

Minutes from the City of Orange Park Planning and Development Commission
December 10, 2009

Purpose: Implement park planning, design and development policies as outlined in the Master Plan of Parks; develop and implement strategies to solicit community and special interest groups' regular input regarding acquisition, park and facility needs; review park conceptual designs prior to development and receive public input; review existing parks for possible renovation and use and receive public input; and encourage and support relationships with volunteer and non-profit organizations regarding parks, facilities and open space.

DEPARTMENT REPORTS

5.1 Ridgeline Equestrian Estates – General Plan Amendment (GPA-2007-0001), Zone Change (ZC 1243-07), Specific Plan Amendment (SPA 2009-0001), Environmental Impact Report (EIR 1788-07). Development Agreement (DA5600). Tentative Tract Map (TTM 0019-07), Major Site Plan Review (MSRP 0496-07, and Design Review Committee (DRC 4207-07).

Commissioners: Tom Davidson, Tom Gilmer, Sara Catalan, Lisa Blac and Gary Remland. *Chair Davidson recused himself from the meeting and turned the meeting over to Vice-Chair Gilmer.*

Vice-Chair Gilmer asked for staff comments relative to the Ridgeline Equestrian Estates.

Ms. Knight reported that the Ridgeline Equestrian Estates is the proposed development of approximately 51 acres with 39 equestrian residential units. Chad Ortlieb has been the City Senior Planner on this project and has done an excellent job of preparing the staff report, and outlined the various conditions the City believes is necessary should this project receive the approval of the City Council to ensure a trail standards that meets the standards that has been set forth in the Master Plan of Recreation Trails. Chad will present a project overview and highlight some of these conditions. Following his comments, we will hear additional comments from Community Services and then we will hear from Ken Ryan from KTG Y who is representing our applicant.

Tonight after your review of all the testimony and additional comments, the Commission will be asked to recommend either Approval, Conditional Approval with or without denial of those aspects of the proposal that are under the Commissions purview, or Denial of the Project. The Commission may request the applicant make further refinements to the project for subsequent review.

Mr. Ortlieb reported that the process involves the request to change the general plan for Orange Park Acres specific planning and zoning designations of the site to residential one-acre lots. The project involves the development of 51 acres with 39 equestrian oriented residential units and 39 minimum one-acre lots. Thirty-four of the

lots would accompany private equestrian stables. The project also includes an equestrian ride-in only arena component. The project includes approximately one mile of public trails and approximately 7/10 of a mile of trails that would be under HOA control that has conditions that would be open to the public. The project is located in the City in Orange Park Acres at 1051 N. Meads Avenue. This is the former Ridgeline Country Club with 14 lighted tennis courts, a swimming pool, a vacant land formerly occupied by a nine-hole private golf course, a club house that is approximately 11,000-12,000 sq. ft. It includes a residence and some ancillary facilities. To summarize the focus of the Park Planning and Development Commission, the focus would be to make recommendation to the City Council based on the purpose, powers and duties as outlined in the Staff Report which can include a review of trails, trail fencing, open space and public park related issues. Regarding the project itself:

Proposed Public Loop: It is essentially one mile of trails. The loop would begin at the access to the project just west of the drive entrance. The access to the trail would be required to cross Meads Avenue and the trail would essentially move along the west, south, and north project boundary. The loop would be completed along E Street on the track map and is listed as an HOA control but not publicly restricted trail in the Draft Environmental Impact Report. Staff is recommending condition 2 to require both the green and the yellow segments from the exhibit 38 of the Draft Environmental Impact Report that potentially remain open to the public regardless of any future HOA actions that could occur.

There are several other trails that are proposed within the trails system one at Coyote Lane and the other is at the southeast corner of the site that is proposed for potential future connections to the community that is to the east. The project proposes a trail width for the perimeter loop, that generally occurs within an 18 ft. easement and a 10 ft. trail tread. The E Street segment has a 12 ft. easement and 10 ft. trail tread. The south and north trail sections and the E Street segment only exhibit landscaping on one side which is a variation from the Master Plan of Recreational Parks. There is no landscape buffer proposed between the trail and the north and south residential properties or between the trail and E Street.

The trail surfaces are decomposed granite for the entrance portion and then there doesn't seem to be a discussion of the composition of the trail surface for the remainder of the site. Regarding the HOA controlled trails indicated in the Staff Report, those are located on one side of the interior roadways they encompass about .7 miles, and they accommodate immediate access from the residential properties. The applicant has stated that its primary intention for these trails is for resident access to their properties, although public access would not be restricted based on condition 2 that is recommended. The HOA trails are connected and they do include an E Street portion of the perimeter loop trail. The trails are 8ft. wide and have an additional 2ft. trail easement except that E Street does have the 10ft. trail tread. There is no separation that is proposed between the trail and the street, except for fencing. Fencing would not occur at the driveway entrances to the private properties.

Meads Trail Crossing: None of the project plans show the trail connecting to the City trail system across Meads. Staff is recommending a condition to ensure that the project complete that connection, and the Traffic Department impact report did analyze the trail crossing at that location. Regarding the signal or flashing warning devices etc., based on the information that was contained in the Staff Report, staff did not find a nexus to require anything other than the trail crossing itself and advanced warning signage as is stated in the Staff Report.

Fencing: It is proposed trail fencing to match wood or vinyl that is in the Orange Park Acres area. They are specifically requesting an amendment to the Orange Park Acres specific plan to allow for vinyl fencing. As a substitute to fencing, in some areas where there are hill slopes provided they are proposing to use that as a trail barrier as opposed to a fence. In some areas where they have perimeter looping areas they are proposing to use existing fencing in the community as a trail barrier. A note that the fencing is proposed to be placed in the trail tread in the interior loop trails.

Ride-in arena: This will be a standard fenced oval arena that would be available for public use. There would be some benches and picnic tables within that area and no lighting is proposed in association with that.

Proposed Specific Land Use Changes: For the General Plan they are proposing to go from open space to a State ---- Residential. Regarding the Zone change they are proposing to go from recreation open space to single family residential minimum 40,000 sq. ft. lots, and for the Orange Park Acres Specific Plan they are proposing to go from golf course to low density one acre-minimum. Some considerations for the Park Planning and Development Commission, there are some trail deviations that are being proposed. The Recreational Trail Master Plan and the General Plan does provide you some flexibility in the trail standards as long as it contains compatibility with adjacent land uses. Regarding the public loop trail, the E Street segment doesn't have the 18 ft. wide easement that is required in the Master Plan and it does not include irrigation or landscaping on both sides of that trail. Regarding the HOA control of trails, the HOA would have 10 to 12 ft. easements as opposed to 18 ft., and there are no setbacks proposed between those trails and the private streets, the trail fences are proposed as the separation. Just for juxtaposition, the Master Plan of Trails does require 6 ft. setbacks typically between the trail and the street. In the perimeter interior trails landscaping is not proposed on both sides. Another thing that is required under the Recreational Trail Master Plan is to provide a turnout every 150 ft. when you not meeting the trail tread requirement of 10ft. The project does propose that at the entrance of each of the private residences, but staff is recommending some kind of easement to accommodate the horses that turn out off the trails where the driveways are so that the horses can pass each other.

The applicant sites inconsistency of existing trail treads within the Orange Park Acres in general as justification for the deviations that are proposed in the plans before you and their comment letters are included as attachment "F" to your Staff Report.

The City's position on this is that we don't see justification for a deviation to the minimum trail tread width of 10 ft. Regarding trail easements, in numerous areas of the project there are a foot and a half to 3ft. areas where in order to get the 18ft. easement area, they are proposing easements on to private properties to accommodate the requirement. The staff that deals with right-of-way states that they have had problems in the past where home owners actually build in to these easements and also can be confusing in events of civil law suits where you don't know what property the accident occurred upon. Staff is noting a preference that they would prefer to see the easements eliminated and that would either be through redesign of the track map or by the approving or decision making bodies recommending or making approval of the project without those easements. The trail tread and easement be provided without the private property easements would be acceptable. This would be one of the two options.

Blind Equestrian Turns: Staff is looking for additional information from the applicant to analyze that in terms of the Recreational Master Plan that require the site distance of no less than 50 ft. in curves with a minimum radius of 15 ft. With regard to trail grades as well staff is looking for additional information from the applicant showing the trail grades including low lying areas of the project site indicating if there are any terrace slopes that are being provided or if they are necessary. We do have recommended conditions of approval that require the applicant to provide that prior to any permits being issued. The same thing goes for trail, swales, berms and water bars as indicated in the Master Plan. There are standards, but they are not in the tract map. We are asking for that information prior to the point where any permits are issued.

In general, the project is not addressing trail signage, erosion prevention techniques, grading, trail maintenance, fencing barriers, tree interface design, and trail planting. We are asking for this to be resolved before the time when any permits would be issued, if the project is going to the approval stage.

Considerations: Because this project is in the Orange Park Acres Specific Plan Area, there are trail related goals and policies in that plan and that is to promote the use of wood rail fencing to provide rural road standards with hiking and bicycle trails along the roads to provide open space views, to provide continuous trail linkages throughout OPA connecting to County proposed or existing trails along Handy Creek specifically, and to have a green belt along Handy Creek as a goal. There is an OPA Specific Trail Road Section that provides for Equestrian Trails with a minimum of a 7ft. trail tread width. The project does have that width but it doesn't go into other areas where that specific plan standard has a 6ft. wide page shoulder that is on the side of the road used by pedestrians and bicyclists.

Land Use Changes: Public criticisms that we received to date on this project is regarding the loss of actual land use designations themselves as well as the amenities that have traditionally existed on this site. A lot of those comments have gone into some of the cities deficiencies in meeting our goals for park land park facilities. The

City's goal is to provide one acre of park land for every 1,000 residents and the City is currently deficient in that regard.

When the City looks at parks we are extending that to City Parks and not necessarily private paid for use types of facilities. Loss of this site would not technically affect the City's numerical park land goals. However, the loss of this open space recreational designated site could interfere with future abilities if the City were looking to engage in some park land opportunities.

Staff is recommending a park facility impact fee in association with the project, in addition to dedication to public loop trails in the ride-in arena. The in-lieu park land acreage that the applicant would be required to dedicate if we were looking for them to provide a physical park on site to offset the required parks would be .36 acres and the in-lieu fee for parks is \$9,506 dollars per dwelling unit. For all 39 units on this project site, it would amount to \$370,734 dollars.

The Environmental Review for this project included a Draft Environmental Impact Report that was circulated for the public review and comment. The public comment period ended on November 23, 2009 and the Park Planning Commission focus on the Draft Environmental Impact Report is based on those perimeters that have been outlined in this presentation. In regard to the responses of the Draft Environmental Impact Report, to date 115 public and agency comments. Some were duplicates. Eighty-five responses we have received appeared to be in opposition to the project. Sixteen appeared to be in favor. The remainder either had no position, or were just commenting for public agencies. A great many of the public comments pertain to the open space and recreational opportunity or designation of the site being changed or removed as well as the amenities being removed from the site. The comments were dominantly opposed to any changes in the Orange Park Acres Specific Plan. The whole comment list is paraphrased in the Staff Report.

Staff is looking for you to decide if the substandard trail treads of the project are acceptable, we are asking for you to find out if the substandard HOA trail easements are acceptable, we are asking if the Park, Planning and Development Commission is willing to use private easements as part of accomplishing the trails rights-of-way requirements of the Recreational Trail Master Plan.

We are asking the Commission to determine if the Meads crossing is acceptable with proposed signage. We are asking if you wish to see land clarification or additional land support information prior to any permits being issued for the project. We are asking for any recommendations you could provide to smooth jagged trail turns. We are asking if you object to vinyl fencing as amendment to the OPA's Specific Plan and we are also asking what are your Park recommendations on the project.

Vice-Chair Gilmer asked the Commission if they had any questions or if there were specific areas that they wanted clarified by the applicant.

Commissioner Blanc asked Mr. Ortlieb if the Commissioners might be receiving additional information on the blind equestrian trail turns and the trail grades. Will that be part of the applicants presentation tonight. Mr. Ortlieb said he did not know and would refer that to the applicant.

Commissioner Blanc wanted clarification on the advanced warning signage on Meads...what might it look like; what might it entail? Mr. Ortlieb said it would be a sign indicating that an equestrian crossing was at hand. It would be placed before the blind turns and before the curves would be reached, and then there would be crossing striping designated at the crossing point.

Commissioner Blanc said in the Draft EIR it discusses the dedication of the Sully Miller Arena can you tell the Commissioners if that is still part of this proposal. Mr. Ortlieb said he believed it was a component of the development agreement. As far as that being in the EIR itself, I believe that is something that staff needs to comment on in regards to public comments we have had on the project. We haven't formulated that as of yet. Commissioner Blanc asked if at this point we were looking at the project without taking that component into consideration. Mr. Ortlieb affirmed her statement.

Commissioner Catalan had questions regarding the vinyl fencing not being in compliance with standards. It is my understanding that OPA has a mix of some rural wood type fencing and some vinyl. Is that accurate? Mr. Ortlieb said that was correct.

Mr. Reynolds, Assistant City Attorney, provided more background on one of the entitlements. The applicant has requested that the trails and all the equestrian improvements in the dedications they are looking for it to be the equivalent of the park fee that would be charged. They are looking to receive credit for that. The position of the City is that they cannot get credit for it. They will have to pay the park fee. The development agreement itself, one of the entitlements that the developer is asking for, is an agreement that will keep all these entitlements in place for (15) fifteen years. In exchange for giving the developer that, the developer has to give the City a substantial benefit. If we are going to allow the developer vested rights for (15) years then the City has to get something in return. For example, if the developer was to get credit for the donation of the land or the trail system, then there are no other benefits that it is giving the City. The City is telling the developers that they are required to pay the park fees, and exchange for the development agreement you have to provide the approximate 2.3 acres of land and improvements for the public ride-in equestrian arena, you have to do a donation to the 501C3 Corporation of up to a 7.6 acre parcel. That is something that is required to support the grant of the development agreement.

Vice-Chair Gilmer said that he agrees with the applicant as far as there is a great deal of inconsistency as far as the existing trails, fences etc. He said he didn't think that was reason for varying for what the City was trying to attempt as far as development

for future trails because this is not the only area that is under consideration right now as far as being expanded as far as the designations are pertaining to the width of the trails. Vice-Chair Gilmer asked would it be possible to widen the trails as an ingress/egress because effectively that is what the trail would be. I can't see how that would necessarily effect the private property if there is a fence there.

Mr. Ortlieb said there were a couple of issues. There is a City Council policy that new projects in Orange Park acres be one acre lots. If the trail area were to be extended to the full 18 ft. easement, then the applicant may get into a position where they are not fulfilling that policy, but on the other scenario, if the tract map could be redesigned, I'm not sure if the engineers could fit those pieces to fit into the puzzle to come up with something to make it work, or in order to make that happen, there might be less lots in the project.

Vice-Chair Gilmer said he did know that it is possible to have a center drive way between buildings and the actual lot line might go to the middle of the street which would be recorded as a common ingress/egress where people were able to transfer over. It doesn't seem that it would preclude having one acre lots. You might have 4 or 5ft. of it that would effectively be an egress as part of the trail.

Vice-Chair Gilmer said he went out to the site about a week ago and he spent two hours driving the entire area and about 10:00 a.m. on a Tuesday and I observed there were nine people on horses that were traveling along Meads and five were going in towards Santiago Oaks and four were coming back, and he said he views it as an accident ready to happen. As you travel in toward Meads on the right hand side off of Orange Park Acres, along the side of the road, there were nine separate trash bins that would require a person to go out into the street, and then when they transfer from that point to the left hand side of the street it is a blind intersection that is designated only by the striping of the road. Vice-Chair Gilmer stated that it should be designated by more than just striping. His recommendation is that there would be a 3-way stop. It would slow down the traffic. Something more than striping and a sign is needed.

Ms. Knight introduced Ken Ryan who represents the applicant to make his presentation.

Mr. Ryan, with KBGY, planners and architects based in Orange County representing J&Y Real Estate. This project is a three year effort. He thanked the Commission and Staff for their input and said that he would like to clarify some of the questions that the Staff and Commission have presented.

Mr. Ryan said that the last time he made a presentation was approximately two years ago and at that time the comments that were made were taken to heart and many improvements have been made.

Mr. Ryan said initially their charge was to upgrade the condition of the property. The former golf course facility that was described by staff was somewhat degraded. Mr.

Ryan said that there is an incredible opportunity to not just complete a project, but to do something that blends in and celebrates the equestrian lifestyle in the community. They have focused on community character, on amenities, on systems based analysis, contextual characteristics, and certainly their client and market needs and also the community side. They have spent many years with some 1200 surveys, meetings with trail experts, some of whom will speak to the Commission this evening. They have conducted site tours which the Commission and others have done. KYBG has been very diligent not only with their technical evaluations, but listening to the Community and responding to what they have told us. In terms of the message from the Community, it is simple: to develop a project that is consistent with the equestrian lifestyle in this very special place in Orange. It is unique, and they feel it is something worth celebrating. Architecture and Landscape should connect and blend with Orange Park Acres. The number one issue that the neighbors voiced was doing something about minimizing the traffic, and providing community amenities.

The site itself is 51 acres off of north Meads Avenue. Mr. Ryan presented an aerial view of the site as it exists today. The project would include 39 one-acre equestrian estates, approximately one mile of new multi-purpose perimeter trails that provides for public access that heretofore has not existed at this site; it has been, in the past, a privately run recreation commercial facility, integrate open space by incorporating the Handy Creek area along the western edge of the site, provide a ride-in only arena not just for the residents in the community but for all of the residents in Orange Park Acres, and feeder trails that would feed into the arena. From a design concept, KYBG looked into those key design principles: Community character, 39 equestrian oriented single family homes, architecture with landscaping that is complimentary, community facilities with a land for 16,000 sq. ft. ride-in only arena along Handy Creek, approximately one mile of new public trails, and important infrastructure improvements. They have spent a great deal of time consulting with Hunsacker and Associates their project engineer to make sure that they are knowledgeable in terms of storm water and runoff, thinking about traffic and entrance and roadway improvements. Our Traffic Engineer, along with the Public Works Department has looked carefully at Traffic and access and from a landscaping prospective approximately 800 trees will be added to the site. Some trees will be removed and some will remain. The trees along Handy Creek will remain in their natural condition. They will be planting trees that blend in to the fabric and character of the area.

Some of the major community benefits are less traffic. EIR has been sent out for public review. Comments were submitted. The EIR found that there were no significant environmental impacts after mitigation; except for one, and that was short-term air quality issues that were associated with construction. With many equestrian facilities closing in Orange County, one of the strongest aspects for this community, this is a golden opportunity to champion that cause. Provide one-acre estates that allows for 34 of those lots to have barns, all with forethought of how those barns would connect to the trail system, both on the feeder trail and on the perimeter trail,

and a ride-in only arena which provide major amenities and assets that helps to perpetuate this important life style.

In terms of the plan itself, the primary entrance is off of Meads, as the road rises in elevation, the roadway gently rises to the highest elevation, there are trees placed at the edges of the project as well as the interior portions of the site, allowing great views and great access to the trails.

As part of the presentation, Mr. Ryan discussed the views of the project from a neighbors' perspective and their sensitivity to the neighbors when planning the project. Mr. Ryan said that this project goes a long way to being "green" in its planning of landscaping. They are removing the heat island, including bioswales along the rolled curbs, reducing auto use; plant pallet is consistent with natural and native thinking.

The trail system reflects the character of the Orange Park Acres area. There is a wide variety of different sizes, shapes and forms of the trails in this area which adds to its unique character. The perimeter trail and feeder trails it takes it away from a subdivision feel and is more organic, a very similar feel to the Orange Park Acres neighborhood. The ride-in only arena would have rolled curbs; parking on one side, no street lighting, and a little bit of time was spent on the architecture.

Mr. Ryan said he would now answer a few questions that had been brought up by staff and Commission.

The trail system itself would be dedicated to the public, and meets the exact standards that the City is looking for in terms of the 18ft. right-of-way and a 10 ft. tread. The long term has also been considered regarding the connection at Handy Creek to do the crossing and have the correct signage. At the location there is a clear opportunity for future connections with other trails such as Rattle Snake Trail etc. There would also be a second fire access to the north and also allows access along Coyote Lane. Trails along the perimeter would be donated or maintained by the City, the County or the HOA.

Mr. Ryan went on to demonstrate that there are existing trails that are deficient in meeting City requirements and discussed the graphics of the trails that they were proposing. In terms of the ride-in arena, 16,000 sq. ft. arena, cars cannot drive in but the public can access it. This is the first time in the history of this site that there is public open space.

Mr. Ryan addressed the golf course...they hired Casey O'Callahan to do an evaluation. There is an emotional side to the golf course. Many have fond memories of experiences there, but for the practicality of the golf course the previous owner couldn't make it work anymore. Mr. Ryan said that the City had asked us to look at nine-hole golf courses. The nine hole golf courses that exist today have several things that this site doesn't: great access, great visibility, in most cases lights, and the

examples of the golf courses that are represented here today are subsidized, either by a city or a hotel or some other type of use that also neighbors said they weren't thrilled about having on the property.

A question came up regarding the Sulley Miller site, Mr. Ryan said this is not required for mitigation and did not come up on any of the impact analysis, but the client made a commitment to this community and that is why in the development agreement that the Sulley Miller Arena site would be dedicated for perpetuity to a 501C non-profit for equestrian uses, and that is in the development agreement that is available for public review. The arena site would be dedicated.

Mr. Ryan said he had a few clarifications:

In terms of the conditions of approval, they were comfortable with most of them. They would like to suggest a few modifications. Where there is language in your conditions of approval that requires public works or another entity to review future plans, we would appreciate language that indicates the plans not to be withheld unreasonably in following-up on the conditions. He suggested a 30-day period. He said after three years of work on the project they were very anxious to move the project forward.

There was a question in the Staff Report that had not been fully answered on our part yet in terms of the trail material and composition. Through our meetings with our trail experts we are suggesting decomposed granite be utilized.

Condition #2: Mr. Ryan wanted to clarify in terms of the public perimeter trail, that certainly would be offered to the City first, the County, the 501C and the HOA. The interior portion of the project, the private roads and private trails, the City does not want to accept them, we moved forward clearly with the intent to allow for public access along the feeders, but we think that the way the condition reads that it not be mandated in the condition through this body that certainly a HOA and the owner would be responsible for that effort. We would like to have that clarification under condition #2.

Condition #3: Clarification regarding the Trail width. Mr. Ryan said for the record the condition reads right now in your Trails Standards in your RTMP be implemented for the reasons he indicated such as the topography, the gentle nature, to not make it all feel the same. They have trails that are more reflective of Orange Park Acres to make slight modifications make sense in terms of their trails design. So they suggest that condition be modified as well.

Condition #4: Mr. Ryan said this condition has already been addressed by our DRC. We hoped we would get a similar recommendation that we comply in terms of irrigation, again, in some cases it makes sense and in other cases it doesn't. We would like it to read "as appropriate" for that standard to be reflective of the material that we have submitted.

Condition #5: Mr. Ryan addressed the easement issue relative to turn-outs on the driveways...We don't think it is necessary. The interior trail on the property itself has a 10 ft. wide easement coming through. We think given our suggested dimension of 12 ft. wide and 10 ft. tread already has plenty of room given the few homes that are on that street. The dedication of the easement on the driveway doesn't seem to make sense to us. This is a condition that we are dubious about.

Condition #10: Maintenance Responsibility Issue – Mr. Ryan said that they would like to add some language on that condition that says “as defined in the development agreement”. It is an issue that staff and Attorney's Department has asked us to focus on. We are in agreement with all of the wording of Condition #10 as indicated in the Staff Report, but would like this added for consistency purposes.

Condition #14: Mr. Ryan said that they still believed that almost 4 acres for public dedication, 1.8 acres of the perimeter trail and 1.84 acres of Lot K, which is our 16,000 sq. ft., ride-in only arena is a significant dedication. We are not looking to skirt our fees for parks. There is .36 acre requirement for park dedication, and we are providing for almost 4 acres of publicly dedicated trail perimeter access and ride-in only arena that has not existed on this property ever. We think that is significant. We could have put a tot-lot there, but the community told us and we think this project warrants an equestrian life style. With all due respect, we respectfully disagree with staff's recommendation thus far that we shouldn't get any credit of park dedication.

Condition # 16: Mr. Ryan said they were okay with the condition, but in the second sentence where it says... “at a minimum the crossing shall be a striped non-signalized crossing” within the body of your Staff Report that we are consistent with the Public Works Sight Distance Standard.

We conformed with what your Public Works said was needed to occur at the site, it conforms to the analysis of our own traffic expert. We think at a minimum should be deleted under this condition because we are satisfying everything that all the technical experts and your staff have indicated that needs to occur at this site. There was a lot of time spent looking at this issue.

Mr. Ryan said there were several questions addressed regarding the Staff Report and his assistant, Megan Pin, had those to provide to Staff. One of the questions was “What about the grades for the horses, do we need to do any steps? The answer is no. The trail system is less than 10% everywhere. There are three small locations that have been graded at 16%, 17%, and 13% for a very short distance. Our evaluations and our trail experts are telling us that it is not worth doing the steps. We suggest that we don't do steps anywhere in the project. These are the only places where you will have a little bit of a steep incline. We think it is safe from an equestrian user perspective. The second question: Distance issue in terms of right angle turns. Mr. Ryan commented that their response is that the angle of the trails intersect is less important than the line of sight. We believe that since the fencing plan for the project, at the very most, our equestrian fences are 3 ft., when you have private

property in some instances the highest fence is 5 ft., and with the rider's visibility generally 6ft. or greater, add in addition to that a 10ft. tread along our perimeter trail and landscaping along the edges of the perimeter trail, we think that the safety issue is a moot point.

Trail Fencing: Mr. Ryan said that they believed that the white vinyl fencing and/or the natural make sense. There is a wide variety in Orange Park Acres, some of them vinyl fencing and some not. We think that that flexibility is very appropriate. Mr. Ryan said that he had gone back to look at the report from 2007 and staff advocated that we consider the white vinyl fence. We have moved forward with flexibility either the white vinyl or the natural fencing. Either is appropriate.

Mr. Ryan's last comments relate to the question the lots of open space. We agree with the staff's comments on page 11 which says "the project is not inconsistent with any of recreation, park, or open space goals in the City's general plan, zoning ordinance, or the OPA Plan". Mr. Ryan said he wanted to address the emotional side of the golf course. Mr. Ryan said that the golf facility was a private recreational facility. In the OPA Plan, it states that it welcomed the golf course, but if for any reason the golf course was not feasible then one-acre equestrian lots were acceptable and appropriate for that property.

Vice-Chair Gilmer opened the floor to the Commissioners if they had questions for Mr. Ryan.

Commissioner Catalan said that she had spoken to several residents and some of the concerns that were addressed to her were the connections issue. Can you tell me about the connection to the Coyote Trail. Is it on a public road?

Mr. Ryan reported that the connection on Coyote has two basic purposes: 1.) They worked very hard with the Fire Department to make it very safe. The Coyote connection is to make sure there is a safe Fire access. 2.) The trail does terminate on the Street. It is a very short cul-de-sac based on the fact that we've got 39 lots and we think it is appropriate to use that connection to connect with other trails that lead into the overall regional trail system. At that location on coyote, it would allow for equestrians and other trail users that live on that street to come out on Coyote Lane.

Vice-Chair Gilmer asked if the equestrians would be riding on the street. Mr. Ryan said yes as there is no trail along Coyote Lane.

Commissioner Catalan said the interior trails are referred to in the Staff Report as "private trails with public access" in most of the documents that I've read it is referred to as internal private trails, is there going to be any sort of gate that would prevent the public from accessing those trails. Mr. Ryan said there could be, but their intent is not to have that happen. The private HOA and owners are responsible for their streets and managing their trails, but it is also clear to allow the public to utilize it.

Commissioner Remland said that he was at looking how the ride-in only arena was laid out in the plan. He said not being a horse person, but just knowing the general area, and looking at the bigger picture in the overall benefit to the community, the general consensus that you found from the people that you interviewed indicated that that was an acceptable alternative as to where this first started? Mr. Ryan said that the original idea was an equestrian center there. Now there are three lots where there was a parking lot. What we heard from the neighbors was that they thought Sulley Miller was the place to do that. It had a lot to do with our client deciding that although it is not a required mitigation measure, it is not involved in terms of EIR, it is a commitment that we made to the community that is embraced. Mr. Ryan said he has heard a lot from the neighbors in that they want to know that everything that has been promised would actually happen.

Vice-Chair Gilmer asked what he had envisioned the use of the 16,000 sq. ft. arena. Mr. Ryan said they really liked the location at Handy Creek, keeping almost everyone of the trees. It has been designed with the equestrian user in mind. We think this would be a very attractive gateway element as people enter the project, we also think it is an important amenity not just for the site but for the Handy Creek in general. Most of the people that we spoke with in Orange Park Acres think that is an important design element. We have placed it in somewhat of a bucolic setting, we've got benches and other things that can happen as part of the proposal to make it fairly passive, but a pleasant setting to be able to use a horse.

Commissioner Blanc said that tonight was the first time she has heard Mr. Ryan say that the internal trails could be fenced off. Mr. Ryan said it is not the intent. Commissioner Blanc said but it is a possibility? Mr. Ryan said it is a remote possibility, but our position is that it should not be a condition by the public body since it is going to be owned and operated by a private entity, the HOA just like the streets.

Vice-Chair Gilmer said what he was not completely clear on is how does the public get access into the interior trail, how do they gain access from the external trail into it? Mr. Ryan reported that the public would enter in across Mead and various other accesses from the perimeter trails that he pointed out in the plan.

Vice-Chair Gilmer said that he was concerned about the crossing at Meads just having a striped designation. He said there would be multiple horses crossing over at a blind corner. It is just a matter of time until something happens. Vice-Chair Gilmer said that he could not understand why the applicant would be opposed to it because it is not anything that is a big cost factor either. Mr. Ryan said that they were not necessarily opposed to it, but we were just following what the City's technical evaluation and our traffic consultants indicated.

Commissioner Remland said it seems as if some of these people have significant trailers that they haul their horses in? I'm assuming that trailers have been taken into

account. Commissioner Remland said he was thinking about a trailer behind a big old truck trying to get into that property. Commissioner Remland deferred a question to Ms. Knight. Has the Traffic Commission had any discussion about that location relative to this project? Ms. Knight said that we do not have a trail crossing standard so that this project can be reviewed against that standard. From a Public Works perspective, all they could be looking at is a traffic study that is done really looking at vehicular traffic. You can look at how many horses you see in that area, but we don't have a line of sight standard when it comes to a trail crossing or an equestrian crossing. When you are hearing tonight that it meets a Public Work Standard, it is not a trail crossing standard. We have talked to the Commission about this several times, one of the things we have to look at in the future when we revise our Standards for Trails is to include standards for safe crossings which we don't currently have. What is being stated tonight is that a nexus cannot be made from a Traffic Study perspective for a signalized crossing. We have several concerns that will be discussed when the Commission is through asking questions of the applicant. One of them is that crossing because other access points such as to Coyote Lane, there is no trail there. The trail along the bottom will lead somewhere, if someone gets right-of-way to private property in the future, the Meads crossing will be the only access to the development from the equestrian perspective. We do have a concern that a sign is not enough for a safe crossing.

Mr. Ryan said that they have looked at that very carefully and the existing entrance that you are familiar with could be relocated to approximate 60 ft. west of the existing entrance and be reconfigured to a 90 degree T intersection, and that would accommodate the vehicles with horse trailers and we also have a 35ft. curb return radius that would be proposed with a separate right turn lane on south Meads Avenue.

Vice-Chair Gilmer asked about the external trail in actuality is 18 ft. wide but the actual surface that the horses are going to be on is 10 ft. and there are landscaping buffers on either side. Mr. Ryan affirmed.

Vice-chair Gilmer opened the meeting to Public Comments.

PUBLIC COMMENTS:

Alice Sorensen

Ms. Sorensen is an equestrian and she has been riding horses since she was 5 years old, and has been riding the hills for a long time. She sent a letter to the Park Planning and Development Commission earlier this year, and would like to submit copies of the letter for the record. Ms. Sorensen feels the trails are designed properly. They are not too much and not too little. She thinks they are efficient and functional, and they are perfect for an urban trail system. Ms. Sorensen said that these trails as they are designed complement and enhance the current existing OPA trails and the ambience fits, and she feels that the trails system as presented is safe, appropriate and not over built. She trailers into OPA frequently and rides the OPA trails, and looks

forward to being able to use these trails someday. She heard staff use the word sub-standard a little bit earlier in their presentation, and said that these aren't sub-standard trails. They may be sub-standard as to some of the design elements but they are certainly not sub-standard to the users' perspective. In response to being concerned about trails that go nowhere, she would just remind the Commission that, that is the way all roads are built.

Commissioner Blanc asked Ms. Sorensen what area she currently lives in. Ms. Sorensen said she lived in the City of Irvine.

Bryan Meyer
(Pam Alexander reading for Bryan Meyer)

He believes that Ridgeline meets the key goals for the PP&D Commission based on the following considerations: Ridgeline gives us new recreational opportunities, what we get out of Ridgeline is what our community keeps asking for: a mile of new public trails which is designed to link with existing trails, OPA also will get a public ride-in only equestrian arena, and adjacent natural open space, plus the creek is prettier in its natural state. This is what OPA is all about. Ridgeline creates a big one acre equestrian estate. We don't want condos, townhouses, row houses, a church or school, or even a saddle club with a covered arena on that land. It will create more traffic on Mead and is just not compatible with the OPA feel and lifestyle. One acre estates are more compatible with OPA. I understand that the old golf course is coming back, it can't. It is a money draining deal, and it didn't fit with the equestrian character of OPA anyway. We cannot go back in time so let's move forward with something that will fit into the neighborhood, and that will provide recreational opportunities that will enhance the equestrian lifestyle enjoyed by many of us in OPA. Ridgeline gets the SulleyMiller Arena. The Draft EIR states that Ridgeline project also includes the dedication of the off-site Sully Miller Arena located at Santiago Canyon Rd. and Nicky Lane. Their facility would be offered for dedication to a non-profit corporation for continued use as an equestrian facility in conjunction with the proposed project. This is a huge benefit to the Equestrian Community as it will ensure that the arena will remain open to the public and part of our equestrian lifestyle. Based on these key factors Mr. Meyer supports the project and will provide key opportunities for our community.

Rose Ellen Cunningham

Ms. Cunningham has been a resident since 1970. Ms. Cunningham feels that the Ridgeline plan will provide recreational opportunities that are consistent with their community. It is an equestrian community and the plan for Ridgeline is a reflection of that. The proposed recreational amenities for the site including a ride-in only arena, multi-purpose public trails offering connectivity to the existing trail system will provide better access opportunities at a time when many equestrian facilities in the area are rapidly disappearing. Also, the proposed trails compliment the property and are actually wider than many of those found throughout OPA. In addition, the

approval of Ridgeline will ensure that Sully Miller Arena an essential part of the fabric of our community is donated to an area of non-profit groups for the continued enjoyment of area residents. This development is similar to Lazy Creek and Saddle Hills that were built in the late 70's. They have peripheral trails that do not impact with a lot of heavy traffic. This development will be just as complimentary to our area as those existing areas. Ms. Cunningham asked for the Commission to support the Ridgeline Plan because it will enhance and support the equestrian lifestyle in OPA.

Ron Menosky

Mr. Menosky has been a resident of OPA for nine years. He has had a lot of experience with the horse trails especially with the one in front of his house. I decided to take a good look at all the trails in OPA, Anaheim Hills and Villa Park. After walking almost all of the trails, he found that in OPA he found that there were numerous inconsistencies in the trail system. Some of the trails are as small as 3ft up to 15 ft. wide. There are also inconsistencies in the fencing. Some are 24" high; some of the fences are 54" high. Some of the fences are plastic; some are wood. His question is how does anyone, especially me, deal with some of the problems that I have confronted with my property get answers as to what is going on with the trails? He supports the project because he feels it would be of tremendous value to the property and to OPA.

Connie Bowin

Ms. Bowin said that the Ridgeline will help to ensure that OPA remains equestrian. It is a very special place. It is a little piece of rural in the middle of suburbia and we want to keep that intact. Considering the fact that there are dwindling communities like Yorba Linda, Equestrian communities, we may lose the Equestrian area at the Orange County Fair Grounds. What better use could be proposed for this piece of land? The old golf course was a part of the community for years, but it did nothing to compliment the equestrian lifestyle. There is a sharp decline in the condition of the golf course once it was sold by its previous owner. The plan that was created truly reflects the character of OPA. The plan also represents all of the issues brought up by the extensive community outreach project conducted by the land owner including traffic and the need for more trails. She believes the plan achieves what many OPA residents want for their community. Ridgeline will preserve and perpetuate their equestrian lifestyle by providing equestrian oriented recreational opportunities including a public equestrian arena that is accessible via public trails planned. Ms. Bowin supports this plan because it will help ensure that OPA remains an equestrian community.

Lynn Cantor

Ms. Cantor lives at Orange Park Blvd. She wanted to comment on a few discussion items with Mr. Ryan. On Orange Park Blvd. she is directly on the bridle path, and the bridle path fence and her property fence are maybe 10 to 12 ft. apart. Half of that space is my trees and my grass. That leaves 5 or 6ft. at the most of bridle path and that is sufficient. Secondly, as far as the vinyl fences vs. the wooden fences, she used to have all wooden fences. Our association a couple of years ago ripped out all the wooden fences due to the high maintenance costs and put in vinyl. Most of the trail fences are vinyl today. As far as the connectivity, there are many places on the trails where they ride on the roadway and cross City streets, for example at the end of Windes all the way down to Santiago Park is all street. If you want to get to Rattle Snake, you have to go all the way down Randall; there is no trail there. As far as coming down Coyote, once your off of that you are right into Rattle Snake that is a much better alternative than what we have now which is going all the way down Randall. She feels it is better connectivity than what presently exists.

When changes are proposed for OPA, she thinks they should look at those changes on the basis of whether or not it will enhance our rural equestrian community. Based on my review of the project and EIR, she believes that Ridgeline will enhance the community and will provide recreational opportunities for OPA. She believes Ridgeline will offer the following advantages:

It will reduce traffic, create a safer environment for horses as well as pedestrians, the Sulley Miller Arena will be dedicated to an area non-profit organization and will remain an arena as part of this project preserving public access to an important equestrian recreational facility. We will receive new public trails for walkers as well as bicyclists. The plan for Ridgeline is to protect and preserve Handy Creek in its natural state and dedicate open space along its banks. All these additions enhance the community's current lifestyle. This Commission should consider this plan from Ridgeline as the best use of the property, one that fits in with the residential community, provides public benefits that including multi-purpose trails, ride-in only arena, Sulley Miller Arena, as well a safer streets for equestrians and pedestrians.

Jim Meyer

Mr. Meyer lives in Paramont, CA. He is founder and organizer for volunteers that go out to work on trails. He served for 17 years on the County's Regional Advisory Committee and just managed a quarter of a million dollar grant from the state to do a bikeway and trail plan for the Coyote Creek. He has been invited by the applicant to speak to the Commission on trails. He said that it is a welcome change when very often trails are usually an afterthought. After all the development is said and done there is a trail condition that an applicant has to meet so there is no place left for the trails so trails are squeezed into the most undesirable areas. In this case, the applicant came forward and trails are an essential part of the plans. It allows us to have a really good trail system. Having looked at the plan it supports it entirely. He wrote a letter and he will hand it in accordingly.

Russ Garcia

Mr. Garcia lives in Mirada in OPA. He has lived there for 10 years. He has reviewed the plans for the Ridgeline Equestrian Estates, he has spoken to some of the neighbors regarding some of the emotional issues, and some factual issues. He supports the plan because:

1. It reduces traffic.
2. It enhances Equestrian Lifestyle
3. It will do a lot for the property values in OPA

He strongly supports the projects and believes the developer has done a good job in incorporating community input.

Barry Evans

Mr. Evans has lived in Orange for approximately 20 years. Mr. Evans said he always enjoyed the golf course and would hate to see it go. He made a study about two years regarding Ridgeline. He also looked at the golf courses around Orange. If you look at the eight cities around Orange they average of 3.1 golf courses per City. If the City of Orange lost Ridgeline it would not even have one executive golf course. A review of the County Tax Records show that assessed parcel that make up Ridgeline Country Club, assessed value in 2005-2006 is \$4.2 million dollars. The assessed value in 2008-2009 is \$12.2 million dollars that is based on an investment by the JLI people. When you look at the ratio of those numbers, he can see that JLI is going to build some large homes and make some money. This is a gamble, because Ridgeline Country Club has 50 years of experience, generations have used that place. As soon as you allow a zoning change it will be a big mistake. In the abrupt closing of the golf course, that really hurt, as a golfer. It is now a mess. Subsequently, the tennis center and pools have been closed. He feels that a social impact study should be conducted to see what such a project will do to people. Out of 115 responses on the EIR, 85 want to maintain the open spaces there.

He believes the City Council and Planning Commission should ask themselves this: What is in best interest for the City and its citizens. He feels it is a choice between 39 large homes or maintaining an historic recreational area that has been enjoyed for 50 years by the citizens of Orange and nearby neighbors.

Laurie Marine

Ms. Marine she lives in Orange Park Blvd. She said that she agreed with Mr. Evans in that we should retain open space and the area that was formerly the golf course. The area runs in front of her house and she is primarily an equestrian, but trail users when they talk about the use of the trail we call them single track trails when they only 3ft. wide. The trails are opened for Cyclists, people walking their dogs and equestrians. She has 500 ft. along Handy Creek, it is not a pristine creek and she can't see that this development would enhance it. Even though she has four horses,

she used to play tennis. She also had two family members who played golf and she had been able to provide them with gift certificates to play at the golf course. She would prefer to see it stay a recreation area.

Mark Sanford

Mr. Sanford lives on Meads Avenue. He was on Joanne Coontz's Master Plan of Trails Project in 1989. He can address all the trail problems with varying sizes etc. One of the things that was addressed in the Master Plan of Trails was, that after a certain date, when new developers come in, it is time to step up. OPA for over 30 or 40 years are trying to make the trails work for all these users. He agrees with all the folks that are speaking and saying it is an equestrian community and they want to keep it that way, but this is more of a recreational use issue. He was lucky enough to be able to play golf, tennis and swimming and the same for his children. This was a club not just equestrian. A lot of people use that club; it is too valuable to lose. He referred to an article in the Foothill Sentry, two girls from the City of Orange won the Trinity League. The girls learned to play at Ridgeline. This is a club where a Recreational opportunity could be made to prosper out here. This is more than a golf course; it was a social club, tennis club and Swimming club. This was a situation in a community that helped families. We have an opportunity to mitigate the law and move on to explore this opportunity.

Commissioner Blanc asked Mr. Sanford if he knew what percentage of OPA families that own horses that are housed in OPA? Mr. Sanford said approximately a third.

Peter Jacklin

Mr. Jacklin is a resident of OPA for approximately 40 years. He lives about half a mile from the subject's property. He said he is not opposed to the development of the property as long as it is done in a consistent manner, in a responsible way that reflects the character of the community, and adheres to the specific plan of OPA. Mr. Jacklin said that sometimes numbers are important and he felt that this whole plan is all about numbers. He said that the City of Orange is the fourth largest City in the County, it has the largest sphere of influence in the County (approx. 54 sq. miles). According to the 2000 census, the City has the sixth largest population in the county. It also has the median income of the County. The County has 36 golf courses, 12 cities have one golf courses, 11 cities have no public golf course and one of those cities is Orange. The City of Corona, which is a close neighbor, has three golf courses. The City leaves a large footprint on the County, it reflects its heritage, the County's demographics and the County's culture. It has only one golf facility and that is on the land that is owned by the Orange Unified School District near the mall, and we don't know the future of that land because of the economy today. The question before us is larger than golf. It has several impacts. Mr. Jacklin said he would paraphrase the Orange Municipal Code and define recreational facilities. Those are "improvements that provide citizens' use of ballfields, lighting, swimming pools, picnic shelters, and community buildings among other things." The Ridgeline Property once housed a

nine hole golf course, executive course, in its facilities a swimming pool, tea room, a small restaurant, and stands on 50 acres and is zoned as recreational space.

The numbers are 50 and 5. What is more important to the City, 50 acres of recreational space or 5 acres of amenities for a privileged few? Mr. Jacklin said he would like the Commission to think about that and make public comment on that.

Phillip Bettencourt

Mr. Bettencourt said he is not a property owner in Orange or solicited or paid in anyway compensated witness. He had worked on the original plan several years ago. He said that he had worked in Orange Park for five different property owners. He has been a member of the Orange Park Association, and the Trails Committee for a decade or more. He has a great affection for Orange Park and has a great affection for this particular property. Mr. Bettencourt said that he appreciated the notion of consistency in the regulatory process but he said in his professional judgment as a planner that if you look at the entire administrative record thus far, including the agonizingly exclusive conditions that were put together by the Design Review Committee, it is the right project and the right conditions based, if not on consistency, instead based on consumer and environmental right sizing based in which the trail network and design standards have been tailored to meet the environmental conditions on the ground. What other uses may have been there, we shared our planning and our individual analysis for the property owner doing a careful study and brought economic tough love to the neighborhood about trying to operate a golf course in a very isolated area. It simply could not be done. Whether or not the City should be in the golf business or the City should have a larger presence in subsidizing a golf operation or the developer should pay a greater exaction for the agreement should be left to the policy makers. Mr. Bettencourt said he thought the set of conditions and the public trail network is the most equestrian friendly and OPA friendly park use for the property.

Ron Williamson

Mr. Williamson is a 17 year resident of OPA. Mr. Williamson said rezoning of properties without adequate replacement of like properties. The City budget is already being challenged like all cities right now with decreasing revenues. He understands that infield projects put a further drain on City budgets. With City revenues continuing to decrease in the near future, he sees cities being challenged to come up with ways to create more recreation. The current budget already calls for park maintenance. The City is compelled to vote in favor of the Ridgeline homes. This is an opportunity for the City to require adequate like/kind property dedicated to either the City or a private enterprise to create some recreation opportunities for the City. The property could be leased for a nominal amount to an operator that could yield tax revenue to the City. Furthermore, retaining 52 acres of recreation instead of losing 52 acres of recreation will make the City more compliant with the Quimby Act.

Mr. Williamson is an accountant by trade, and he does listen to numbers, and the numbers that he heard this evening were interesting to him. There were 1200 trips into Ridgeline. If there are 1200 trips a day into Ridgeline, that has to be a profitable venture. He thinks there is an opportunity there if it is run right but if it is not in the 52 acres of Ridgeline, it would be somewhere else if that could be accomplished.

Laura Thomas

Ms Thomas is a 20-yr. resident of OPA and she is on the OPA Board. Ms. Thomas said in regard to the ride-in arena, that arena would be on a residentially zoned lot if that zoning is changed which (this is just like the OC Fair) it could be changed from an arena to a house which then would mean there would not be a ride-in arena, if the homeowners association or the powers to be decide to change that. In the real estate agreement, there is a little connection, she does not know the language verbatim, but the Commission might want to review it...with Ridgeline being approved, the part of the 7.6 acres would go to some entity. With Sulley Miller high density being approved the balance of the 7.6 acres would go to an entity. If there is some litigation, the 7.6 acres goes back. Something that is supposed to be coming might not be there or in full. Sometimes things seem complicated, but they are really very simple. There are winners and losers in the situation in changing Ridgeline and losing the recreational opportunity. On one hand you have the winners, 39 happy families and investor group that profits. On the other side you have the losers, the thousands of users who are seniors, kids, golfers, tennis players, instruction that college and high school students received, tournament and recreational opportunities that included swimming, golfing and tennis...way beyond the equestrian flavor, and so she would recommend opposition to the loss of this recreational opportunity and open space.

Theresa Sears

Ms. Theresa Sears has lived in Orange for 15 years. Her parents belonged to Ridgeline since 1976. Ms. Sears said she found everyone's responses interesting. She said that from those that responded it is very clear that 85% of the people did not favor the project. She does not think that the Real Estate people or Mr. Ryan really did listen to the Real Estate Committee or the OPA Board. As far listening, it is kind of limited as to who that was. This property is not zoned for houses. The project could be turned down by the City Council and that could be the end of the story.

We know that the City of Orange is deficient in their City Park Standard and satisfying the Quimby Act. The goal of the City's Master Plan for Parks Facilities and Recreation is to provide 3 acres per thousand and at present we are at 1.42 per thousand. Implementation of the proposed project would be a significant setback for the City in their attempt to meet the park and recreation goals that we have before us that we have in the General Plan. The DEIR suffers from an inherit flaw; it clearly discloses that the project includes the dedication of the Sulley Miller Arena Site, yet,

rather confirming that the applicant's intent is to dedicate the arena, the devil is in the details. What it states is that it is a donation, which she strongly takes issue with. It is contingent upon, in her opinion, unachievable conditions. Ridgeline and Santiago projects both would have to be approved, there could be no Notice of Intent or Referendum or an initiative, we've had referendums in our City that have been successful and initiatives as well. There could be no litigations. Either way you could not control all the population of what they may or may not do. If any of those things happened, there would be no dedication of the arena site. Basically, for this developer to ask for zoning to be changed from recreational to open space to residential zoning defies logic and would only be a financial give-away by tax payers and tremendous donation to a private landowner. Ms. Sears suggests that there be something more fair and equitable, and trade zoning. Trading zoning would be very simple. Take the zoning on the Sully Miller site and the seven acres that are zoned as R140 and trade into Ridgeline. You trade in 7.6 acres and turn that recreational open space into our R140 and take the arena site and change that zoning to Recreational open space and go from there. Ms. Sears encourages the Commission to read the details before making any decision. She said she was available to answer any questions that they might have.

Don Crosby

Mr. Crosby is golf coach at Rosary H.S. in Fullerton. He said they had one of the best teams in the County this year and one of the girl's on his team started her career at Ridgeline Golf Course. They started at a young age and learned to play because of the course range and practice area. At present, we have Anaheim Hills, Tustin Ranch, Green River, Birch Hills Golf Course in near this vicinity and none of them cater to the young or the old. Long Beach Golf has thrived because of a short course that could be used by young and old. Long Beach also has Big Sea Village that caters to young and old and is still up and running. The reason that they are attractive to these age groups is because they are short nine hole courses and the good golfers usually aren't there and therefore, they are not pushing these people. In this corner of Orange County there is no place for the young or old to play and that is a shame. Brea Creek Golf Course in Brea, similar to Ridgeline seems to have more business than ever because of the young and old that are able to play. The developer moved in, closed your golf course, at this end of the County which had met the needs of the young and old for 20 years. Mr. Cosby said it reminds him of the closing of Big T on Beach Blvd. in Buena Pk. It was tragic for golfers, but great for the developer. The young and old need a place to play also.

Kathryn Lucas

Ms. Lucas is a 34 year resident of OPA and is also the horse show chairman for OPA. My family grew up in OPA. They used Ridgeline faithfully; they loved it and miss it dearly. Her children learned to swim there, they had the opportunity to fail at tennis but at least they had the opportunity, and they all played golf. Her daughter's wedding receptions were held at Ridgeline, and with this being gone there is just no

where else for us to go. She has heard several times this evening that there are 3. acres of Sully Miller that would be offered to a non-profit organization. What non-profit would that be? Would it be The Boys Club, YMCA it doesn't say OPA anywhere. She also knows being a horse show Chairman that there is not enough land to hold a horse show. Where would they park the trailers? That would be strictly arenas and we would be back to a ride-in situation. There is no parking included in this offer. There is also a large piece of land across the street that this developer has bought. We need to mitigate equal for equal. We need to have recreation, for not just those who ride. At Ms. Lucas's house, she has two arenas; she is one of the lucky ones. One is in the flood zone just like the property offered. So that means all winter she does not get to use it because it is flooded and it is exactly on the same plane of the property that is offered today. The boys don't have anywhere to go they don't have baseball, golf or tennis. The girls all ride. We need more recreational opportunities in Orange not less.

Linda Barkett

Ms. Barkett lives on the fringe of OPA. She is also a big fan of the City of Orange. She loves everything about it. She lives in Orange, works in Orange and she used to play in Orange. She doesn't care if the City wants to put an Equestrian playground there but give her the same recreational opportunities. They've talked about the young and the old, but what about the middle aged... Where are we playing? If she wants to play tennis, she has to drive over to Anaheim, have to go to Fullerton or Yorba Linda. All of the tennis players are doing the same thing that used to go to Ridgeline. So many people would go back to Ridgeline or a tennis facility in Orange. If you don't ride a horse, where do you go? You can't play golf, or play tennis and there isn't a softball field in East Orange unless you go to one of the college field. You don't have any recreational facilities out in East Orange. There are no playgrounds available to the residents of East Orange.

Charmaine Summers

Ms. Summers taught at Ridgeline Country Club for 17 years, and she also grew up in Tustin. She said that because of Ridgeline she is now a Professional golf pro. She said she is at Riverview golf course. She has people from Orange coming to Riverview in Santa Ana. All those people did lunch at Ridgeline and shopped in Orange, as she did. Her daughter is a product of Ridgeline and she also considers herself the American Dream. Her parents migrated from Canada and Spain and she is now here. Her daughter is a tennis pro and she went to Chapman University. Recreation is very near and dear to her heart. She grew up riding horses because of Orange. She grew up in Tustin but lived her life in Orange. She hopes you will consider recreational use, not to mention all the jobs it would create in Orange.

Andy Gaither

Mr. Gaither is a PCA Golf professional. He worked at Super Sports golf recreation. He headed up the junior camps at Ridgeline before it closed for the last five years. The tragedy for Ridgeline is that it closed down way to soon. You have beginners who have no place to practice and must look elsewhere to play. There is a good chance that Super Sports will be closed down within the next 5 years by the school district, and they will sell that property. Orange will be without a golf facility. Mr. Gaither said that is unacceptable. He feels that if property is given to the developer, the developer should give the community property it should be reciprocal. The high school teams and Rancho Santiago College teams will need a place to practice.

Vice-Chair Gilmer said that if Mr. Gaither was referring to the land that was located near the area of Sully Miller that land is owned by the County. Mr. Gaither said that the developer needs to give up something in return, because it is not acceptable for the City of Orange to be without a golf facility.

Vice-Chair Gilmer said the Public Comments were concluded and he opened the floor to the Commissioners.

Ms. Knight said she wanted to clarify several issues regarding Quimby requirements. The Community Services Dept. has received several calls. She said when they look at meeting their Quimby requirement they do not include as open space such as Ridgeline in that requirement, the City does not include private HOA parks or anything like that. If this project were to be approved or rezones it does not change the City's ratio. Currently, in the General Plan that has been revised our ratio is 3 acres per thousand, and we are at 1.81 acres per thousand. Even though the proposed development adds new residents, that does not change the ratio significantly. Instead of 1.81 it would become 1.80. She said there has been a lot of comment tonight about the development agreement, and the Sulley Miller arena. Unfortunately, that really isn't part of the purview of the Commission. That is really a policy decision on the part of the City Council and will be debated and decided at that level whether or not the points of the agreement are accepted.

From a staff perspective, there are a few areas of the project that we do have some concerns about and have some comments on. Obviously, the trails are one of them. She said that they have been in discussions since 2007 on this project, and she does remember Mr. Bettencourt was here in 2007, and at that time, the administrative record shows Mr. Bettencourt talking about how popular this trail system will be. As Ms. Knight looks at the photos, regardless of the loss of open space, she views it as a very beautiful community, and I see that as a popular place for people wanting to visit and ride. Ms. Knight said what she has heard here for the first time in two years, is that those interior trails are going to be closed to the public and could be locked. The City has been discussing that this is

a loop trail system for two years, and if they close that interior section there is no loop trail system. She agrees that there are many trails and roads that lead to nowhere, but they have been discussing for sometime the loop trail system. The Planning Staff is concerned that the EIR that was distributed and commented on leads the public to believe that those trails could be closed and gated and locked. That is a huge concern of the City. We are concerned about what we classify as sub-standard trail width on the interior trails. There was a discussion tonight about them being 8ft. width. Actually, when you look at the cross section, it is an 8ft. width with a trail fence inside of that 8ft. width which really then takes that width to a 7ft. trail width. Our trail tread width standard is 10 ft. As Mr. Sanford discussed earlier, our Master Plan of Trails was put together in 1993 with great community input, and as I look through the community record, it was because as you look throughout OPA there are some 4ft. and five ft. trails. There are some with no fences and some with fences. A great deal of the comment going into that record was that we needed a standardized system. The other concern we have, because we want the development to look and feel as the rest of OPA does, there are no sidewalks in this development, so the trails are the same location that you will have children on bicycles, and people walking their dogs etc. These trails will get used a great deal of time so it is just not simply - is it wide enough for an equestrian user, is it wide enough for all users?

The City feels we need to look at a safer crossing such as a stop sign at Meads. We don't feel that a sign with Equestrian Crossing Ahead is sufficient. There were other things that Mr. Ryan said they would be submitting to us tonight. It is important that you realize that staff has not had a chance to review those items, such as the line of sight for the blind corners, the fencing plan, the grading plan. None of those things can be commented on this evening because we have not had an opportunity to review those. They still need to go through staff reviews. There have been a few projects that have come to the Commission recently i.e., Holy Sepulcher and Rossiter Ranch, where it has been discussed that vinyl fencing is easier to maintain. In the past, we have left that in the past to be a discussion between OPA Board and the applicant to come back with a plan. It seems as though the applicant is open to really looking at and doing what it is that the residents want from a fencing perspective. With regard to the fencing and the line of sight, we have not seen a fencing plan that describes for us how the fences are, will there be restrictions for corners or the landowners not to plant landscape that is so high that you can't see around the corners. These are some of the things that staff still has to review.

Mr. Reynolds, said he wanted to make three points in part in response to what Mr. Ryan has said. About the Quimby fees...A project this size, less than 50 units. The ordinance is written so that we collect the fees and we can't require the developer to collect the land.

A pitch was made by Mr. Ryan that they were looking for credit for all the trails, and the ride-in arena toward the payment of Quimby fees. That is not staff's position, and we've put that into a letter to the developer that just went out

yesterday. Mr. Reynolds said that he heard that there is an intent to keep all the trails and the internal trails for public use. There is a way to do that. The way to do that is that you require that they be maintained as public for public access in the CC&R's and that the City be a signatory to the CC&R's so that if there is any proposed amendment in the future to delete that requirement, the City would have to consent to that.

Vice-Chair Gilmer said in that particular regard, can you clarify if the part of the development agreement requiring the dedication of the Sully Miller Arena, and we have two different numbers that have been batted around, is it 7.6 or is it 3.6

Mr. Reynolds said that there is not technically a requirement for dedication there is a donation requirement for this arena site. What the draft of the agreement says is "the owner owns approximately 7.6 acres of land and it consists of a horse riding arena on 3.9 acres and also 3.7 acres of adjacent land." The donation requirement says "additional consideration for the City approving the donation agreement, the owner would agree to offer to donate the 7.6 acres of land to a not for profit entity in its as is condition for use as a community equestrian center to be owned and operated by that not for profit entity." As some of the speakers have indicated, that transaction is contingent on certain things happening. This project is tied together with the Rio Santiago project. If both projects get their entitlements, the Ridgeline project and the Rio Santiago project both get the entitlements that they are seeking, then this requirement would go forward. There also cannot be a petition for a referendum or initiative that would restrict the owner's ability to develop both projects. In the event of litigation, there is a requirement that says that the owner may in lieu of donating the entire 6 acre site do a parcel map that would sub-divide the 3.9 acres and the 3.7 acres and would then donate the 3.9 acres. There are some other timing issues. A concern for Mr. Reynolds was the use of the word "may". He said if there is litigation, it doesn't say that only a portion of the site would have to be donated. It would seem that perhaps none of the 7.6 acres would have to be donated. That might not be the intent, and Mr. Reynolds said he would have to check with Mr. Deberry. However, the use of the word "may" indicates to Mr. Reynolds that it is not an absolute requirement.

Vice-Chair Gilmer said he felt that the word "may" would then have to be clarified.

Mr. Reynold said it was something that would not be for the Park Commission it would be at the Planning and City Council level and that is probably why there are still drafts.

Commissioner Blanc thanked the public for participating in the comments tonight, and thanked the consultants and the applicant for taking the time to do the public outreach.

The document is an impressive document. This is different for our commission because we generally have residentially zoned property. It is usually a park

dedication issue and the commissioners get to assist in designing the park. This is much more complicated. In this particular instance, we are being asked to consider a general plan amendment, a zone change, and amendments to the Specific Plan for OPA. It gets much more complicated and which further complicates it for our Commission is that there are only certain portions about this that we can talk about. We can talk about the portions that we have authority to discuss and how it effects the Master Plan of Trails and some of the other documents.

Commissioner Blanc referred to the minutes of 2007, one of the big issues at that time was the crossing. The Commissioners were so concerned about safety that in our notes we have asked the applicants to go back, it was motioned by Commissioner Hairston. He motioned that the applicants to go forward with a completion of the traffic study and that the applicants return to the Commission after the Commission has had a chance to visit the site. Although Ms. Blanc has read the traffic study, she still is very concerned about the safety of that crossing. She said she did not care what the EIR said; she is very uncomfortable with the fact that there are horses and other elements that were not taken into consideration when they did the study.

Commissioner Blanc is disappointed that the applicant is asking to wave the in-lieu fees, and to do that in exchange for what she considers to be very specific recreational opportunities on that site. The reason why she asked the question about what percentage of the homes out there that have horses housed on their property, if she took that at face value that it is 30 %, it leaves a whole lot of people that have recreational uses that aren't being met by this development. The loss of recreation for everyone else is a huge concern. She doesn't consider what the developer is providing for that community, although it is wonderful for the equestrians, it does not serve the needs of the larger community as far as making up for lost recreation.

Commissioner Blanc commented that when she went to visit the site, she was shocked at the condition of the site. She thought she would see a site that was going to be maintained until the land was going to be developed. When she saw it, she was taken aback by how the site looked. She thinks it is important to either move this project forward or not. She does agree that there is a huge loss of programs for kids. One of the City's deficiencies is active park space, sports parks. By providing amenities for the equestrian community, we are not making that up any place else.

Commissioner Catalan said she did have an opportunity to meet with several residents and speak with others by phone. She was told that the Sully Miller arena was going to be part of it. That meant a great deal to her. Although currently the recreational open space is not public it is private property, what would our other options be. If they were to have a soccer field, how much more traffic would there be. Reviewing the EIR I thought about what other options

would there be. If you lose that open space, is 1.7 miles of trail enough to mitigate that. If you don't have that other 7 acres of land as a component, she does not feel that is enough to mitigate that loss. She asked the question about if the internal trails were to be maintained publicly or would there be a gate. It seems the answer was one that the staff and commission did not expect. The public might not always have access to that and then we would be down to only 1 mile for the loss of the entire open space.

Commissioner Catalan said her concern about the connectivity was that there was no possibility of connecting where the private property is now. Both Coyote and Rattle snake that there would be no possibility of being a connection unless that private property owner donates land or sells land to make that connection. The safety concerns about the crossings was something that she heard about a lot from residents. She felt that it was something that could be mitigated.

Commissioner Remland said his main concern was the connectivity of the trails. He is bothered by the safety of the Meads crossing and feels it will be issue at some point. Commissioner Remland said he had utilized some of the amenities at Ridgeline as a youth himself. The issue that is really challenging is the scope of what can really be discussed here. He said that the he could look at the trails and the scope of which they can be built. He has the standards and he can see that they don't match up and they need to match the standards that are set forth. Commissioner Remland said there needs to be a consistency to how it is done. At the end of the day, his biggest concern out of the whole project is the open space component. Where it doesn't work is the fact is that it is really a private development. The Quimby requirement does not include Ridgeline in it. It is not within the Commission's sphere to influence that. That concerns him because those 51 acres can never be replaced. Even with the trade offs, with the wording that was mentioned earlier it is a huge concern and really needs to be cleaned up.

Commissioner Remland felt that the project should stand on its own, but unfortunately with the way things are set up, it doesn't seem like it is going to be a possibility.

Vice-Chair Gilmer said he agreed with many of the things that were said here. The public needs to understand that we as the Parks Commission do not approve the development. Our purview is more of the trails being in compliance with the City's standards. This is reminiscent of the Fieldstone Sully Muller project. They were going to dedicate a certain amount of land to the City and that the City could develop a park there. That wasn't acceptable because the City didn't have any money to do the infrastructure within it. One of the things that the Commission came back with was that we would require that the land would be completely developed and be a part of the overall development itself. That is the type of thing that the Commissioners could address. Vice-Chair Gilmer said what he has seen, and he thinks that the applicant makes a good point, that there are so many variations existing as far as what constitutes a trail. Most of the trail here are

probably an improvement over the vast majority of what exists in OPA today. He said that there might be some modifications that they could do, but he feels very strongly that it has to be tied to the development agreement with the arena because this would be pushed into the direction of equestrian use. This means that the other recreational uses would no longer exist. The Commission cannot really comment on a golf course being in use, but only what is eventually approved by the Planning Department and the City Council as how it applies to the actual trails. He thinks there have been some very positive things that have been presented. Vice-Chair Gilmer said he appreciates the loss of the Golf course because he is a golfer. It is something that is gone because the previous owner was not able to make it work. It is not something that the City can be involved in.

Commissioner Blanc asked if it was possible for us to make a recommendation and act or recommend on the conditions that are here even if we exclude some of those for further study? Ms. Knight said that they had a number of options. You can ask for additional mitigations and to come back in the process.

Commissioner Blanc said she thought it was impossible for them to have a discussion tying this in any way to Sulley Miller. At this point in time, it is a standalone project. Until there is a way to legally tie this with anything else. I think the Commission has to look at this as the way the project is right now without any substitution. Commissioner Blanc referred to Ms. Sears suggestion of "trading". In essence that might be a great idea, but in reality it is not possible for us to do, to continue to tie it up and not deal with the Quimby fees, and trail standards. She thought they should discuss it, get through the ones they can, and if there is additional ones that need study send those back, but not the whole thing back and continue it.

Mr. Ryan said the golf course doesn't exist anymore and that the developer is trying to do something that is uplifting for the rest of the community. He appreciates the Commission's discussion on what their focus is. We would very much respect what Commissioner Blanc just said, make recommendations and suggestions, but don't send the whole project back. Relative to that there are several issues Mr. Ryan wanted to comment on. The development agreement is a binding document and separate as it relates to the Sully Miller site. It is by itself, but it is very clear and City Attorney DeBerry and developer have been working on this for several years now. There is no ambiguity whatsoever. The Sulley Miller property gets donated and 3.9 acres goes with Ridgeline. The question is on the other 3.7.

Vice-Chair Gilmer asked Mr. Ryan if they were going to be facing the same identical situation that the previous owner (Fieldstone) had relative to the development of this property.

Mr. Ryan said what was key is that the Development Agreement is a clear document. The second item is the ride-in only arena gets donated and is specified in the Agreement. Mr. Ryan said he wanted to respond to the number of people who responded in the EIR. Most people who responded in the EIR it is not a contest it is a document to help identify the appropriate impacts and mitigation measures and usually there are more responses about concerns. He thought it was interesting to note that out of the 1500 OPA residents there were only 115 comments. Clearly it is not a hot issue. Relative to the issue about the horses, every home in OPA is zoned for equestrian uses. OPA is an equestrian community as far as the developer is concerned as far as the zoning. Regarding comments about “not listening”; listening is not about everyone agreeing. It is about finding out where the shared values are and trying to achieve those. We’ve listened to everyone, the OPA real estate community etc. There was a comment about the golf course in Brea and that golf course is subsidized by the City of Brea and he just wanted to make the Commissioners aware of that.

In answer to Ms. Knight’s comments regarding public access to the internal trails, Mr. Ryan stated that the EIR is very clear on the intent of public access on page 324. Ms. Knight asked if there also is a comment in the EIR that says the ultimate use is up to the owner? Mr. Ryan said that was correct that the HOA private streets are and private trails should be the responsibility of the private entry but the intent is to have public access.

Mr. Ryan said 18ft. and 10ft. are your trail standards, and for the feeder trails are not. These are not inappropriate trails they are designed for gentle slopes. The standardization issue on this piece of property is not the right direction to go.

Vice-Chair Gilmer said he was not sure on how to proceed as far as making a complete approval.

Mr. Reynolds said the Commission must decide if they have enough information, if they think they need more information back from the developer and you can’t move forward one option is to continue it.

Vice-Chair Gilmer asked for a Motion.

Ms. Knight asked Chad to again review the questions for you to consider and comment on with respect to project approval.

Mr. Ortlieb said that some options that the design committee did were to give the recommendation of approval with a round of different conditions, and then allow the project to proceed to the Planning Commission and Council with the stipulation that some of your concern areas come back before you so that you can see that it has been adequately addressed.

If you are not in support of the project, you want to let the applicant have their due process and move on to Planning and Council, you could still do the same thing. You can say that in the event this goes to Council, we want the Council to know these are our concern areas and we still want it to come back before us to address these particular areas instead of doing the continuance.

Just to go over some of the things that are the big ticket items before going to Planning and Council are:

- Do you accept these trail tread that are proposed by the applicant
- Are the sub-standard, HOA trail easements that are provided that don't meet make our Master Trail Guidelines acceptable to you
- Do you want to use the private easements that are proposed in fulfilling the trail easement area
- Do you find the Meads Crossing as proposed in the EIR adequate
- Are there any areas that you want clarifications on
- Regarding turns; some appear jagged
- Do you agree with the vinyl fence
- Recommendations as far as in-lieu fees

Commissioners reviewed conditions and commented:

Condition #1: Accept

Condition #2: Accept condition #2 subject to it being modified to require that the trails be accessible to the public and that the City be a signatory to the CC&R's and any amendment thereto that might alter or modify the requirement that the trails be closed to public access.

Condition #3: Accept (Commissioners accepted this condition as proposed in their packets)

Condition #4: Accept (Commissioners accepted this condition as proposed in their packets)

Condition #5: Accept

Condition #6: Accept (Signage should be reviewed by DRC)

Condition #7: Accept

Condition #8: Accept

Condition #9: Accept

Condition #10: Accept

Condition #11: Accept

Condition #12: Accept

Condition #13: Accept

Condition #14: Accept

Condition #15: Accept

Condition #16: Approval subject to the City's Traffic Engineer coordinating the County of

Orange to determine the feasibility of a three-way stop and the options need

to return to the Park Planning and Development Condition for approval.

Commissioner Blanc said she has a real concern for a non-signalized crossing. She does not know what the appropriate fix is for this, but she can't support the condition. She can't support the condition without further information and she thinks it needs to go to the appropriate people. She does not like existing verbiage regarding this safety issue.

Vice-Chair Gilmer said he thinks that they already have a precedent...there are lighted intersections in other places where they cross busy highways. We are going to be adding 50 or 60 horses that will be riding in and out. The only solution would be to have a three way stop.

Vice-Chair Gilmer said he would make a recommendation to Public Works take into consideration that a three way stop should be considered for safety.

Commissioner Blanc said that will be difficult because esthetics should be considered as well. She said she couldn't say for sure if there should be a three-way stop because she is not a traffic expert.

Ms. Knight said the last time there was a meeting and the discussion on this came up, there was a bit of debate on both sides of the issue; and some of the public testimony was that they did not have any other lit signals within OPA. There were quite a few folks who were not comfortable with having a light at the intersection because it does take away from the rural community. At the same time, the Public Works Department has said what they can review, and what they can review is based on the vehicle standards because we don't have a safe crossing standard for equestrians. It really is that they have looked at in their purview and cannot make a nexus for a traffic stop. The applicant has done a traffic study and again based on that they can't make a nexus for that kind of a stop. You can certainly recommend that the applicant return with other options or Public Works can come back with other options.

Commissioner Blanc said she would support the condition with a notation that it needs additional consideration.

Vice-Chair Gilmer said if you were going to use the wording "at a minimum" we should add a three way stop to the wording rather than a stripe. Beyond the horse issue, Vice-Chair Gilmer said people drive way to fast.

Commissioner Remland said that he would be okay with Traffic doing a study on it and then letting the Commission know their findings. Our issue is piqued on this issue. It is the right thing to do, but the Traffic Commission should make that decision not the Commission.

Mr. Ryan, said he wanted to let the Commission know that they took the Commission's recommendations very seriously and he feels it was all about safety first and the study second.

On the technical side we followed up on that and the staff also worked very hard on it as well.

This study does reflect the technical analysis.

Ms. Knight said you certainly could approve this condition and say "I would like the Traffic Commission to review this and return to us...", that way the project could continue moving forward.

Mr. Reynolds said he has a feeling that this condition came from the Public Works Dept., but I suggest that the sentence that ends at a minimum at the end add the words "subject to the traffic engineer studying the feasibility of the three way traffic sign."

Vice-Chair Gilmer said he had no problem with that because when they become involved in our concern, he thinks that they will see it that way.

Mr. Reynolds said do you want this to come back to the Commission or have it be just an informational item.

Commissioner Blanc said it could be that it comes back to the Commission and it doesn't have to take a great deal of time.

A question was raised if Meads was a County Road. Mr. Ryan said it was a County road on the Project side. If a three way stop was to be added, the Traffic Commission would have to be coordinated with the County.

The Commissioners agreed to accept the condition with additional wording added.

Vice-Chair Gilmer asked for a motion of approval subject to the amended comments on conditions #2 and #16.

Commissioners and City Attorney discussed the framing of the motion.

Commissioner Blanc moved for conditional approval with regard to the parks and open space and trails with the approval of the conditions as amended.

Second: Commissioner Catalan

Ayes: Gilmer, Blanc, Remland, Catalan

Discussion:

Commissioner Remland asked Mr. Reynolds... relative to this Commission and this project, and how we may feel about it individually, is it appropriate to have the discussion about how we feel about this project here or would that be more appropriate to do in front of City Council in expressing it that way?

Mr. Reynolds said that it would not be appropriate to be in front of the Planning Commission or the City Council to express what you're opinion is. Your opinion will be reflected in the minutes.

Commissioner Blanc, for the record in the discussion phase, she said that her personal opinion on this is that the City is very deficient in our open space and as per the terms of the Master Plan of Parks and Trails that she could not support the project, because it does not provide for the preservation of open space and the development of recreational facilities that benefit the community at large.

Commissioner Remland said just for clarification on his position on this project, he said when he voted on the first amendment it was on what the Commission has the purview to vote on. His belief is that the property is privately owned and based on his own personal convictions that he would love to have more open space, but that is not what they are confronted with. Consequently, what has been put in front of the Commissioners to vote on, they need to move forward so that the people who will ultimately make the decision can do that.

Vice-Chair Gilmer said that he completely agreed with Commissioner Remland. Some of the open land that the City does have lays fowl because we don't have the money to develop it. If we disapprove this, it will be the same thing. Nothing will be done to the 51 acres. It is a shame what has happened. Vice-Chair Gilmer said if you drive out there it is all boarded up, everything is dead and trees are down. He said he didn't see any benefit in that.