

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



Agenda of: July 24, 2014

Staff: Aaron D. Mount

SPECIAL USE PERMIT REVISION

FILE NUMBER: S03-0005-R-3/El Dorado Hills Community Dog Park

APPLICANT: El Dorado Hills Community Services District

REQUEST:

1. Special Use Permit Revision to allow the development of a community dog park within the existing El Dorado Hills Community Park; and
2. Finding of Consistency with General Plan Policy 7.3.3.4 to allow a reduction of the riparian area setback from 100 feet to ten feet with installation of fencing for a dog park within the required setback.

LOCATION: At the intersection of El Dorado Hills Boulevard and Harvard Way, in the El Dorado Hills area, Supervisorial District 1 (Exhibit A)

APN: 125-110-09 (Exhibit B)

ACREAGE: 39.5 acres (Exhibit B)

GENERAL PLAN: Public Facilities (PF) (Exhibit C)

ZONING: Recreational Facilities (RF) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to State CEQA Guidelines Section 15303.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Find that the project is exempt from CEQA pursuant to State CEQA Guidelines Section 15303;
2. Conditionally approve Special Use Permit Revision S03-0005-R-3 based on the Findings and subject to the Conditions of Approval; and
3. Determine a Finding of Consistency with General Plan Policy 7.3.3.4 to allow a reduction of the riparian area setback from 100 feet to ten feet with installation of fencing for a dog park within the required setback.

STAFF ANALYSIS

Project Description: The Special Use Permit revision request consists of fencing in an undeveloped area of the park to allow a community dog park. The dog park would be available to the public during park hours from sunrise to sunset. Internal fencing would separate large and small dog use areas. The dog park would be located west of New York Creek between the existing pedestrian trail and foot bridge to the north, the teen center to the south, and to the east of the baseball fields. The dog park use area would be approximately 200 feet from the closest residence. The site would be accessed by a developed concrete multiuse trail connecting the northern parking area with the dog park. Additionally, the dog park would be accessible from the adjacent teen center which is located on the main parking area for the park. The only physical development for the use would be limited to installation of fences. No trees would be removed and no grading is proposed and no lighting will be installed. In the future the park district may install shade canopies, a dog wash area, benches, and a drinking fountain.

The Finding of Consistency with General Plan Policy 7.3.3.4 to allow a reduction of the riparian area setback from 100 feet to ten feet with installation of fencing for a dog park within the required setback was previously analyzed in the last Special Use Permit revision. As discussed below previous statements have been made by biologists that uses developed within this requested distance would have no impact on the stream system. An existing trail is located between New York Creek and the proposed dog park and therefore no impacts to the riparian vegetation and habitat associated with the creek are to be expected (Exhibit H).

The proposed revisions to the conditions of approval are shown in ~~strikeout~~ and underline format.

Background: A community dog park was proposed in a previous revision to this Special Use Permit (S03-0005-R-2) however, due to potential conflicts with adjacent residential uses and an unknown potential for naturally occurring asbestos, the dog park use was removed from the project description at the hearing by the applicants in order to allow the other proposed uses to proceed (Exhibit K). The applicants have submitted this revision proposing a location for the dog park that would greatly reduce any potential conflicts with residential uses that are adjacent to the park by locating it further away from residential uses than the previous revision and to the

west side of New York Creek. Studies have been completed for this proposal stating consistency with County noise policies and an absence of naturally occurring asbestos (Exhibits E, L, and M).

Site Description: The site is within a 39.5-acre parcel located between the 750 and 800 foot elevations above sea level. Existing recreational facilities are predominantly located within the west and northern half of the park. The southeastern area of the park is primarily undeveloped oak woodlands, open grassland, and riparian habitats adjacent to New York Creek. New York Creek runs the length of the property northwest to southeast and roughly divides the project parcel. Approximately 75 percent of the park area is developed with picnic areas, parking, an aquatic center, teen center, community multipurpose building, skate park, batting cages, playgrounds, offices, and recreational fields. The park is surrounded by existing residential, commercial, and institutional (Oak Ridge High School) land uses. The community dog park would be located in the middle of the northern half of the park in an undeveloped area containing many trees adjacent to the baseball fields (Exhibits E and F).

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RF	PF	Existing EDH CSD Community Park
North	R1, OS, C	HDR, OS	Single family residences, open space
South	R1	PF, HDR	Single family residences, Oak Ridge High School
East	R1	HDR	Existing residential development
West	R1	HDR	Existing residential development

Project Issues: The primary discussion items for this project include naturally occurring asbestos, noise, and land use conflicts.

Naturally Occurring Asbestos (NOA): Naturally Occurring Asbestos (NOA) has been identified as a potential health hazard in certain areas of El Dorado County and NOA mitigation has been performed in some portions of the El Dorado Hills Community Park. A Geotechnical Engineering Study for the El Dorado Hills Community Services District was completed by Youngdahl Consulting Group on November 2013 (Exhibit M). The consultant collected six soil samples from the proposed dog park site with four of the samples testing negative for NOA and two of the six samples reported to contain NOA at trace levels (less than 0.25 percent). Levels below 0.25 percent do not meet the definition of asbestos containing material as defined in the El Dorado County Air Quality Management District’s Rule 223-2 and therefore would not be defined as a potential health hazard. The project proposes to cover the dog park area with decomposed granite to reduce dust and erosion and does not propose any grading.

Noise: An environmental noise assessment was completed by Bollard Acoustical Consultants for the proposed dog park and predicted noise levels were compared to General Plan noise standards (Exhibit L). The study concluded that the noise generated by the potential barking of dogs at the proposed dog park is predicted to satisfy the El Dorado County noise standards for exterior areas

of noise-sensitive land uses during both daytime and evening hours. The park's hours of operation are from sunrise to sunset. It is predicted that the maximum noise levels emanating from the dog park would not be consistent with the maximum levels for nighttime (10pm-7am) as shown on Table 6-2 of the General Plan. This would not be an issue at night as the dog park would not contain any lighting but during summertime mornings there could be users at the site prior to 7am. A condition has been proposed limiting the operation of the dog park to 7am through sunset. An additional condition has been proposed as follows, "If complaints about noise emanating from the dog park are received from multiple residences adjacent to the dog park, the applicant shall be required to submit an acoustical analysis to Planning Services for review as a condition of approval. If the analysis shows that noise levels within the active use areas are not consistent with the General Plan Noise Element the applicant shall be required to modify the dog park fencing in order to ensure that noise sources are a sufficient distance from adjacent residences to meet the required decibel levels." With these conditions the project would be consistent with the General Plan's Noise Element.

Land Use Conflicts: The site for the proposed dog park would be located in the middle of the northern half of the existing park and is approximately 200 feet from the closest residence. The previous proposal located the dog park directly adjacent to residential uses and this proposal moves the proposed location to the west of New York Creek providing an additional physical buffer between the use and the residences. The current special use permit revision would greatly reduce potential conflicts with adjacent residential uses based on the proposed location and consistency with County noise standards. The applicant has met with adjacent residential owners and reported that the new location was favorable as opposed to the previous location. The El Dorado Hills Area Planning Advisory Committee recommended approval based on the new location of the dog park moving it away from residential uses.

Finding of Consistency with General Plan Policy 7.3.3.4: The previous revision, S03-005-R-2, was approved for a zero setback for construction of a trail, bridge, and dog park within the required 100 foot stream setback. A letter dated October 21, 2011 by Stantec concluded that these improvements would have no significant impact on the existing riparian vegetation and habitat. The new proposed 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 (Exhibit H). 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 Conditions of Approval, and with required adherence to County Code. No construction is proposed; however, conditions 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.

ENVIRONMENTAL REVIEW

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. A \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption. The filing of the Notice of Exemption is optional; however, not filing the Notice extends the statute of limitations for legal challenges to the project from 30 days to 180 days.

SUPPORT INFORMATION

Attachments to Staff Report:

Conditions of Approval
Findings

Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zone District Map
Exhibit E	Site Plan
Exhibit F.....	Vicinity Map
Exhibit G.....	Site Plan Detail
Exhibit H.....	Site Cross Section
Exhibit I	EDH Community Park Master Plan/Airphoto Overlay
Exhibit J	El Dorado Hills Community Park Master Plan
Exhibit K.....	Site Plan for Previously Proposed Dog Park
Exhibit L	Environmental Noise Assessment; October 2, 2013
Exhibit M	Geotechnical Engineering Study; November 2013