with an approved Special Use Permit.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 (land use compatibility), 5.7.1.1 (fire protection), 6.2.3.2 (fire safe access), 6.5.1.7 (noise) concerning compatibility with surrounding development, 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, and the fact the amplified music is held indoors with the option to close the doors during amplified music events, it is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

- 3.1 The proposed use is permitted by Special Use Permit in the Recreational Facility (RF) zone district, pursuant to Section 17.48.060.E provided that the administrative findings outlined below can be made by the Planning Commission.
- 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 17.48.070.

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 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 RF Zone District except as provided in Finding 4.4 for additional sign area. The proposed Special Use Permit for the park 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, fire safety, and conservation of natural resources. The project would not be detrimental to adjacent uses as the park site as it has been used as such since 1989 and is adjacent to a heavily-traveled road.

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

The proposed use is specifically permitted in the RF Zone District pursuant to Section 17.48.060.E of the Zoning Ordinance.

4.4 Excess Signage

The two signs can be approved because they are found to be typical of signs within the Georgetown Divide area that are identifying other public facilities, parks, and commercial businesses. The kiosk message sign is necessary to supply historic information. Because of the high rate of speed of passing traffic, the increased sign size for the frontage sign is necessary.