

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



Agenda of: October 7, 2009
Item No.: 4.b.
Staff: Jason R. Hade

SPECIAL USE PERMIT REVISION

FILE NUMBER: S02-0031-R / Coloma Grange Hall/Gold Panning & Education Facility

APPLICANT: Judy Baradin and Russell Kruz

REQUEST: Special Use Permit Revision to allow the installation of six gold panning troughs and an eight-foot by 40-foot pine frame, canvas cover structure used for educational purposes.

LOCATION: On the northeast corner of State Route 49 and Mount Murphy Road in Coloma (next to Marshall Gold Discovery Historic State Park). Supervisorial District IV. (Exhibit A)

APN: 006-164-02 (Exhibit D)

ACREAGE: 0.43 acres

GENERAL PLAN: Tourist Recreational (TR) (Exhibit B)

ZONING: Recreational Facilities (RF) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Section 15303(e) of CEQA Guidelines

RECOMMENDATION

Staff recommends the Zoning Administrator take the following actions:

1. Certify the Categorically Exempt determination pursuant to Section 15303(e) of the CEQA Guidelines; and
2. Approve Special Use Permit Revision S02-0031-R based on the findings in Attachment 2, and subject to the Conditions of Approval in Attachment 1.

BACKGROUND

On October 16, 2002, the Zoning Administrator approved Special Use Permit application S02-0031 to allow a small café to continue to operate within the existing Gold Trail Grange (Coloma Grange Hall) building located on the project site. The café offers drinks and refreshments to customers that visit Coloma. This Special Use Permit Revision request would allow the installation of six gold troughs and a canvas cover behind (on the east side) of the Grange Hall.

STAFF ANALYSIS

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the permit requests, and issues for Zoning Administrator consideration are provided in the following sections.

Project Description

The applicant is requesting a Special Use Permit Revision to allow the installation of six gold troughs and an eight foot by forty foot canvas covers for educational purposes. The applicant would coordinate with educational organizations to provide interpretive activities such as gold panning lessons, tin pinching, medicine bag and bead classes in conjunction with the Marshall Gold Discovery Historic State Park. A maximum of 100 persons per group would be allowed to participate in the activities. Visitors to the State Park would be welcome to participate. The duration of each activity would be for one hour. The activities would be available between 10:00 a.m. and 5:00 p.m. each day of the week. Ninety percent of the participants would be 4th grade students bused or car pooled to the State Park by educational organizations.

Site Description

The project site is 0.43 acres in size and is relatively flat and adjacent to the South Fork of the American River. The project site is surrounded by the Marshall Gold Discovery Historic State Park property. Existing improvements on the project site include the Coloma Grange Hall and Café (the Café occupies a small portion of the Hall) which is approximately 5,346 square feet in size, a power pole, propane tank, and a trash container. Located in the rear or east side of the building is a large gravel parking area that can accommodate 40 vehicles.

The Flood Insurance Rate Map (Panel 06017C0475E, last updated September 26, 2008) for the project area establishes that the project site is not within the 100-year floodplain, but is located within a flood zone buffer.

Adjacent Land Uses

	Zoning	General Plan	Land Use/Improvements
Site	RF	TR	Commercial Building/Cafe
North	RF	TR	South Fork of the American River
South	RF	TR	Recreation/ State Park (Marshall)
East	RF	OS & TR	Open Space – Recreational/ State Park (Marshall)
West	RF	TR	Recreational/ State Park (Sutter’s Mill)

General Plan: The 2004 General Plan designates the subject project site as Tourist Recreational (TR). This designation is to provide areas for tourist and resident serving recreational uses, transit and seasonal lodging facilities, and supporting commercial activities. Tourist recreational activities, facilities, and industries shall be allowed throughout the County; however, specific activities and facilities shall be identified through zoning and permitted by right or Special Use Permit as appropriate.

Policy 2.2.5.2 requires all applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps, maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approval shall be granted unless a finding is made that the project or permit is consistent with the General Plan and would not be detrimental to the public health, safety and welfare nor injurious to the neighborhood. Review of General Plan policies applicable to this Special Use Permit application discussed in this Staff Report and Findings of Approval show that the project would be consist with the General Plan policies.

Policy 2.2.5.21 requires development projects to be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. The project site is surrounded by the Marshall Gold Discovery Historic State Park which is Tourist Recreational (TR) and Open Space (OS) land use designated properties. The State Park includes a replica of the original sawmill, and over 20 historic buildings including mining, house, school and store exhibits as well as hiking trails and souvenir shops. As such, the proposed gold panning troughs and an eight-foot by 40-foot pine frame, canvas cover structure used for educational purposes are compatible with the State Park and its historical theme.

Policy 9.3.4.2 requires the County to encourage the development of interpretive centers for local historical sites and/or events of historical interest. This Special Use Permit request to provide educational training for gold panning and medicine bag and bead classes along with other related activities associated with the local history encourages the development of recreational/tourism businesses at a historical site.

Discussion: As discussed above, staff finds that the use as proposed/conditioned is consistent with applicable General Plan policies. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning: The proposed use for providing educational training for gold panning and medicine bag and bead classes along with other related activities associated with the local history may be permitted in the Recreational Facilities (RF) Zone District under a Special Use Permit pursuant to **Section 17.48.060 (F)** of the Zoning Ordinance.

Parking:

Section 17.18.060 (41) allows for off-street parking requirements to 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 applicant would coordinate with educational organizations to provide interpretive activities such as gold panning lessons, tin pinching, medicine bag and bead classes in conjunction with the Marshall Gold Discovery Historic State Park. A maximum of 100 persons per group would be allowed to participate in the activities. Visitors to the State Park would be welcome to participate in the project site proposed activities. Ninety percent of the participants would be 4th grade students. The students would be bused or car pooled to the project site. The designated parking area would be located in the rear or east side of the existing building (Grange Hall) approximately one-quarter acre in size, being a flat, hard packed gravel surface that could accommodate 40 vehicles (Exhibit H). The available parking would comply with the on-site parking requirements under **Section 17.18.060** for use of the Grange Hall, Café and the use proposed in this Special Use Permit Revision. Visitors to the project site would have the option of parking at the State Park public parking which is within the vicinity of the project site.

The Grange acts as the local meeting hall in Coloma and is open for a variety of scheduled meetings and events. The proposed activities requested would not coincide with the designated times the Grange is being used for meetings or special events, thus eliminating parking conflicts.

Discussion: As discussed above, staff finds that the project as proposed/conditioned is consistent with applicable Sections of the Zoning Ordinance. Findings of consistency with the Zoning Ordinance are provided in Attachment 2.

Agency and Public Comments

State Parks

As provided in a letter dated April 23, 2009 and two e-mails dated April 27, 2009, the State Park is supportive of the applicant's efforts to provide gold troughs as part of the experiences provided to visitors to the Marshall Gold Discovery Historic State Park. Because the applicant's property is immediately adjacent to the State Historic Park, the State Park prefers that the purposed gold troughs and canvas covers be as historically accurate as possible. The State Park is concerned with compliance to the Zoning Code pertaining to on-site parking, signage and restrooms. On-site parking would be required and is discussed in this staff report. The project would be conditioned to require a maximum of 40 on-site parking spaces. This Special Use Permit Revision does not include additional signage. The approved Special Use Permit for the Café conditioned the project site for one permanent sign. Restrooms are available in the Grange Hall. The State Parks concerns pertaining to signage and parking are addressed within the attached conditions of approval.

El Dorado County Department of Transportation (DOT)

DOT has no comments on the project.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303(e) of the CEQA Guidelines stating that Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

- Attachment 1Conditions of Approval
- Attachment 2Findings

- Exhibit AVicinity Map
- Exhibit BGeneral Plan Land Use Map
- Exhibit CZoning Map
- Exhibit DAssessor’s Map
- Exhibit ESite Plan
- Exhibit FPhoto of gold panning troughs
- Exhibit G&G1Photo of pine frame, canvas cover structure
- Exhibit H.....Photo of project site (including parking area)
- Exhibit IComments from State Parks

ATTACHMENT 1 CONDITIONS of APPROVAL

FILE NUMBER S02-0031-R

Included as Attachment 1, the Special Use Permit Revision is subject to the original conditions of approval. Additional agency conditions of approval from Planning Services have been incorporated and depicted with underlines. The numerical sequencing of the original conditions of approval is shown with a ~~strikethrough~~.

CONDITIONS OF APPROVAL

~~All the following conditions shall be completed or diligently pursued within 90 days of the Special Use Permit approval.~~

Planning Department Services:

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

The project description is as follows:

S02-0031

1. The approval of this special use permit will allow for the operation of a small café within the existing Gold Trail Grange building in Coloma. Any improvements shall adhere to the approved site plan. ~~(Exhibit D)~~.

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A Special Use Permit Revision to allow the installation of six gold troughs and an eight foot by forty foot canvas covers for educational purposes. The applicant will coordinate with educational organizations to provide interpretive activities such as gold panning lessons, tin pinching, medicine bag and bead classes in conjunction with the Marshall Gold Discovery Historic State Park. A maximum of 100 persons per group will be allowed to participate in the activities. The duration of each activity will be for one hour. The activities will be available between 10:00 a.m. and 5:00 p.m. each day of the week. Ninety percent of the participants will be 4th grade students bused or car pooled to the State Park by educational organizations.

2. One unlighted Redwood sign shall be allowed to be located on the building façade. Sign will read “Café”. The dimensions of the sign will be limited to the size shown on the approved sign plan, which is 48” x39” (~~Exhibit E~~).
3. Pursuant to Section 17.22.260 (A) of the Zoning Ordinance, the special use permit shall expire if the use ceases for a period of one year.
4. Violations of conditions of approval may result in revocation of the special use permit pursuant to Section 17.22.260 of the Zoning Ordinance.
5. 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 developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Special Use Permit.

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

6. Prior to final occupancy, the applicant shall pay all Development Services fees.
7. Prior to final occupancy 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 a building permit for verification of compliance with applicable conditions of approval.
8. A maximum of 40 parking spaces shall be maintained as shown on the approved site Plan. (Exhibit E)
9. All temporary structures, such as, picnic tables, canvas covers, framed structures placed on the project site shall be removed on or before October 15 of every year.

River Management Advisory Committee:

5. ~~The café develop a plan to adequately manage trash produced by café patrons, i.e. do not create trash impacts on the state park.~~

State Parks:

- 6.10. No temporary or sandwich signs, banners, or signs other than the one permanent sign described in the special use permit application ~~should~~ shall be permitted. The design of the permanent sign used on the facade of the building ~~should~~ shall reflect the historic period of the Park.
- 7.11. The ~~Café~~ applicant ~~should~~ shall provide sufficient trash containers and the ~~Café owners/employees~~ applicant ~~should~~ shall work with the Department of Parks and Recreation to address litter issues; either through the type of packaging used for Café food products and drinks, or assistance in regular removal of Café generated litter from the adjacent park grounds.

El Dorado County Fire Protection District:

8. ~~Site plan review fee of \$50.00;~~
9. ~~Provide detailed floor plan with kitchen layout, existing and uses;~~
- 10.12. Gates shall meet minimum Fire Prevention Officer's Standards (~~enclosed~~) with "Knox" emergency access if locked. (~~application available at the Fire Department office: 4040 Carson Road in Camino, (530) 644-9636;~~
- 11.13 ~~The applicant shall~~ P provide a minimum 15' foot vertical clearance, 20' foot wide emergency access road with all all-weather surface; at the project site subject to Fire District approval and shall be installed prior to final occupancy.
- 12.14. ~~The applicant shall~~ P provide premise identification, minimum 4" inch letters visible from both directions of Highway 49; at the project site subject to Fire District approval prior to final occupancy.
- 13.15. Provide 4" inch concrete-filled bollards at propane tanks for vehicle protection;
- 14.16. Post fire apparatus access lanes and emergency vehicle turn-around with "NO PARKING-FIRE LANE" signs; at the project site subject to Fire District approval prior to final occupancy.

Environmental Management Department:

- 15.17. The applicant shall meet all applicable requirements for the Environmental Health Department and may be subject to obtaining a health permit for serving food/drinks prior to building permit issuance.

ATTACHMENT 2 **FINDINGS FOR APPROVAL**

FILE NUMBER S02-0031-R

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15303(e) of the CEQA Guidelines stating that Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel.
- 1.2 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 Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Tourist Recreation (TR) land use designation as defined within General Plan **Policy 2.2.1.2** because the TR land use designation provides areas for tourist and resident serving recreational uses, transit and seasonal lodging facilities, and supporting commercial activities.
- 2.2 The proposed project has been analyzed for consistency with General Plan **Policies 2.2.5.2** (General Plan Consistency), **2.2.5.21** (Land Use Compatibility) **9.3.4.2** (Historical Resources) and has been found to be consistent with these policies because of the project's compatibility with surrounding land use and the installation of gold trough and an eight foot by forty foot canvas covers for educational purposes is consistent the preservation of historical resources. The proposed project is also consistent with the General Plan Land Use Designation of TR which allows for tourist and resident serving recreational uses as proposed in this Special Use Permit Revision.

3.0 ZONING FINDINGS

- 3.1 The proposed use is permitted by Special Use Permit in the Recreational Facilities (RF) Zone District, pursuant to **Section 17.48.060 (E)** provided that the administrative findings outlined below can be made by the Zoning Administrator.
- 3.2 As proposed, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because sufficient parking can be provided.

4.0 ADMINISTRATIVE FINDINGS

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

As discussed above, the issuance of the Special Use Permit Revision is consistent with the General Plan because of the project's consistency with **Policies 2.2.1.2., 2.2.5.2 and 9.3.4.2** concerning land use compatibility and historic resources.

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

The proposed use will not be detrimental to the public health, safety and welfare, or injurious to the neighborhood as it will fit within the context of the surrounding Marshall Gold Discovery Historic State Park. The Special Use Permit Revision has been found to comply with the requirements of **Chapter 17.22**, Special Use Permits, and the proposed use is not considered detrimental to the public health, safety, and welfare, not injurious to the neighborhood, based on the conclusions contained in the staff report.

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

The proposed use is specifically permitted by Special Use Permit pursuant to **Section 17.48.060 (E)** of the County Zoning Ordinance as required findings detailed above may be made by the Zoning Administrator.