



## Legislation Text

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**File #:** 24-1009, **Version:** 1

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Parks, a Division of the Chief Administrative Office, recommending the Board adopt and authorize the Chair to sign Resolution of Intent **108-2024** to amend Title 130 of the County Zoning Ordinance for the development of Diamond Springs Community Park.

**FUNDING:** Discretionary Transient Occupancy Tax.

### **DISCUSSION / BACKGROUND**

In December 2023, the Board formally accepted property from the Marshall Foundation for Community Health for the purpose of developing the Diamond Springs Community Park. The Property was conveyed and dedicated to the County by the Marshall Foundation on the express condition that the Property be used for the development of recreational and park facilities. The deed for this Property restricts use of the Property to recreational and park purposes. At that time the Boys and Girls Club of El Dorado County Western Slope was identified as a community partner to run programs at the site.

The deed also includes a reversionary clause authorizing a transfer of the Property to the Boys and Girls Club should the County fail to commence construction of the park project within a certain time period. The Boys and Girls Club seeks to acquire the Property now to facilitate the construction and operation of recreational and park facilities. The Boys and Girls Club, a nonprofit organization, has a robust fundraising program which is intended to be used to leverage funding for development of the park. Staff is currently in negotiations with the Boys and Girls Club and will return to the Board with a draft agreement for the transfer of the property.

While under County ownership, the park could be developed and operated without compliance with the County's own Zoning Ordinance. However, should the property be transferred to another entity, zoning compliance would be required. The project site is located in the western portion of Diamond Springs at 3447 Clemenger Drive, which consists of two largely undeveloped, contiguous parcels for a site total of 39.5 acres. Parcel 331-301-019, the northern parcel, is 9.7 acres of land and is zoned Residential Single Unit (R1). Parcel 331-400-002, the southern parcel, consists of 29.8 acres of land and is zoned Residential 1-Acre (R1A). In order to allow for the development of the park by the Boys and Girls Club, staff is proposing to rezone the property from its current zoning to Recreational Facilities High (RFH).

A Resolution of Intent (ROI), as required by Zoning Ordinance Section 130.63.020, has been prepared for Board consideration and to pursue rezoning this property.

Following adoption of the ROI, a rezone application will be considered by the Planning Commission, and recommendations will be forwarded to the Board for consideration at the second reading and final adoption hearing.

### **ALTERNATIVES**

The Board could choose to not approve the ROI to amend the Zoning ordinance, which would delay

or impede the ability to develop the Diamond Springs Community Park.

### **PRIOR BOARD ACTION**

22-0064 - January 04, 2022 - Supervisor Thomas recommended the Board accept the donation of property for the purpose of developing a Sports Complex in the community of Diamond Springs.

22-0099 - January 25, 2022 - Board accepted the donation of property and authorized the Chair to sign the dedication agreement.

23-0148 - March 7, 2023 - Board approved and authorized the Chair to sign an amendment to the agreement to extend the due date to complete the CEQA process to December 31, 2023, and made changes to the reversion provision as requested by the Foundation.

23-2024 - December 12, 2023 - Board approved and certified the Final Environmental Impact Report (FEIR) for the Diamond Springs Community Park, formally accepted the donation of the property, authorized the Chair to sign the Certificate of Acceptance, and directed staff to move the Project forward.

24-0312 - February 27, 2024 - Board authorized the Chief Administrative Officer, or designee, to enter into negotiations with the Boys and Girls Club for the property identified by Assessor's Parcel Number 331-400-002, located at 3447 Clemenger Drive, Diamond Springs for the purpose of developing a park in Diamond Springs.

24-0738 - May 21, 2024 - Board adopted and authorized the Chair to sign Resolution 081-2024 authorizing the County to declare the property exempt surplus land per Government Code Sections 54220-54234.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel, Sheriff's Department, and Planning and Building

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **FINANCIAL IMPACT**

There is no change to Net County Cost associated with this item. The Board allocated \$1 million of Discretionary Transient Occupancy Tax (DTOT) funds and \$3 million of fund balance with the Fiscal Year 2022-23 Adopted Budget toward the development of the project. The Board directed the funds from the sale of the Bass Lake Property (\$250,000) to be set aside and eventually allocated to the Diamond Springs Community Park. The Board allocated an additional \$50,000 in General Fund to cover the cost of the CEQA analysis (Legistar Item 22-0472) and approved the use of \$142,372 of the \$1 million in DTOT for the amended scope of the Dudek contract (Legistar Item 23-0089, April 4, 2023). The costs associated with the rezone would be funded by a portion of the remaining DTOT. The \$3 million was not needed for the Diamond Springs Community Park and was returned to the General Fund. Staff will pursue volunteers, donations, and grant funding to cover any unfunded costs and will return to the Board for the allocation of any General Fund if necessary.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Clerk of the Board will obtain the Chair's signature on one (1) original copy of the ROI.
- 2) Clerk of the Board will forward one electronic copy of the fully-executed ROI to Jessica Araiza for further processing.

**STRATEGIC PLAN COMPONENT**

N/A

**CONTACT**

Jennifer Franich, Deputy Chief Administrative Officer