

ITEM 6.3: Flood Encroachment Permit – 648 Riverside Av. – Infill PCL 179 – Oak Creek BMX
Flood Encroachment Permit – PL23-0197

REQUEST

The applicant requests a Flood Encroachment Permit for the operation of the Oak Creek BMX Facility at 648 Riverside Av. on Infill PCL 179 in the City of Roseville. Pursuant to Section 19.18.040 (G), a Flood Encroachment Permit is required for recreational uses as well as structures or the storage of materials and equipment in the Floodway (FW) zone district. The request also includes the consideration of an approximately 9.5-foot-tall monument sign near the entrance of the property. The request updates the existing Use Permits to reflect current operations.

Applicant— Nathan Johanson, Sacramento Valley BMX
Owner – Robert Kolak Trust

SUMMARY RECOMMENDATION

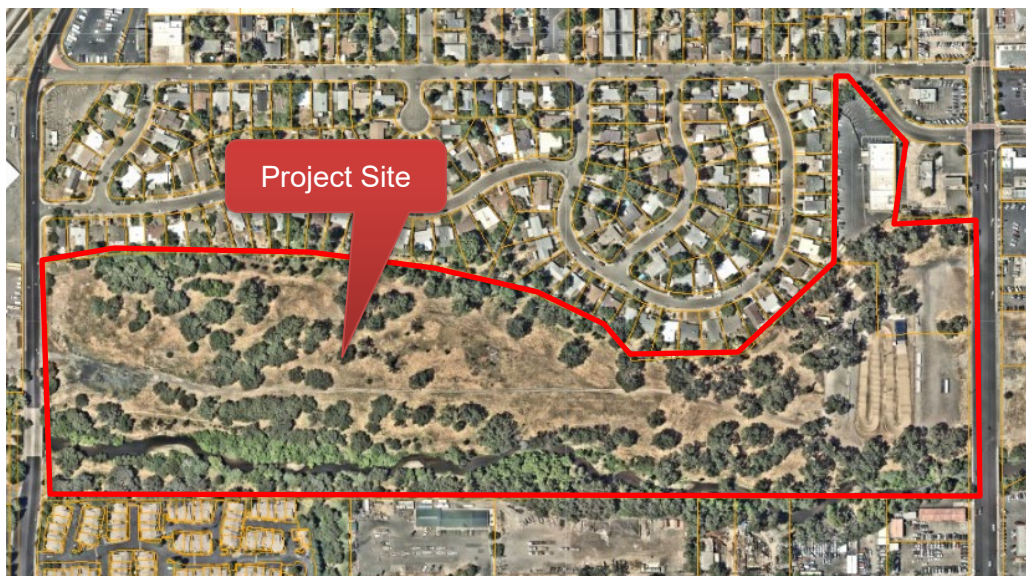
The Planning Division recommends that the Planning Commission take the following actions:

1. Adopt the two (2) findings of fact and approve the Flood Encroachment Permit subject to eight (8) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

There are no outstanding issues associated with this request. A neighborhood flyer was mailed out in October 2023 to inform residents and property owners within 300 feet of the site of the proposed entitlement. Staff received three calls in total. Two callers requested clarity on the flyer and had no additional comments, and one caller spoke about existing concerns with amplified noise and encampments on the property. A condition of approval is recommended (Condition #4) to address amplified noise. No additional comments have been received since publication of the Planning Commission hearing notice. The applicant has reviewed and is in agreement with the recommended conditions of approval.

Figure 1: Project Location



BACKGROUND

The subject property is located at 640 and 648 Riverside Av. in the Infill area of Roseville. In 1985, the BMX track was considered a permitted use, with certain limitations (i.e. no structures in the floodway zone). After 1985, the use was incrementally expanded to include the following structures and accessory equipment: fencing, starter shack, sign up booth, bleachers, trash dumpsters, and portable restrooms. The track layout was also reconfigured.

In July 1991, the applicant was notified that the expansion of the track operation was in violation of the 1985 interpretation and was given the option to comply with the 1985 standard or to apply for entitlements to evaluate and permit the proposed operation. The City Council approved a Special Exception Use Permit, Special Use Permit, and Tree Permit (File # SEUP 92-2, SUP 91-61, TP 91-29) for the Oak Creek BMX track on May 6, 1992. Approval of these permits allowed for several structures associated with the operation of the use on-site during the dry season (April 15th to October 15th) including: a temporary fence; bleachers, restrooms, trash bins, concession stand, sign-up booth, and dumpsters. The starter shack was approved as a permanent structure, but was required to be flood-proofed (SEUP 92-2, Conditions 1a & 1e). All other structures, with the exception of the fence posts, were required to be removed during the rainy season (October 15th to April 15th). During the rainy season, races were permitted to take place and the approved facilities could be installed for the racing event, but would need to be dismantled and removed from the property at the end of each day. The permits also established designated parking areas and guidelines for the maintenance of the track and protection of native oak trees located on the site.

Subsequently, the project proponents applied for storage of track-related equipment in the wet season. While the project was initially approved, the action was appealed to the City Council. The appeal was initially denied by City Council; however, requests from neighbors and an absent Councilmember led to a reconsideration of the appeal. On September 5, 2001, the City Council ultimately decided to uphold the appeal and denied the requested Administrative Permit (AP 00-52). The appellants argued that preventing wet season storage did not prevent the BMX track from operating, noted that the site may flood in the future as it has in the past, and expressed concern that the equipment would cause issues with debris in a flood event. A letter issued by Planning staff on September 24, 2001 clarified the permissible activities on site (Attachment 1).

It is also noted that in March 2000, an Administrative Permit for a caretaker's trailer to occupy the site during the dry season was approved. This caretaker's trailer remained on the site year-round until late summer of 2023. The structure and its occupants have since been removed from the site.

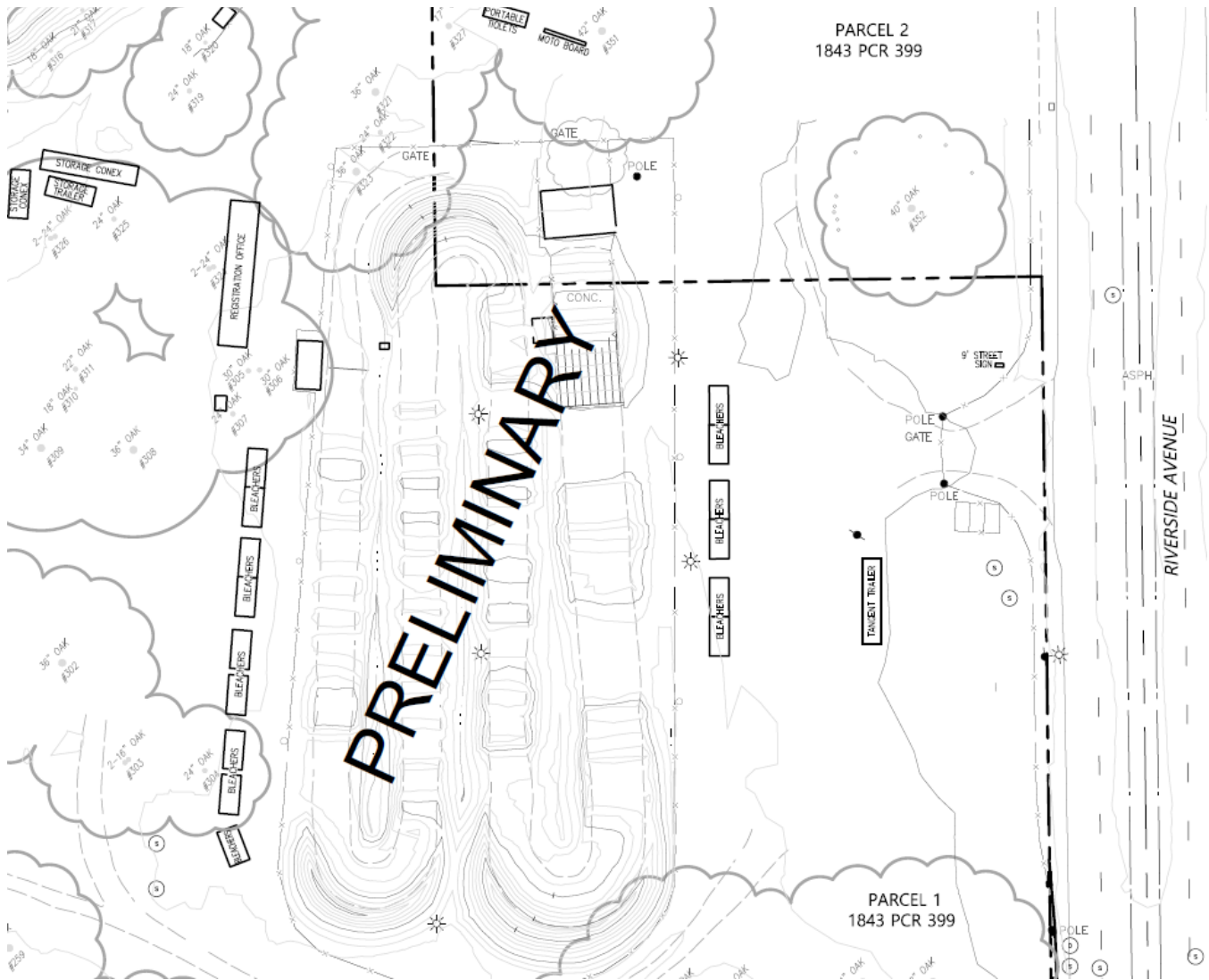
Project Request

The project request would allow wet season (October 15th to April 15th) storage of equipment associated with the Oak Creek BMX facility, as well as allow a 9.5-foot-tall monument sign along the property frontage on Riverside Av. According to the applicant, the portable equipment located on the site includes three (3) Conex storage containers, one 20 ft x 8 ft mobile trailer, one 60 ft x 12 ft mobile registration office trailer, fifteen (15) bleacher structures, one scoring trailer, one starting booth, dumpsters, and portable restrooms. The starter shack is also located on the site, and is already permitted to be on site year-round. The project includes an operational description which lists the major events currently hosted by the facility, as well as a description of modifications to the track to realign the course.

As discussed in the Background section of this report, the site has a previously approved Special Exception Use Permit, Special Use Permit, and Tree Permit associated with the BMX facility. This Flood Encroachment Permit (FEP) would memorialize the current operations and equipment of the BMX facility.

It is noted that realignment of the course is already permitted by the previously approved entitlements. Future modifications to the site will require additional review and a modification to the FEP.

Figure 2: Site Plan



EVALUATION

The City of Roseville Zoning Ordinance requires a Flood Encroachment Permit (FEP) for any recreational uses which may involve storage of materials or equipment in the Floodway Zone District (Section 19.18.040.G) subject to the Floodway Standards set forth in Section 17.18.040.I. Two findings must be made to approve a FEP (Section 19.78.060.E). The two required findings are listed below in ***italicized, bold*** text and are followed by an evaluation of the findings.

- 1. The flood encroachment will be constructed and will be operated in compliance with all standards and regulations set forth in Chapter 19.18 of this title; and***
- 2. The flood encroachment will not result in increased exposure of life and property to flood related hazards.***

The intent of the Floodway (FW) and Floodway Fringe (FF) standards are to promote public health, safety, and general welfare, as well as to minimize losses from flooding. Almost the entire subject property is located within the FW and FF zone districts due to the presence of Dry Creek along the southern portion of the property. According to the FW district, private recreational uses and uses with a “primarily open space nature” are permitted subject to the issuance of a FEP. While the subject property has previously been issued entitlements called Special Exception Use Permit and Special Use Permit, the development has incrementally exceeded the approved scope of those permits. As those entitlement types are no longer described in the current Zoning Ordinance, the FEP is the appropriate entitlement for the proposed project.

FW and FF Standards: According to Section 19.18.040 of the Zoning Ordinance, there are General Standards, Standards for Structures, requirements for storage of material or equipment, and other applicable requirements outlined for development in the FW and FF zone districts. Allowable uses shall be based on the reasonable assumption that the use will be consistent with the need to minimize flood damage, be located and constructed to minimize flood damage, and provide adequate drainage to reduce flood hazards. The BMX operation at 648 Riverside has been located on the subject property since at least 1985, and has previous entitlements and conditions of approval which align with the purpose of the zone district.

There are several standards outlined for structures in the FW and FF zones. No structures that are designed for human residence, for example, are permitted in the FW zone (it is noted that the caretaker facility has been removed). Additionally, structures shall have low flood damage potential; shall be constructed (wherever possible) parallel to the direction of flood flow; and shall be firmly anchored to prevent flotation, collapse, or lateral movement during a flood event. Service and utility facilities, such as heating and electrical equipment, shall be constructed at least one foot above base flood elevation and/or shall be floodproofed. All construction shall be with materials resistant to flood damage.

Criteria for Development Approval: According to Section 19.18.040.J, the Approving Authority shall consider all relevant factors in the FW and FF zone district, including:

- The danger to life and property due to increased flood heights or velocities caused by encroachments.
- The danger that materials may be swept onto other lands or downstream to the injury of others.
- The proposed water supply and sanitation systems, and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner.
- The importance of the services provided by the proposed facility to the community.
- The requirements of the facility for a waterfront location.
- The availability of alternative locations not subject to flooding for the proposed use.
- The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- The compatibility of the proposed use to the general plan and floodplain management program for the area.
- The safety and availability of access to the property in times of flood for ordinary and emergency vehicles.
- The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
- The compatibility of the proposed use with preservation of valuable fish and wildlife habitat.
- Such other factors which are relevant to the purposes of this section.

The BMX track provides a unique recreational amenity within the City of Roseville which has a minimal permanent footprint. The BMX track and associated facilities have been documented in operation on this site since at least 1985, and have been found to be a compatible use for the site. Previous entitlements have been approved to continue the operation. For the current request, City staff from relevant departments, including Public Works – Floodplain and Development Services – Engineering staff, have reviewed the application and the proposed structures on site and found that the proposed project would be an acceptable site condition with the recommended conditions of approval in place. Conditions #6 and #7 specifically list the items which are permitted to be stored on site during the wet season. These items include three Conex storage containers, one 20 ft x 8 ft mobile trailer, one 60 ft x 12 ft mobile registration office trailer, fifteen (15) bleacher structures, one scoring trailer, one starting booth, dumpsters, and portable restrooms. The condition also states that the project proponent must maintain up-to-date contact information with Public Works staff, and may require the removal of the structures on site if a flood event is imminent. No further development of the site is proposed at this time, and no permanent structures are permitted or proposed as a part of this application. The proposed monument sign will be parallel to the direction of potential flood flows to minimize obstruction. Any future site improvements, such as fencing or paving of the parking lot, would require additional review and a modification of the FEP.

With the recommended conditions of approval, in addition to the previously adopted conditions of approval for the Special Use Permit, Special Exception Use Permit, and Tree Permit, the project is consistent with the intent of the FF and FW zone districts and approval standards. This evaluation considered the 13 criteria outlined in Section 19.18.040.J and no conflicts with any of the relevant factors were identified.

PUBLIC OUTREACH

The proposed project was distributed to the various agencies and departments which have requested notice of City applications, and all comments were considered and incorporated into the Conditions of Approval, as appropriate. Notice of the application was also distributed to the Roseville Coalition of Neighborhood Associations. Additionally, flyers were mailed to a 300-foot radius in October 2023, informing the neighborhood about the proposed project and inviting comments and questions. Staff received two phone calls requesting clarity on the project, but the callers had no other comments on the project.

One neighbor called and spoke to Planning staff regarding the existing BMX operation. The neighbor commented on existing issues related to noise (particularly from the Public Address systems used during races) as well as homeless encampments that commonly occur on the property. Section 19.18.040.K of the Zoning Ordinance allows operational conditions to be applied to Flood Encroachment Permits; therefore, staff recommends Condition #4, which prohibits the use of amplified sound between 10:00 pm and 7:00 am and ensures compliance with the City Noise Ordinance. It is noted that Noise Ordinance issues are enforced by the Police Department.

A public notice of the Planning Commission hearing was published on December 28, 2023, and was distributed to all residents and property owners within 300 feet of the project site. To date, no comments have been received since the publication of the Planning Commission notice.

CONCLUSION

Staff recommends approval of the requested FEP based on the foregoing analyses and the recommended conditions of approval. The findings for the FEP can be made.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 for Existing Facilities and pursuant to Section 305 of the City of Roseville CEQA Implementing Procedures. The proposed project will update entitlement approvals for the existing physical and operational condition of the BMX facility. The new, temporary structures outlined in the Project Description section of this report total less than 2,500 square feet, as stipulated in the terms of the exemption class. These structures will be located in an area that is currently heavily used by site operators, and will not expand the area of use on the overall site.

Furthermore, none of the exceptions to exempting projects, as outlined in Section 15300.2 of CEQA, apply to the proposed project. The project does not request exemption through Classes 3, 4, 5, 6, or 11. As this is an existing use and surrounded by development, there are no cumulative impacts which have not been considered that will have a significant effect on the environment. There are no unusual circumstances that will have a significant effect on the environment proposed as part of the project, as all uses are permitted and the project will occur within an existing facility. The project is not located adjacent to a scenic highway, is not located on a hazardous waste site pursuant to Section 65962.5 of Government Code, and will not result in a substantial adverse change in the significance of a historical resource.

RECOMMENDATION

The Planning Division recommends the Planning Commission take the following actions:

- A. Adopt the findings of fact as stated in the staff report and approve the **Flood Encroachment Permit – 648 Riverside Av. – INFILL PCL 179 – Oak Creek BMX Flood Encroachment Permit – PL23-0197** subject to eight (8) conditions of approval.

CONDITIONS OF APPROVAL FOR FLOOD ENCROACHMENT PERMIT FILE #PL23-0197

1. This Flood Encroachment Permit approval shall be effectuated within a **period** of two (2) years from **January 11, 2024** and if not effectuated shall expire on **January 11, 2026**. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval does not extend the expiration beyond **January 11, 2027**. (Planning)
2. The project is approved as shown in Exhibits A and B and as conditioned or modified below. The facility shall operate consistent with the plan outlined in Exhibit C. (Planning)
3. The project will comply with the original conditions of approval (SUP 91-61, SEUP 92-2, TP 91-29) except as modified below. (Planning)
4. Amplified sound volumes shall not exceed the sound limits established by Section 9.24.110 of the Municipal Code, and no amplified sound will be permitted between 10:00 pm and 7:00 am. It is unlawful for any person at any location to produce amplified music or sound which causes the exterior sound level when measured at the property line of any affected sensitive receptor to exceed: Daytime (7:00 am to 10:00 pm) noise levels of 50 dB Leq, A weighting dBA or 75 dB Leq, C weighting dBC; Nighttime (10:00 pm to 7:00 am) noise levels of 45 dB Leq, A weighting dBA or 70 dB **Leq**, C weighting dBC; greater than

a 10 dB increase in any one-third octave band; or any other factors as established by Section 9.24.110 of the Municipal Code. (Planning)

5. No permanent structures shall be built within the Floodway Zone. (Public Works)
6. The following equipment is approved to be stored within the perimeter fence of the track during the wet season from October 15th to April 15th: Three Conex storage containers, one 20 ft x 8 ft mobile trailer, one 60 ft x 12 ft mobile registration office trailer, fifteen (15) bleacher structures, one scoring trailer, one starting booth, dumpsters, and portable restrooms, all of which shall be anchored within the perimeter fence of the track to the satisfaction of the Engineering Division during the Wet season from October 15th to April 15th. Prior to October 1st of each year, the applicant shall contact the City of Roseville Public Works Department/ Engineering Division/ Floodplain Management Section to schedule an inspection of the equipment and anchoring. Prior to October 15th of each year the applicant shall complete any corrective measures to the equipment anchoring as identified during inspection by the Engineering Division. (Public Works)
7. At the request of the City of Roseville Public Works Department/ Engineering Division/ Floodplain Management Section, the project applicant or property owner shall be responsible to move the 20 ft x 8 ft mobile trailer, the 60 ft x 12 ft mobile registration office trailer, and any other unanchored equipment, from the site within twenty-four (24) hours of such request during times of eminent flood danger as determined by the Engineering Division. The property owner shall be responsible for and obligated to move the trailers and unanchored equipment at such request of the Engineering Division. Additionally, contact names and telephone numbers of persons with authority to move the temporary trailers and unanchored equipment shall be provided to Public Works / Engineering / Floodplain Management Section for both working hours and non-working hours for possible notification. In the event that the authorized staff or telephone numbers change, the updated names and/or contact numbers shall be provided to Public Works / Engineering Division / Floodplain Management Section at (916) 746-1300. All appurtenances of the trailers that are necessary to make the trailers moveable shall be maintained on site as required by the Engineering Division. All electrical, telephone, water and wastewater service connections shall be connected in a manner allowing quick disconnect without having to break or dismantle the service. (Public Works)
8. Future upgrades or modifications to the site as described in the “Oak Creek BMX Operational Description” submitted for review shall be permitted by the City of Roseville prior to implementation/construction. Such future upgrades or modifications include, but are not limited to, track grading, track paving, parking area paving, and fencing installation/modification. (Public Works)

Attachments

1. September 24, 2001 letter to the applicant
2. SUP 91-61, SEUP 92-2, TP 91-29 Conditions of Approval

Exhibits

- A. Site Plan
- B. Proposed Sign
- C. Operational Description

Note to Applicant and/or Developer: Please contact the Planning Division staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Manager at, or prior to, the public hearing.