

FROM THE PLANNING COMMISSION MINUTES OF OCTOBER 23, 2014

AGENDA ITEMS

6. (14-1379) Hearing to consider request to create two parcels, rezone from Estate Residential Five-Acre (RE-5)/Estate Residential (RE-10) to Recreational Facilities (RF) for Parcel 1 only, and a Special Use Permit for an equestrian facility [Rezone Z04-0015/Special Use Permit S01-0011/Parcel Map P08-0036/Springs Equestrian Center]* on property identified by Assessor's Parcel Number 115-410-05, consisting of 146.42 acres, in the Rescue area, submitted by Dennis Graham; and staff recommending the Planning Commission recommend the Board of Supervisors take the following actions:

- 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
- 2) Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the Conditions of Approval and mitigation measures as presented;
- 3) Approve Z04-0015 to rezone proposed Parcel 1 from Estate Residential Five-Acre (RE-5)/Estate Residential (RE-10) to Recreational Facilities (RF) based on the Findings as presented;
- 4) Conditionally approve tentative Parcel Map application P08-0036, based on the Findings and subject to the Conditions of Approval as presented; and
- 5) Conditionally approve Special Use Permit application S01-0011, based on the Findings and subject to the Conditions of Approval as presented.

(Supervisory District 1)

Aaron Mount presented the item to the Commission with a recommendation to the Board of Supervisors for approval.

The Commissioners identified below made the following disclosures:

- Commissioner Heflin met with the applicant and did a site visit;
- Commissioner Stewart spoke to the applicant during an El Dorado Hills APAC meeting; and
- Commissioner Ridgeway did a site visit and stated that the email he had sent to several local residents mistakenly gave the perception that he had made up his mind on this project and that was not correct.

County Counsel David Livingston made the following comments:

- Spoke on the government codes regarding site visits and based on what several of the Commissioners just disclosed, there was nothing done inappropriately;
- Spoke on due process clause regarding public members' concerns on pre-judgment by one or more Commissioners and spoke on various court cases; and
- Stated that if the Commission remains open-minded during the hearing while taking public testimony, then there would be no determination of bias.

Commissioner Stewart commended the other Commissioners for conducting a site visit, with Commissioner Heflin responding that it is standard practice for Commissioners to talk to not only the applicants but also the opponents prior to a hearing.

Brian Holloway, applicant's agent, made the following comments:

- Thanked Mr. Mount for the Staff Report;
- Agreed with the Conditions of Approval and suggested a new condition be added to create a Good Neighbor Committee with the neighbors and the school which would have regular scheduled meetings to resolve any unintended consequences from the project; and
- Updated copy of project was distributed to the Commission and the audience.

Dennis Graham, applicant, in response to Commissioner Stewart's request, provided more information on the two equestrian centers that were used in the traffic study.

In response to Commissioner Stewart's inquiry on sewage connection, Casey Feickert, TSD Engineering, stated that not a lot of sewage would be generated at the site and during special events, portable toilets on trailers would be brought in.

Fred Sanford, Environmental Management, stated that in 2005, a perc and mantle test was done and the estimate from the Youngdahl report was that it would be the equivalent to a one to two bedroom house. He further stated that the store is the only building that would have plumbing.

Commissioner Ridgeway voiced concern on a business model that included four weddings a week, which far outweighed the horse shows.

Mr. Holloway responded that they were not anticipating the weddings to be conducted year-long and that it looked worse than what it would be. He stated that the weddings would be for members of the equestrian center. In addition, Mr. Holloway said that since noise was a concern, they conducted a simulation test with music and received feedback from the neighbors.

Chair Mathews inquired on the following:

- Building elevations and if they would be enclosed (i.e., barns);
- How much of the facility would be seen by the nearest neighbor in the subdivision;
- Amplified events;
- How is applicant addressing concerns on odors, flies, and wastewater; and
- Weddings are a big issue.

Mr. Graham made the following responses to Chair Mathews:

- Facilities would not be seen from Green Valley Road and there would be a filtered view from Deer Valley Road due to the large trees;
- Horse shows are very quiet in nature and although there would be amplified announcements, it would be at a low level due to the serene environment;
- Spoke on the various systems that would be used to address odors, flies, and wastewater; and
- Weddings would be held in the center of the project, would have the noise monitored during the event; would be catered, and requested four a week on the high side as it is very income producing.

Commissioner Heflin stated that since the development of the facility is already being phased in, he would like to consider also phasing in the number of weddings. Mr. Graham stated that their five year plan was aggressive and would be open to having a condition regarding weddings being phased in.

James Degner made the following comments:

- Lives across from the project site;
- Familiar with equestrian and ranch proposal;
- Can't believe this would ever be approved as proposed and is concerned that Commissioner Ridgeway's email was already showing support of this project;
- Have already submitted written comments;
- There has been no talk on the rezoning to commercialize the property;
- Property was originally considered a green belt;
- Spoke on the original proposal given to the neighbors by the applicant;
- Doesn't believe much of what he has heard as it isn't common sense;
- Public is here to tell you that they don't want this;
- Equestrian centers are going out of business;
- Critical question of this request is the rezone, the commercialization of the property;
- Can hear noise from other properties, including the school; and
- Believes that the Commission is putting a package together to approve.

Gary Craver made the following comments:

- He backs up to the site;
- Can see through the trees to see the school;
- Can hear noise from the school; and
- Major concern is the traffic and suggested one-way traffic through the site with different entrance and exit points.

Don Van Dyke, HOA President of Green Springs Ranch, made the following comments:

- Distributed packet of materials to the Commission;
- Spoke on original project that was submitted in 2012 which was a smaller version;
- Spoke on similar size projects that are located in rural areas;
- Green Springs Ranch HOA is not opposed to the equestrian center but is concerned on the size of the center and the number of events;
- This is a giant commercial activity;
- Members of the neighborhood visited other equestrian centers and found them to be very noisy;
- The issues are intensity, traffic, and noise;
- Deer Valley Road is the only entrance/exit point for 100 homes and they would have to share with the equestrian center;
- One of the projects used as a comparison is actually an equestrian lifestyle; and
- Met several times with applicant and he has made some minor changes.

Rita Moeller made the following comments:

- Lives directly across from project;
- Spoke on proposal vs what the applicant stated in testimony;
- Noise can be heard very well at night;
- Proposal is for four weddings every weekend until 10:00pm;
- Noise will travel throughout the neighborhood, including to Serrano;
- Understands applicant needs to make money, which is why he is requesting four weddings every weekend within four years;
- Has considered moving from her home before the weddings start;
- Concerned on manure removal and garbage company stated they would remove it three times a week;
- Spoke on number of members allowed;
- Porta-potties for brides?
- How many porta-potties will constantly be coming in/out for events;
- Project hasn't been thoroughly thought out; and
- This would be a commercial center next to a residential neighborhood of 100 homes.

Betty Peterson made the following comments:

- Lives across the street;
- Bought property 20 years ago so they could be rural;
- Original proposal sounded like a good addition but this new proposal is much larger;
- Most neighbors didn't know about the informal noise study;
- Big commercial center; and
- Phasing doesn't matter as the project will still be there after 5 years.

Cathy Keil made the following comments:

- Lives in the Ranch;
- No approval until noise and traffic are under control, no odor, and water quality;
- What is recourse if there are violations; who do they contact;
- Understands Deer Valley Road turn off- will remain status quo; and
- Has large trailer which is already difficult to enter/exit without swinging wide.

Ellen Van Dyke made the following comments:

- Green Springs Ranch resident;
- Widening of road doesn't include turn lanes;
- Met with applicant and County staff;
- As proposed today, would hugely impact the Ranch;
- Disagreed that all impacts have been mitigated;
- Supplemental traffic study looked at weekend events and is not comparable to weddings and special events;
- U.S. Army Corps of Engineers case is still open on the applicant;
- County staff has not acknowledged that this is too much for the site;
- Photo sim should be required of what project would look like as there is disagreement that you won't be able to see it; and

- Strongly opposed to project due to intensity of use.

Carol Davies made the following comments:

- Green Springs Ranch resident and borders project;
- Present when noise exercise was done by applicant and showed her that all sound is not created equal to a receiving ear;
- Non-stop constant lyrics of songs, even at a lower level than County standards, is intrusive and unacceptable;
- Original project was equestrian events but now it contains more events, including weddings from Friday evening to Sunday evening which is insane;
- Weddings and special events are non-equestrian events;
- Concerned on duration of noise due to four weddings a weekend and that is excessive; and
- Wants to be a good neighbor but aggressive proposed calendar is inconsistent with setting.

Olena Kucera made the following comments:

- Ranch resident;
- There is a commercial nature of the project;
- Equestrian center, per the applicant, doesn't bring in lots of money, which is why they are proposing weddings;
- Size of project and weddings are the concerns;
- Questioned if they would have any protection from construction noise on weekends;
- There is no requirement of having the receptions indoors;
- Original plan was nice;
- Phasing is a concern because the request is for a rezone, which is forever;
- Not going to make money if there is only one barn;
- If equestrian center doesn't work, what is the back-up plan and what would it be used for if it was sold; and
- Too big and intense for site.

Chair Mathews closed public comment.

Ken Andersen of KD Andersen, spoke on the several traffic studies they had prepared for the project.

Paul Bollard, Bollard Acoustical Consultants, spoke on the several studies they had prepared for the project and on the County's noise standards. He stated that audibility is not the subject of CEQA analysis.

Mr. Holloway made the following rebuttal comments:

- Appreciated the neighbors' testimonies, especially Mr. Van Dyke's as he has been candid, careful and polite during discussions;
- Will continue to meet with the Green Springs Ranch residents;

- Nothing has been done because they don't have approval yet;
- Spoke on if property was sold and a different project was to be placed on it;
- The suggested one way in and one way out is already in place;
- In response to concerns on the number of weddings, proposed to phase them in by having no weddings until Year 3, then one wedding per weekend until Year 5 which would then allow two weddings per weekend;
- Good Neighbor Committee should be first point of contact if there were any concerns on violations before the County got involved; and
- Major theme is that the project doesn't belong but what is more country than an equestrian center.

In response to Commissioner Heflin's request, staff spoke on the proposed zoning and what is allowed by right, review, and a Special Use Permit.

Commissioner Stewart made the following comments:

- Disclosed that in July 2012, he had written in support of the concept of the project, but had not been on the Planning Commission at the time;
- Still supports the concept but the project is not a rural recreational center but instead is a full blown heavy duty commercial use and is not appropriate for the area;
- Assumptions in traffic study are not accurate in regards to the comparisons used from Southern California;
- Would expect over 1,000 trips/day;
- Old El Dorado Hills golf course would be a more appropriate site due to the intense commercial activity in that area;
- Applicant can request removal from the Community Region;
- Doesn't take rezone requests lightly;
- El Dorado County residents need to be able to rely and count on the zoning; and
- Small, quaint equestrian center would be more appropriate.

Commissioner Shinault made the following comments:

- Noise from weddings seems to be a big concern;
- No discussion on where weddings would be held;
- To address the noise concern, all amplified music should be indoors;
- Lots of density and unsure if parcel can handle it;
- Project appears to be lacking in thought and design and there are still many questions left unanswered; and
- Need to decrease the size and address the issue of noise from weddings.

Commissioner Heflin made the following comments:

- Conditions of Approval are used to control a situation and this has a good set of Conditions, which is good protection;
- Public feels this is too intense;
- If approved and applicant violates the Conditions, the Commission would have another hearing to revoke the Special Use Permit;

- Good project but as the phasing takes place this becomes a large project;
- Conditions on noise, odors, traffic, etc.
- Ultimate size is the issue, but applicant has suggested to decrease the number of weddings; and
- Supports the concept.

Commissioner Ridgeway made the following comments:

- Supports the concept; and
- Concerned if he was a resident of that area due to the intensity of traffic.

Commissioner Mathews made the following comments:

- Agreed with Commissioner Stewart;
- Challenging site for this project;
- Too many questions on noise and odors;
- Footprint doesn't encourage residents to have quiet enjoyment of their properties;
- Can't support it in its current form (i.e., size, noise, weddings);
- Good project for County;
- Drastic change to neighborhood;
- Would hate to vote against it if there could be mitigations placed; and
- There are a lot of "what ifs" and it may be benign but there are issues that haven't been addressed.

County Counsel Livingston clarified the actions that the Commission could take and reminded them that this is a recommendation to the Board of Supervisors as it is a rezone request.

Mr. Graham made the following comments:

- Original proposal in 2003 was for 250 horses;
- Spoke on the number of horses;
- Had two Town Hall meetings;
- There are supporters of the project that live in the Ranch;
- Small, quaint center won't make money and they would go out of business;
- Has tried to educate the public;
- If weddings are the bottleneck, he has suggested decreasing the number allowed; and
- He is fine with conditioning the project and can return to the Commission with what they would be proposing.

There was discussion on weddings, enclosed buildings and signalization on Green Valley Road.

County Counsel Livingston spoke on different options available to the Commission and suggested they may want to continue the item off-calendar as it appeared that might make the most sense.

Mr. Graham responded that he supported due process and requested that the item be continued off-calendar so he could continue to meet and educate the public on the project. He felt that they were not too far off from some resolutions.

Commissioner Stewart encouraged the applicant to have total transparency with the neighbors.

There was no further discussion.

Motion: Commissioner Stewart moved, seconded by Commissioner Mathews, and carried (5-0), to continue the item off-calendar.

AYES: Ridgeway, Heflin, Shinault, Mathews, Stewart
NOES: None