



## Legislation Text

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**File #:** 22-0099, **Version:** 1

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Chief Administrative Office, Parks Division, recommending the Board:

- 1) Accept the donation of property identified by Assessor's Parcel Number 331-400-002, located at 3447 Clemenger Drive, for the purpose of developing a Sports Complex in the community of Diamond Springs and authorize the Chair to sign the dedication agreement;
- 2) Approve and authorize the Chair to sign the Certificate of Acceptance on the terms described in the dedication agreement; and
- 3) Find that execution of the Dedication Agreement is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines a) Section 15004(b)(2)(A)) as acceptance of the Subject Property and its future use are expressly conditioned on completion of CEQA review, and b) Section 15316 which applies to the transfer of ownership of land in order to create parks.

**FUNDING:** N/A

### **DISCUSSION / BACKGROUND**

The Board of Supervisors on January 4, 2022 directed staff to return with a Dedication Agreement between El Dorado County and the Marshall Foundation (Foundation) for the transfer of property identified by Assessor's Parcel Number 331-400-002 for the purpose of developing a Sports Complex in Diamond Springs.

The subject property was purchased by an anonymous donor through the Foundation in 2019 for the purpose of building a Sports Complex in the community of Diamond Springs. In addition to the offer of donation, community partners including the Boys and Girls Club, Mother Lode School District, Union Mine High School, and other anonymous donors, have also expressed commitment to help with the development of the proposed project.

The proposed project is located in an area of the County that is underserved by parks. Accordingly, County staff have submitted for Prop 68 grant funding, Round 3 and 4, but the grant applications were unsuccessful. At the direction of the Board, Staff will have a grant submitted for Prop 68, Regional Park Program and Rural and Recreational Tourism Grant opportunities by the deadline of January 20, 2022. Projects that demonstrate a commitment to progress and completion of the park are generally viewed more favorably in determining grant awards. This includes demonstration that funding has been allocated and is available, as well as ownership of the subject property. If property ownership is included as part of making the application, proof of ownership of the land is required.

Pursuant to Government Code 65402 (Restrictions on acquisition and disposal of real property), the acquisition or sale of a property by a public agency must be reviewed by the planning agency for consistency with the General Plan. The Planning Commission made a finding of consistency with the General Plan for this acquisition on May 27, 2021. (See Legistar File No. 21-0785 (5/27/21).)

The acceptance of the property through the Dedication Agreement and the Certificate of Acceptance are the final steps in acquiring the property.

Execution of the Dedication Agreement is not subject to CEQA for two reasons. First, the Guidelines for Implementation of the California Environmental Quality Act, Section 15004, Time of Preparation, Section (b)(2)(A) says that agencies shall not formally make a decision to proceed with the use of a site for facilities which would require CEQA review, regardless of whether the agency has made any final purchase of the site for these facilities, except that agencies may designate a preferred site for CEQA review and may enter into land acquisition agreements when the agency has conditioned the agency's future use of the site on CEQA compliance. In addition, the transfer of ownership of land in order to create parks is exempt from CEQA (see 14 CCR 15316). This categorical exemption applies when the project consists of the acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical or archaeological resources and either: (a) The management plan for the park has not been prepared, or (b) The management plan proposes to keep the area in a natural condition or preserve the historic or archaeological resources. CEQA will apply when a management plan is proposed that will change the area from its natural condition or cause substantial adverse change in the significance of the historic or archaeological resource. Prior to development of the park, environmental analysis under CEQA will occur. As detailed in the Agreement, the County will accept the dedication of the property via the Certificate of Acceptance following certification of the CEQA document.

The dedication agreement also includes the following provisions:

- 1) If the Board of Supervisors does not certify a CEQA document for the Park Project by April 25, 2023, the Agreement will expire.
- 2) If the County does not begin developing the park within five years, the property may revert back to the Foundation may, however this is not required by the Foundation.
- 3) The Foundation will have rights to name the park and include signs recognizing the Foundation and acknowledging its dedication of the park land.

## **ALTERNATIVES**

The Board could decide to not sign the Agreement.

## **PRIOR BOARD ACTION**

Legistar Item 21-0785, 5/27/21; Legistar Item 21-1058, 7/13/21; Legistar Item 21-1702, 11/2/21, and Legistar Item 22-0064, 1/4/22

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel  
Marshall Foundation  
Boys and Girls Club  
Mother Lode School District  
Union Mine High School

## **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

## **FINANCIAL IMPACT**

The subject property is being donated at no cost to the County; therefore, there is no direct cost to the County for accepting the property. The Board directed \$250,000 in proceeds from the sale of the Bass Lake property to this project at their meeting on September 1, 2020 (Legistar #20-1141). Funding for the environmental constraints analysis has been included in the Fiscal Year 2021-22

Budget. Future financial impacts could include costs associated with vegetation management and park development. Staff will pursue volunteer, donation, and grant funding to cover any unfunded costs and will return to the Board for the allocation of any General Fund if necessary. Costs associated with the on-going maintenance and operation of the park have been identified in the attached Fiscal Analysis.

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

- Obtain the Chair's signature on the Dedication Agreement and Quitclaim Deed (Exhibit A).
- Return documents to County Counsel.
- Upon meeting the terms as described in the agreement (at a later date), obtain the Chair's signature on the Certificate of Acceptance (Exhibit B).
- Return final executed documents to County Counsel.

#### **STRATEGIC PLAN COMPONENT**

Infrastructure, Healthy Communities, and Economic Development

#### **CONTACT**

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