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Park faces legal battle over design

By: *Matthew Self, The Telegraph*

The second act of the battle over designs of a local community park is expected to begin soon with preliminary litigation, the lawyer for park opponents said.

Attorney Michael Thomas said he intends to file a temporary restraining order against the El Dorado Hills Community Services District by the end of the week. The intent is to prevent the district from moving ahead with plans to build the 18 acre Promontory Community Park, a proposed site beside the newly constructed Sophia Parkway on the Folsom border.

The park was approved by the district board by a vote of 3-0 in spite of staunch opposition from homeowners in The Promontory Village.

"Of all the land use litigation and work I've done with homeowners, this is most blatant example of a CSD just moving ahead despite all odds against them," Thomas said. "I've never seen anything quite as flagrant as this."

Thomas said the park violates The Promontory's specific plan, as well as a settlement agreement arrived at by a community group and the county in the late '90s. The addition of 70-foot light towers does not follow the "low-light subdivision" description that was at the heart of the settlement agreement, he said.

"If they've found something we've missed, we'll address that," district general manager Wayne Lowery said.

The district points to page 4-22 in the specific plan as a reference to usage for an active park. It allows for "multiple lighted athletic fields which may include: baseball, softball, soccer, and football."

The park's current design includes a regulation-size soccer field and two youth baseball/softball fields, all with lights.

The district was advised by both the county and developers as part of the process, and environmental impact report included the effect of lights on the neighborhood.

"We feel comfortable with the work they've done," Lowery said.

Thomas felt grading that's already been done to the site is evidence of the district jumping the gun, but Lowery countered by noting the area was already being used as a staging site by one developer in The Promontory.

"To grant them permission for using the site, the trade off was we asked them to (grade) the land," Lowery said. "It was a cost-saving measure. This takes a heavily sloped property to a slightly sloped property."

Lowery said any dirt left behind by the developer could be used as fill for park construction.

If a temporary restraining order is issued by the El Dorado County Superior Court, Thomas intends to follow with an injunction to force the district to return to the drawing board.