

## **FROM THE PLANNING COMMISSION MINUTES OF MAY 10, 2012**

Prior to the beginning of the Public Hearing portion of the meeting, Chair Pratt announced that they did not have a full Commission, although they did have a quorum to make decisions. He stated that Commissioner Tolhurst would not be present for today's hearing. Historically, the Commission, as a courtesy, has allowed applicants before the Commission to request their item be continued to be heard by a full Commission. That request must be made before the item is started. Once the hearing is started, the applicant may not request a continuance on the grounds of not having a full Commission. At this time, the earliest that there may be a full Commission would be at the June 14, 2012, hearing.

### **8. SPECIAL USE PERMIT**

**b. S03-0005-R-2/El Dorado Hills Community Park Revision** submitted by EL DORADO HILLS COMMUNITY SERVICES DISTRICT to request the following: (1) Special Use Permit Revision to allow the development of new park facilities including a dog park, a basketball court, four batting/pitching cages, a restroom, a multi-use trail, and a foot bridge over New York Creek 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 zero with installation of a multi-use trail, pedestrian bridge, and dog park within the required setback. The property, identified by Assessor's Parcel Number 125-110-09, consisting of 39.5 acres, is located at the intersection of El Dorado Hills Boulevard and Harvard Way in the El Dorado Hills area, Supervisorial District 1. [*Project Planner: Aaron Mount*] (Mitigated negative declaration prepared)\*

Peter Maurer presented the item to the Commission with a recommendation for approval. He stated that the Mitigated Negative Declaration had been prepared by the El Dorado Hills Community Services District (CSD) and staff had determined that it satisfied the requirements and it was used for today's hearing.

Mark Riemer, El Dorado Hills CSD Interim Parks Director, stated that the project had been in the works for many years and included four elements, with three of those anticipated to be in the construction phase this year.

Chair Pratt voiced concern about the walking link from the park to the cul-de-sac as it will attract users to park in residential areas since it would be a shorter distance to walk. He also inquired if there was a management plan for the maintenance/run-off from the dog park. Mr. Riemer responded that rules would be established and if they were not followed, then the fence for the dog parks would be removed. He also stated that they could have buffer plantings and since El Dorado Hills has asbestos, a soil survey would need to be conducted.

Keith Omerdam, adjacent neighbor, made the following comments:

- Objection is with the dog park and over the last couple of years has spoken with the people involved with the dog park but has met resistance in addressing the issues;

- Individuals involved in the group organizing the dog park include past CSD staff;
- Dog park element of project appears to be more “under the radar” than the other project elements;
- Trail by proposed location of dog park is used frequently and would be impacted;
- Asbestos issue is not being openly discussed and the environmental document was prepared prior to the severity of the asbestos issue being discovered;
- Other locations with less impact should be reviewed instead of placing a dog park next to residences and near a soccer field; and
- Requests that the dog park element be removed from the project as there is not enough public knowledge about it.

Casey Rhyan, adjacent neighbor, made the following comments:

- Found out about project in September 2011 after reading a newspaper article;
- Concerned that asbestos issue is not addressed in the environmental document;
- Concerned that no Air Quality Management District representative is involved in the project;
- Challenges that the environmental document states “no impact” to air quality, particularly since it was prepared in 2003 and there have been significant changes since then;
- Dog park will attract non-residents as there are no other local dog parks in the area;
- Project would be injurious to public health due to the asbestos;
- Neighborhood residents are unaware of this project and there appears to be a gap in communication from the CSD; and
- Noise from dogs residing in adjacent lots was not taken into account in the environmental document and the neighborhood has drastically changed since the document was prepared.

Carla Campbell/resident stated she had been trained as a Geologist and was concerned about the dog park being located right next to residences. Her main objection was the CEQA document referencing the 2003 Master Plan and 2003 Air Quality Standards when the County amended those Air Quality Standards in 2005 and disagreed that there were no impacts. Ms. Campbell also felt that there were better alternate locations which would put the dog park further away from residences and mitigate the dust issues.

Bill Vandegrift, El Dorado Hills CSD Board Director, made the following comments:

- Unaware that the public had concerns on the dog park
- Was present today in order to facilitate progress on the basketball court and restrooms;
- Had been under the impression that the CSD had sent out mailers to surrounding property owners on this project, particularly since they had been working on the dog park for a number of years;
- Proposed area is currently being used by dog owners;
- Referenced Commission’s concern over run-off to creek from the dog park;
- Believed that they need to re-consider the dog park but would like to move forward with the other elements of the project; and
- Encouraged residents to attend the CSD meetings.

County Counsel Frantz stated that after reviewing the Subsequent Mitigated Negative Declaration (MND), it may not be adequate for the new element being added north of the existing baseball field in regards to noise and asbestos and she referenced page 3 of the Staff Report which listed the deletion/addition of uses/elements. However, the uses/elements being proposed for the south side of the existing baseball field are very similar to what is being removed and that the environmental document had adequately analyzed these elements and they could be approved with this document. She stated that public comment indicates that the CEQA document is inadequate for a portion of the project and, therefore, suggested either continuing that portion to allow staff and the applicant time for revisions or to continue the entire project until the analysis for that portion is completed. County Counsel Frantz also spoke on mitigation measures in regards to construction and that there are new Air Quality Management District rules on dust mitigation.

Commissioner Rain made the following comments:

- Dust was not covered in the environmental document and should be addressed and done correctly;
- Location of dog park is a bad fit as it is next to residences and is opposed to that proposed location; and
- Other elements of project should move forward.

Commissioner Heflin made the following comments:

- This was a great exercise in public participation, which raised good issues with the environmental document; and
- Need to remove the dog park element from the project due to public and safety issues and that it is injurious to the neighborhood.

Commissioner Mathews made the following comments:

- Applauded County Counsel for addressing the issue of the MND not being adequate for the dog park; and
- Did not like the proposed location of the dog park.

Chair Pratt made the following comments:

- CSD needs to address outreach to residents;
- Special interest group and some public would benefit from the dog park, but location needs to be addressed; and
- Need to consider peak period parking and implement a plan that would not impact surrounding residences.

County Counsel Frantz stated that the motion would need to be conceptual as there are areas in the Conditions of Approval that would need to be addressed if an element was removed. Mr. Maurer stated that staff could return at the next meeting with the revised Conditions.

Mr. Reimer requested that the Commission move forward with all the elements of the project except for the dog park. In addition, the conceptual action would allow him time to report back to his Board for direction on how to proceed by the next Commission meeting.

No further discussion was presented.

**Motion: Commissioner Rain moved, seconded by Commissioner Mathews, and carried (4-0), to: (a) Conceptually approve the changed improvements east of New York Creek and south of the baseball field (removing the tennis courts and adding the basketball court and batting cages), construction of the restrooms, and construction and placement of the bridge; (b) Find that the Subsequent Mitigated Negative Declaration prepared by the applicant is adequate for the proposed changes with the proposed modifications/clarifications and the updated construction-related dust control mitigations; and (c) Find that the reduction in the riparian area setback from 100 feet to zero with the installation of the bridge; and, therefore, with the identified modifications, take the following conceptual actions: 1. Adopt the Subsequent Mitigated Negative Declaration, based on the Initial Study prepared by the applicant, as changed and modified; 2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measures in the Conditions of Approval as modified; 3. Approve Special Use Permit Revision S03-0005-R-2 based on the Findings, subject to the Conditions of Approval as modified; and 4. 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 zero with the installation of a pedestrian bridge within the required setback; and direct staff to return on June 14, 2012 with revised Findings and Conditions of Approval.**

**AYES: Heflin, Mathews, Rain, Pratt**  
**NOES: None**  
**ABSENT: Tolhurst**