

ACCORD

Advisory Citizens Committee for Orderly Responsible Development

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BOARD OF SUPERVISORS
EL DORADO COUNTY
2007 DEC - 6 PM 4:53

Helen Baumann,
Board of Supervisors,
330 Fair Lane, Bldg. A,
Placerville, CA 95667.

Dec. 5, 2007

Re: Agenda item #07-1882 LOTH Ball Field – Special Use Permit

Dear Helen,

As a member of ACCORD, an organized group of Cameron Estates residents who are dedicated to preserving the rural and residential nature of our community, I have found it necessary to bring certain matters to your attention.

In regard to the Light of the Hills Lutheran Church request for a Special Use Permit to build a ball field on a five-acre residential parcel (APN 109-161-31) in our community, zoned RE-5, we are opposed to such Special Use Permit. Our community has long been established as a rural residential community and we do not welcome the intrusion of a public ball field, with its accompanying detrimental noise and safety factors.

This matter was brought before the Planning Commission for their approval and recommendation to the Board of Supervisors. The Planning Commission was misled by a fortuitous (?) error in the Application as submitted by the LOTH church. This error created confusion between the lot the church is built on which is zoned R2-PD and the lot the church wants to build the ball field on which is adjacent, but zoned RE-5. The error is on the second page (page 2 of 10) of the LOTH church application, first paragraph, third line from top, where it states a parcel number that should have been the number of the R2 PD lot, (APN 109-161-01) but the parcel number of the RE-5 lot (109-161-31) was substituted, making the Planning Commission think that the lot the Church wishes to build the ball field on was one on which the existing zoning gave the church the RIGHT to build the ball field. (We understand parks and ball fields are allowed on R2-PD zoning.) Also the fact that the LOTH church grouped together the three separate issues of the re-zoning of the lot their existing church is built on, the revising of their original Special Use Permit and the application for the new Special Use permit on the adjacent lot has added greatly to this (perhaps also fortuitous) confusion.

Due to this error the Planning Commission voted on an erroneous understanding.

Commissioner Tolhurst stated at the Oct. 25 meeting that the existing zoning of this lot would give the church the RIGHT to build their ball field, but since the number was wrong he was applying the wrong zoning to the lot in question when he made this statement. The other Planning Commissioners relied on his statement. This error was perpetuated in the final wording, as written by staff, that the Planning Commission relied on when they voted on Nov. 8, 2007.

Another matter that should be brought to the attention of the Board of Supervisors is the fact that at the Oct. 25 Planning Commission Meeting Commissioner Dave Machado made a motion to approve the construction of the ball field with certain restrictions. These restrictions included the following:

1. No lights.
2. To be used from 9 AM to 6 PM only.
3. For church use only, no community sports leagues.
4. Signs to be posted around the property stating that the sports field is "For Church Use Only" etc.

Legal counsel for the Planning Commission stopped the vote on Oct. 25, and moved the matter to the consent calendar for the following meeting based on the need to go through the entire document (the Special Use Permit Application) and re-word various sections to avoid any contradictions that might arise due to the new restrictions.

The matter was on the consent calendar of the next Planning Commission Meeting on Nov. 8th and at 8:30 AM it was voted on and passed 4 to 1 by the Planning Commission, with only Walter Matthews dissenting. ACCORD members attended both of these Planning Commission Meetings. Several of the members of ACCORD were allowed to speak at the first meeting. A smaller delegation of our membership attended the Nov. 8th meeting but was not given the opportunity to speak. Although we did wish to point out to the Commissioners that they had voted based on a misunderstanding of the facts, we were unable to do so and therefore very frustrated.

The new wording was not available to us before this second meeting. Also we understand that the Planning Commissioners did not re-read the new wording but relied on their staff. When we were finally able to obtain a copy of the "Attachment 1 – Conditions of Approval" and we read the new wording that staff had prepared for the consent calendar it did not reflect the intent of the original motion made by Dave Machado. We have brought this to Mr. Machado's attention and he agrees that the new wording of the motion, as prepared by staff, ("but not limited to") does allow "wiggle room" for the church to invite community sports leagues to play their loud games in our quiet residential neighborhood on a residential lot.

Two days after these restrictions were placed on the church by the Planning Commission the LOTH church sent a letter to the residents of Cameron Estates stating

that they intended to bring this great new ball field "to the community." The letter made it apparent that they do not intend to abide by the restrictions the Planning Commission recommended.

To review these facts:

- 1. The Planning Commission voted based on a misunderstanding of the facts caused by an error in the Special Use Application as submitted by the church.**
- 2. The re-wording by staff (that the Planning Commission did not read but voted on) does not reflect their intent.**
- 3. The church wants to build a public ball field on a residential lot, zoned RE-5.**

We find these three issues to be of critical concern to those of us who do not wish to have a ball field built in our residential community. Please review the facts as we are able to present them to you and please deny this Special Use Permit.

Signed:



Tom Yancey, Vice-Chairman, ACCORD

Mailing address:
4864 Flying "C" Road,
Cameron Park, CA 95682



LIGHT OF THE HILLS LUTHERAN CHURCH
3100 Rodeo Road
Cameron Park, CA 95682
Phone: (530) 677-9536

November 10, 2007

Dear Residents of Cameron Estates:

The purpose of this letter is to update you on the current status of Light of the Hills Lutheran Church's development plans. As outlined to the Cameron Estates Board when we started this process about five years ago, we are planning on constructing an additional church building behind the current building and a day use only (no lights) softball/soccer field on Rodeo Road. The ball field, located adjacent to the existing church facility and provided at no cost to the community, is part of an effort to further serve the needs of the community.

In the process of amending our use permit to allow the softball/soccer field we are asking the county to rezone our current property to prohibit any future development of high density housing for which the property is currently zoned. We are planning on fencing our property limiting access to only Rodeo Road, utilizing existing on-site parking.

A few residents have expressed concern that noise and traffic may increase. Independent engineers and county staff studied the project's potential noise and traffic impact. Their findings stated there would be negligible, if any, impact to the current conditions created by the adjacent freeway and surrounding commercial development.

In addition to having granted the Cameron Estates an easement for the new gate entrance, we and a number of Cameron Estates residents felt that a ball field would be a nicely landscaped addition to enhance the entrance into the community. This would also provide an attractive buffer from the commercial development across the street, while serving a community need.

We hope this information is helpful to you. If you have any questions, please contact Brian Morris, member of the Property Development Committee, at 916-997-0072.

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ATTACHMENT 1
CONDITIONS OF APPROVAL

FILE NUMBER S98-0013R
Planning Commission Hearing
October 25, 2007

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The following are the original approved conditions (in sequence) under Special Use Permit S98-0013 for the construction of the three church buildings. The conditions that are not applicable to this project are shown with a ~~strike-through~~ while the additional conditions that are applicable are shown with an underline. Revisions made to the conditions provided for the October 25, 2007 Planning Commission meeting are shown as a ~~double strike-through~~ while the additional conditions and revisions to conditions are shown with a double underline.

The Special Use Permit-Revision and Rezone is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A through Exhibit E, dated October 25, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or future environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The proposed project, as considered, is described as follows:

~~The special use permit is for the construction of the three church buildings: Phase 1 multi-purpose building (10,700 square feet) and later phases the formal church sanctuary (8,000 square feet) and an elementary school (10,000 square feet). Since the site improvements for the elementary school are not available for purposes of assessing project impacts, a new special use permit will be required to be filed for the elementary school. Any minor changes may be approved by the Planning Director. However, major changes or additions will require the filing of a new Special Use Permit. Site plan and building elevations shall be consistent with Exhibits D and E. This revision to a Special Use Permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A-D, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.~~

The project, as approved, consists of the following:

The proposed project is a revision to a Special Use Permit to allow construction of one additional building and the development of a multi-purpose ball field. The project also includes a rezone to bring parcel 109-161-31 into conformance with the General Plan.

The proposed 13,720 square foot Sunday school building will be located directly behind the current church facility and will be a two-story building. The original special use permit that allowed for two additional buildings, including a formal sanctuary (8,000 square feet) and an elementary school facility (10,000 square feet) will be abandoned.

A multi-purpose playing field will be developed on the adjacent 5-acres parcel south of the current property. The design includes one softball field and one soccer field that overlap allowing use of one field at a time. ~~The fields will not have public access and will require scheduling of events through the Church office.~~ The applicant is required to ensure the multi-purpose ball field shall ~~not have public access except through the scheduling of an event through the Church.~~ include, but not be limited, to the following Church activities and special events: Church carnival (no typical commercial carnival rides); flea markets; rummage sales; Church retreats and Vacation Bible School; and Church-sponsored sports activities and events. The uses shall be limited to day use only. No lighting shall be allowed. The multi-purpose ball field shall not be used by organized sports leagues (excluding Church leagues). The multi-purpose ball field shall be enclosed by a six (6) foot tall chain link fence.

The grading, development, use and maintenance of the property, the size, shape, arrangement, and location of structure, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Conditions from the Mitigated Negative Declaration

- 24.2. The applicant shall include the use of buffers and barriers to prevent or reduce the disturbance to oak trees and their under story and the following other measures shall be required: a. the applicant shall retain a qualified project biologist to oversee all aspects of the construction monitoring that pertain to oak tree protection. Any oak tree removed from the site shall be replaced as specified in the Interim Interpretive Guidelines for El Dorado County on November 9, 2006. A detailed analysis of: 1) precise number and species to be removed and 2)

- ~~22.~~ 24. The trim accent and stucco of the buildings shall be "oyster" color shade and the roof shall be a dark green.
- ~~23.~~ 25. A Landscape Plan application shall be submitted to the Planning Services for review and approval prior to issuance of the building/grading permit prior to the issuance of the Building Permit.
- ~~25.~~ 26. ~~The construction contractor shall select the construction equipment used on site based on low emission factors and high energy efficiency. The contractor shall utilize electric or diesel powered equipment in lieu of gasoline powered engines.~~
27. ~~The applicant shall comply with Ordinance 4500 regarding the establishment of an ecological preserve.~~

Site Specific Conditions - Planning Services

28. The project trim accent, stucco, and roof of the building shall be consistent with the existing building.
29. A final Landscape Plan shall be submitted to Planning Services for review and approval prior to issuance of a building and/or grading permit.
30. No lighting or sound system shall be installed or used with the multi-purpose ball field, ~~and event activities shall be restricted to day use only.~~
31. The existing single-wide trailer shall be removed prior to final sign-off of the building permit issued by Building Services.
32. The project site is located within the Ecological Preserve Mitigation Area 1 for the new church structure and the area developed for the multi-purpose ball field. Applicant shall be required to pay in lieu of Ecological Preserve Mitigation for the direct impacts caused by development on rare plants and rare plant habitat.
- ~~33.~~ The applicant is required to ensure the multi-purpose ball field shall ~~not have public access except through the scheduling of an event through the Church.~~ include, but not be limited, to the following Church activities and special events: Church carnival (no typical commercial carnival rides); flea markets; rummage sales; Church retreats and Vacation Bible School; and Church-sponsored sports activities and events. The uses shall be limited to day use only, not after dark and requiring lighting be operating.
- ~~34.~~ The multi-purpose ball field shall not be used by organized sports leagues (excluding Church leagues).

No signage mentioned

~~35~~ The multi-purpose ball field shall be enclosed by a six (6) foot tall chain link fence and shall be installed prior to use of the multi-purpose ball field. Planning Services shall verify installation of the fence prior to use.

- ~~3436.~~ In the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified pursuant to Section 7050.5 of the Health and safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
- ~~3537.~~ Prior to commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services for verification of compliance with applicable conditions of approval.
- ~~3638.~~ Prior to issuance of a grading permit, the applicant shall remit payment of any outstanding fees as detailed and required in the *Agreement for Payment of Processing Fees* authorized for this project.
- ~~3739.~~ In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

Department of Transportation

- ~~3840.~~ The applicant shall obtain an encroachment permit from DOT and construct a Type 2 vertical curb and gutter along Rodeo Road along the entire frontage for APN 109-161-31, per Standard Plans 104. The required curb and gutter shall connect to the existing curb and gutter that adjoins APN 109-161-01. These improvements shall be substantially complete or the applicant shall obtain an approved improvement agreement with security as determined by the Department