

# FINDINGS

## Special Use Permit Revision S03-0005-R-3/El Dorado Hills Community Dog Park Planning Commission/July 24, 2014

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made pursuant to Section 66472.1 of the California Government Code:

### 1.0 CEQA FINDINGS

- 1.1 The project is Categorically Exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines. The project would be exempt from CEQA because it involves a minor expansion within the existing 39 acre park for the installation of fencing to allow a community dog park. No physical impacts are proposed other than installation of fencing and the use is consistent with a community park.
- 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.

### 2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Public Facility (PF) land use designations as defined within General Plan Policy 2.2.1.2 because the land use designation permits regional parks and recreation facilities on publicly-owned lands.
- 2.2 The proposal is consistent with General Plan policies, including 2.2.5.21 (land use compatibility) because as proposed the community dog park would be compatible with adjacent residential uses; 2.8.1.1 (lighting impacts) because no new lighting is proposed; 6.2.3.2 (fire safe access) because adequate emergency access exists; 7.3.3.4 (wetlands) because the project has been conditioned to lessen or remove potential impacts to New York Creek; and 7.4.4.4 (oak woodlands) because no native oaks will be removed. Because of the project's provisions of adequate access, site design and location, 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 Recreational Facility (RF) zone district, pursuant to Section 17.48.060.E provided that the findings outlined below can be made by the Planning Commission.
- 3.2 As proposed and conditioned, the proposed additions to the El Dorado Hills Community Park meet 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;**

The proposed project has been analyzed for consistency with General Plan Policies 2.2.5.21, 2.8.1.1, 6.2.3.2, 7.3.3.4, 7.4.4.4, 9.1.1.3, and 9.1.1.7 and has been found to be consistent with these policies. The project would be compatible and consistent with the high density residential, commercial and public facility land use designations that are adjacent to the project site. The project has been designed and conditioned to minimize the potential noise effects the project may have on adjacent properties, as directed by the General Plan noise policies. No trees would be removed and the dog park would have no impact on the adjacent stream. The community dog park would be consistent with existing uses and structures within the park as it is an appropriate feature of a community park typically found in a residential area. Therefore, staff finds the use is compatible with the surrounding single family residential uses. As proposed and conditioned the requested revision to the park would be consistent with the General Plan.

##### **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. The proposed Special Use Permit for the park facilities 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, nor injurious to the neighborhood, because the project has been designed to comply with stream setback requirements (with a finding of consistency), provides for safe access, circulation, parking, fire safety, conservation of natural resources, and complies with noise requirements. The project would not be detrimental to adjacent uses as the park site has been used as such since the 1980's and is adjacent to a school site, nearby commercial uses, 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 RF Zone District pursuant to Section 17.48.060.E of the Zoning Ordinance which states that parks that are designed for the use of more than fifty people at any one time are allowed only after obtaining a Special Use Permit.

## **5.0 FINDINGS OF CONSISTENCY WITH GENERAL PLAN POLICY 7.3.3.4**

### **5.1 The alternative setback is consistent with the General Plan.**

The Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.3.3.4 requires a 100 foot non-development setback from perennial streams and the project is proposing to install a fence within the required setback of New York Creek. The dog park location would be a minimum of 10 feet from New York Creek with an existing trail between the creek and the proposed use. The Interim Interpretive Guidelines allows an alternative setback when the applicant demonstrates that the alternative setback would still provide sufficient protection of the biological resources and avoids or minimizes impacts as required by the General Plan. A Wetland Delineation Report has been previously submitted by the applicants, and as analyzed in the previous Environmental Checklist/Discussion of Impacts, impacts were reduced to a less than significant level by incorporation of Mitigation Measures, Conditions of Approval, and with required adherence to County Code. Mitigation measures include sedimentation and erosion control measures, avoidance and minimization of potential impacts from construction material releases, and best management practices. As such, this project can be found to be consistent with Policy 7.3.3.4.