

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



Agenda of: December 13, 2012
Item No.: 9.b
Staff: Tom Dougherty

SPECIAL USE PERMIT

FILE NUMBER: S10-0012/Garden Valley Park

APPLICANT: Georgetown Divide Recreation District

REQUEST:

1. Special Use Permit to allow expansion of the existing public park to include:
 - (a) Construction of a zero depth aquatic spray play area;
 - (b) Use of the existing covered stage area used for outdoor acoustic music and community organization events, restroom, tot lot play area, horseshoe throwing event area, and the picnic areas in Phase 1;
 - (c) Construction of new 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 in Phase 2; and
 - (d) Allow the existing 12 square-foot free-standing sign.
2. 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: 5.2 acres

GENERAL PLAN: Medium Density Residential (MDR) (Exhibit C)

ZONING: Estate Residential Ten-Acre (RE-10) (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;
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. Find that the project is consistent 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.

PROJECT INFORMATION

Background: The Georgetown Divide Recreation District is seeking to legitimize the existing Garden Valley Park passive recreational facilities and associated uses, and add new facilities and uses. They are requesting a special use permit to allow expansion of the existing public park in the Estate Residential Ten-Acre (RE-10) Zone District.

On March 24, 2011 the special use permit for the Georgetown Divide Recreation District (GDRD) Aquatic and Recreation Center was scheduled to be heard by the Planning Commission. It had included the proposed utilization of the parcel adjoining to the south, owned by the Black Oak Mine Unified School District. Because of unforeseen and unresolved issues involving a road easement, the applicants requested that the Planning Commission continue the project off-calendar to allow time to resolve the issues. Those issues were never resolved and the project was revised.

In September of 2012, the current version of the project was received. It no longer involved the portion of the School District's parcel, aquatic center and recreation building, or the extra signs.

The existing park improvements located north of Johntown Creek as shown on the overall site plan included as Exhibit E, are referred to as the passive park, Phase 1 area within the staff report and the Initial Study Environmental Checklist. Passive is intended to imply that there are no "active," formal baseball or soccer fields, basketball courts, etc. The existing facilities and uses,

as well as the proposed splash play area, within the Phase 1 area are described in detail below in the Project Description section.

The new facilities and uses proposed for south of Johntown Creek are labeled as Phase 2 in Exhibit E (overall site plan).

Project Description: Request to allow the existing structures and uses currently located within the northern portion, Phase 1 area, of the project. These include a covered stage area used for outdoor acoustic music events and community organization events, restroom, tot lot play area, horseshoe throwing area, and the picnic areas. The central northern park area is proposed to continue to be utilized intermittently for small community events such as a farmers market, arts and craft sales, music events, horseshoe competition events, community group events, as it has been since the 1980s.

Additionally, the applicants are proposing to construct a new zero depth aquatic spray play area including pump equipment and storage tank, new subsurface irrigation, and the use of the existing 12 square-foot free-standing sign within the Phase 1 area.

The spray play area is proposed to be located at the north corner of the park site. Access to the spray play area would be from the parking area around the east and south side of the restroom building. The accessible path would provide a link between the splash play area and the existing playground. A new domestic water line would be added separate from the irrigation system. The existing water line would be used for the irrigation system. The system operates as a flow thru system designed to reuse water for irrigation. The system will connect to new subsurface irrigation system within the Phase 2 area south of the creek. Some additional overflow water is anticipated during peak use hours when the spray play system uses more water than the irrigation system can use. In this instance, the overflow water is filtered and drained through a gravel drainage channel with perforated pipe for filtration and groundwater recharge. The use of the aquatic spray play area is proposed to be limited to six months a year (April to October).

An optional location for the spray play area is proposed to be located at the northern end of the park, adjacent to the existing parking lot and between the restroom and the creek. See Exhibit F entitled Spray Play area-Option B. The GDRD has met with the Garden Valley Community Association (GVCA) who determined they prefer Plan B over Plan A, so as not to interfere with the popular picnic area and does not include the cutting down of a pine tree that currently is showing signs of decline. Depending on the outcome of the health of the tree, GDRD is seeking approval of both options. The project proposes to utilize either a 20-foot by 20-foot below ground storage tank, or an 18-foot diameter by 17-foot tall metal above ground tank, also shown in Exhibit G, depending on the digging conditions. If the above-ground tank is utilized it would be located outside of the required 30-foot setback.

The requested Phase 2 area new improvements include 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 Phase 2 area south of the creek with the existing Phase 1 area. The foundations supporting the bridge ends would be located outside of the ordinary high water mark and no grading or disturbance to the stream bed or banks would be

necessary. The new irrigation piping will provide water for the subsurface irrigation proposed for the irrigated grass area which will be graded and hydroseeded.

Neither area is proposed to include outdoor lighting.

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

Use (as labeled on the submitted site plan, Exhibit G)	Size/Area
PROPOSED IMPROVEMENTS	
A. Phase 1 Area	
Zero Depth Aquatic Spray Play Area	2,000 sq. ft.
Drainage Channel	Approx. 40-ft. length
Hillside Turf Planting and Subsurface Irrigation	18,200 sq. ft.
Spray Play Water Holding Tank (above or below ground)	20-ft.by 20-ft. Below Ground Tank; or 18-ft. diameter by 17-ft. tall Above Ground Tank
Free-standing park sign (1 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.
Pump Equipment Vault	9-ft. by 15-ft. (135 sq. ft.)
B. Phase 2 Area	
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
EXISTING IMPROVEMENTS/USES (Passive Park Area)	
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.

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. 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 portion of the parcel north of the stream contains the existing passive park facilities.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	MDR	Public Facility/Park support facilities
North	RE-5/R2A	MDR	Residential/Single family residences
South	RE-10	PF	Public facility/High school facilities
East	RE-10/RE-5/R2A	MDR/PF	Residential/Single family residences, school facilities.
West	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, as well as Garden View Road to the east, separate the project parcel from the residential uses. The school parcel adjoins to the southeast. The proposed special use permit to legitimize the current park structures and uses, as well as the addition of improvements would not introduce uses and impacts considered dissimilar to the existing uses. (See Exhibits C (General Plan designations), D (zoning designations), and K (surrounding area aerial photograph).

STAFF ANALYSIS

Parks are allowed in RE-10 by Section 17.70.100.C only after obtaining a Special Use Permit. The project is subject to the development standards of Section 17.70.110. The site plan shows the project would meet the required 30-foot setbacks on all yards.

Project Issues: Discussion items for this project include noise, oak canopy, parking, pedestrian paths, septic improvements, sign, and wetlands.

Noise: Amplified music events have occurred for the past 20 years. Typically that has included approximately four amplified events. The GDRD requires event plans for those events that include analysis for public safety access, portable toilets, and a description of the proposed presentation of the music. If amplified music is proposed those applicants are required to get a noise permit from the Sheriff's Office. All music on the project stage, which is located near the intersection Garden Valley and Marshall Roads, faces inward into the parcel and away from the residences on the opposite side of Marshall Road. Neither the County nor the GDRD has received any noise complaints within the twenty-year time the events have been held in the past. The GDRD restricts the music events to end at 7 pm, or 30 minutes prior to sunset when the park closes, and is requesting up to eight amplified music events per year. 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.

Oak Canopy Coverage: Approximately 10 percent of the parcel is covered with oak canopy (0.52 acre). General Plan Policy 7.4.4.4 requires the retention of 90 percent of that 0.52 acre

canopy. Ten percent of the 0.52 acre or 0.052 acre is permitted to be removed under Option A. The project would remove two oak trees within the Phase 2 area for the construction of the pedestrian path. Those two trees comprise 490 square feet of existing oak canopy which is 0.012 acre. The project is conditioned to replace that 0.012-acre of oak canopy at a 1 to 1 basis in compliance with the Interim Interpretive Guidelines for General Plan Policy 7.4.4.4, Option A. That would mean three oak trees would need to be planted. The trees would be planted within the Phase 2 area. The applicant would initiate compliance with that condition during the grading and building permit processes.

Parking: The existing Phase 1 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 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.

The existing 28 parking spaces have served the park adequately since the 1980s. Additionally, the GDRD has a Memorandum of Understanding with the School District to schedule both agencies' events, and to share parking at all facilities they utilize in common. The School District parking lot adjoining to the south contains 63 spaces and is proposed to be connected by the handicap accessible trail proposed for the Phase 2 area south of the creek. Therefore, Planning has determined the 91 parking spaces are adequate to serve the proposed project.

Pedestrian Paths: The applicant proposes to construct a five foot wide asphalt pedestrian path connecting the Golden Sierra High School parking lot with the proposed lower Phase 2 area and the existing Phase 1 passive park area. That section would join a proposed eight-foot wide path proposed for the Phase 2 area, and would provide a southern, 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 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.

Septic Improvements: The Phase 1 project area bathroom utilizes existing septic facilities. The Environmental Health Division has reviewed the plans and proposed spray play facilities. They

determined that the site is suitable for sewage disposal, and that the spray play facilities are suitable for the site.

Sign: The applicants are requesting one 3 foot high by 4 foot wide (12 square feet) existing free-standing park identification sign, located at the corner of Marshall and Garden Valley Roads. The sign already exists. The sign consists of sandblasted redwood boards mounted on 4-inch by 4-inch redwood posts, as shown in the Exhibit J and has a total height of six feet from ground level. A sign in excess of six square feet in the RE-10 Zone District requires a special use permit.

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.

Planning recommends approval of the sign as it is similar to signs within the Garden Valley area that are identifying other public facilities and commercial businesses.

Wetlands/Intermittent Stream: Johntown Creek is identified as an intermittent stream in the *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 pursuant to Policy 7.3.3.4 for development from the Ordinary High Water Mark (OHWM) of the creek and for the other wetland features noted in the study.

The Recreation District is requesting a setback reduction from 50 feet to 0 feet for the proposed paths, pedestrian bridge, and amphitheater would encroach into a required wetland setback of a seasonal wetland. The *Wetland Delineation Report* found that those proposed improvements, as conditioned, and with adherence to Best Management Practices, would have no significant impacts on the wetlands. This is discussed in the Initial Study Environmental Checklist, Section 4, Biological Resources provided as Exhibit L.

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. These interim standards may be modified if more detailed information relating to slope, soil stability, vegetation, habitat or other site- or project-specific conditions demonstrate that a different setback would be sufficient to protect the particular riparian area. The bridge crossing and trail are exempt from the 50-foot setback requirement.

The Initial Study 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. This is contingent upon appropriate storm water BMP's being in place to catch runoff, and there would be no significant effect to the wetlands onsite or offsite as discussed in the Biological Resources section of the Initial Study.

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, 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: 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.

El Dorado County Building Services: All portions of the splash play areas shall be accessible to persons with disabilities, or if not, a reasonable portion of each type of activity shall be made so. This shall include the existing restroom and any paths of travel. It is incumbent on the applicant to show how accessibility issues are being handled so plans for a permit shall spell out how the design meets all applicable accessibility codes, standards, laws, guidelines.

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 president responded to Planning with an email dated October 26, 2012 that stated, "The consensus of the Garden Valley Community Association (GVCA) board agrees with Special Use Permit S10-0012 for Garden Valley Park, but prefer Plan B over Plan A, so as not to interfere with the popular picnic area and does not include the cutting down of a tree."

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.

ENVIRONMENTAL REVIEW: Staff has prepared an Initial Study Environmental Checklist with discussion, provided in Exhibit L 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 potentially 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 \$2,101.50 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 \$2,101.50 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	General Plan Land Use Map
Exhibit D	Zoning Designations
Exhibit E	Overall Site Plan; Spray Play Area Option A; June 13, 2012
Exhibit F	Spray Play Area-Option B; September 13, 2012
Exhibit G	Aquatic Spray Play Concepts; May 18, 2012
Exhibit H	Sign Program Exhibit; September 6, 2012
Exhibit I	Log Bench Amphitheater Exhibit; September 6, 2012
Exhibits J-1 to J-4	Site Visit Photos
Exhibit K	Aerial Map of Surrounding Area
Exhibit L	Proposed Mitigated Negative Declaration and Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S10-0012/Garden Valley Park Planning Commission/December 13, 2012

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 E	Overall Site Plan; Spray Play Option A Location, dated June 13, 2012
Exhibit F.....	Alternative Spray Play Area-Option B Location, dated September 13, 2012
Exhibit H.....	Sign Program Exhibit, dated September 6, 2012
Exhibit I	Log Bench Amphitheater Plan, dated September 6, 2012

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:

Use (as labeled on the submitted Overall Site Plan, Exhibit E)	Size/Area
PROPOSED IMPROVEMENTS	
A. Phase 1	
Zero Depth Aquatic Spray Play Area (Option A location, shown on Overall Site Plan, Exhibit F; or Alternative Spray Play Area-Option B, location shown in Exhibit H).	2,000 sq. ft.
Drainage Channel	Approx. 40-ft. length
Hillside Turf Planting and Subsurface Irrigation	18,200 sq. ft.
Spray Play Water Holding Tank (above or below ground)	20-ft. by 20-ft. Below Ground Tank; or 18-ft. diameter by 17-ft. tall Above Ground Tank
Twelve square-foot free-standing park sign (one 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.
Pump Equipment Vault	9-ft. by 15-ft. (135 sq. ft.)
B. Phase 2	

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
EXISTING IMPROVEMENTS/USES (Phase 1 passive park area)	
Framers market, arts and craft sales, music events, horseshoe competition events, community group events.	
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.

Aquatic Spray Play Area: The splash play area shall be a small zero depth water play area with a variety of low flow interactive ground level water jets and above ground spray elements. The spray play elements also include an above or below ground water storage tank, pump equipment and debris filtration. The system operates as a flow thru system designed to reuse water for irrigation. The system will connect to new subsurface irrigation system within the grass area within the Phase 2 area. That area will be graded and hydro-seeded. Some additional overflow water is anticipated during peak use hours when the spray play system uses more water than the irrigation system can used. In this instance, the overflow water is filtered and drained through a gravel drainage channel with perforated pipe for filtration and groundwater recharge. The use of the aquatic spray play area is to be limited to six months a year (April to October).

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: Wetlands:** During the grading and building permit processes for the Phase 2 area shown on the Overall Site Plan dated June 13, 2012, 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 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 Overall Site Plan dated June 13, 2012. 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 inspection for the building and grading permits.

4. **BIO-3: Streambed Alteration Agreement:** A Streambed Alteration Agreement, pursuant to Fish and Game Code 1602, shall be obtained by the applicant from the California Department of Fish and Game, if applicable, for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. 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. The Agreement shall address the following to the satisfaction of the Department of Fish and Game, if determined to be applicable to the proposed Phase 2 improvements as shown on the Overall Site Plan dated June 13, 2012, after review of the development plans for that area:

The applicant will provide an approved restoration plan for riparian planting. Elements of that plan will include:

- i. A map of locations and species for the plants installed in the restoration area;
- ii. A discussion of performance standards stating that 80 percent of the planted trees will be alive at the end of the five-year monitoring;
- iii. The method for determining whether plantings are alive at the end of each monitoring year (that is, each tree will be counted and determined to be dead or alive; dead trees will be replanted)
- iv. A discussion contingency measures that could be used in the event that the restoration plantings fail. These measures could include, but are not limited to, making additional plantings and extending the monitoring period or purchasing additional credits in an acceptable fund or mitigation bank.
- v. Submission of annual reports for the restoration project to the Department of Fish and Game.
- vi. This plan must be approved by the Department of Fish and Game before County permits are issued.

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. 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 Phase 2 area as shown on the applicant's Overall Site Plan dated June 13, 2012, 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 Phase 2 project area.

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 E.

6. **BIO-5: Water Quality Certification:** A Water Quality Certification, Section 401 permit, if applicable, shall be obtained by the applicant from the California Central Valley Regional Water Quality Control Board for applicable project improvements within the Phase 2 area as shown on the project’s Overall Site Plan dated June 13, 2012. The Certification shall include (subject to CVRWQCB approval):
- a. The applicant will prepare a Storm Water Pollution Prevention Plan for approval. That plan will describe methods for ensuring downstream water quality during construction and will be implemented before construction begins.
 - b. Work areas will be separated by buffers and orange construction fencing to delineate the preserved riparian areas. No grading will be allowed within the fenced-off buffer zones.
 - c. Waste and construction materials will be placed where they will not run off into the stream, or they will immediately be removed off-site.

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 Phase 2 area, 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.

The Storm Water Pollution Prevention Plan shall be reviewed and approved by Building Services or DOT prior to issuance of a grading permit.

7. **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.
8. **Parking:** Parking shall be provided as shown in Exhibit E, and shall include the 28 minimum spaces with two to be van accessible (one to be located along the Garden Valley Road-side parking lot and one to be located along the Garden View Road-side parking lot. The applicants shall maintain a Memorandum of Understanding (MOU) with the Black Oak Mine Unified School District for a minimum of 62 additional spaces on their parcel adjoining to the south. Should the applicant be unable to share parking with that parcel owner, an alternative parking plan that anticipates the maximum number of park event attendees, shall be provided to the Development Services Director for review and approval prior to any event scheduled subsequent to the loss of the MOU. The Director will determine if the new plan can be approved administratively or it would need to be reviewed and approved by the Planning Commission.
9. **Oak Canopy:** The applicant shall replace that 0.012-acre of oak canopy to be removed at a 1 to 1 ratio (three trees) in compliance with the Interim Guidelines for General Plan Policy 7.4.4.4, Option A. The trees shall be planted within the Phase 2 area. The applicant shall initiate compliance with that condition during the grading and building permit processes for the Phase 2 area. The applicant shall provide proof of compliance prior to permit final for all grading/building permits for the Phase 2 area.
10. **Noise:** All amplified music events shall end at 7 pm, or 30 minutes prior to sunset when the park closes. There shall not be more than eight amplified events scheduled per year. 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

11. **Cultural Resources:** If human remains are discovered at any time during the 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.

12. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,101.50 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. If the fee is paid after January 1, 2013, the amount of the Department of Fish and Game fee shall be \$2,156.25.
13. **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

14. **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 103A-2. 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.

Environmental Health Division

15. The splash play area and related equipment shall go through a plan check process with, and operate under, an Environmental Health Division permit.

Air Quality Management District

16. Fugitive Dust: 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 (PM₁₀) in the form of dust. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction. (Rules 223 and 223.1)
17. Open Burning: Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
18. Painting/Coating: The project construction may involve the application of architectural coating, which shall adhere to AQMD Architectural Coatings AQMD (Rule 215).
19. Construction Emissions: The AQMD's goal is 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 odors. The following measures should be used to reduce impacts on air quality from equipment exhaust emissions:
 - 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.

20. New Point Source: Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501 and 523)
21. Portable Equipment: All portable combustion engine equipment with a rating of 50 horsepower or greater shall be permitted by the California Air Resources Board (CARB). A copy of the current portable equipment permit shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

Building Services

22. All portions of the splash play areas, restroom, and pathways shall be accessible to persons with disabilities, or if not, a reasonable portion of each type of activity shall be made so. It is incumbent on the applicant to show how accessibility issues are being handled so plans for a permit shall spell out how the design meets all applicable accessibility codes, standards, laws, guidelines.

Georgetown Divide Public Utility District (GDPUD)

23. 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/Garden Valley Park Planning Commission/December 13, 2012

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 Medium Density Residential (MDR) 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), 5.7.1.1 (fire protection), 6.2.3.2 (fire safe access), 7.3.3.4 (wetlands), 7.4.1.5 (species conservation), and 7.4.4.4 (oak woodlands), concerning compatibility with surrounding development, 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 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 17.70.110.

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 the General Plan Policies listed above, 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 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 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.

5.0 FINDINGS OF CONSISTENCY WITH GENERAL PLAN POLICY 7.3.3.4

- 5.1 The alternative setback proposed by the applicant to permit encroachment into the standard 50-foot setback for the turf area and amphitheater provides sufficient protection of the biological resource of Johntown Creek. The Wetland Delineation Report, dated November 2010, and the Addendum to the Wetland Delineation Report, Site Consulting, Inc., January 21, 2011 indicates very low habitat value. Imposition of Best Management

Practices will further protect the water quality and habitat values. Permitting requirements of the California Department of Fish and Game, U.S. Army Corps of Engineers, and the California Regional Water Quality Control Board will ensure resource protection.