

El Dorado Hills Area Planning Advisory Committee



APAC 2020 Board

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El Dorado County Planning Commission

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November 10, 2020

The El Dorado Hills Area Planning Advisory Committee (EDHAPAC) would like to submit the following feedback regarding the Bass Lake North project TM14-1522/TM-R19-0002/TM-E19-0001, scheduled for the Planning Commission meeting November 12, 2020.

EDHAPAC is concerned that El Dorado County has a history of granting project entitlements with specific conditions of approval that are then modified at a later date. Clearly, market conditions, as well as state and local environmental standards, and ordinances, are subject to change over the intervening years between project approval, and project development.

However, conditions of approval are not just covenants between a development and County Government, but more precisely, between development and County Residents/the Community.

When a project is approved and conditions established, it informs residents that protections are being crafted to serve the community, and to protect Country resources. In short, residents don't believe that COAs issued to approve a project

should be treated as negotiating points, or placeholders, used to garner project approval, and then be subject to significant changes later, in a piecemeal fashion.

The intent of both the original Bass Lake Hills Specific Plan, and its associated Public Facilities Finance Plan (PFFP), as well as the updated BLHSP and PFFP in 2016/17, was that the first phases of development (Phases 1, 1A, and 2) would provide the plan area infrastructure in advance of full development, with the opportunity for these first phase developments to be reimbursed for parts of these infrastructure costs by subsequent development projects in later phases.

Seeking to defer these conditioned requirements, COAs, to undefined future development violates the very intent of the BLHSP and PFFP, and invalidates the goals and assurances that the PFFP sought to provide to El Dorado County and to residents.

To be blunt, the County is now left to deal with a similar situation from Bass Lake Area projects approved in the late 1980s and the 1990s, where infrastructure, and road and pedestrian safety and capacity improvements, were deferred to “future projects” that have never materialized.

The EDHAPAC Bass Lake North Subcommittee provides the following for consideration:

Bass Lake North – Project

Subject: Project for Review & Comment - TM-R19-0002/TM-E19-0001 – BASS LAKE NORTH REVISION AND TIME EXTENSION (TM14-1522)

*66. Park & Ride Lot Construction: The applicant **shall cause to be constructed, before the 45th building permit, at least 100 spaces** in the Park and Ride Lot*

located on Country Club Drive near the intersection of Bass Lake Road. The applicant may enter into a reimbursement agreement with the County providing for reimbursement of the funds provided by the applicant and used for the construction, or construction-related, activities (including land acquisition if required) for these improvements to the extent they are included in the Bass Lake Hills Public Facilities Financing Plan Fee Account. Applicant shall be granted a credit against their PFFP fee for such improvements.

Submitted by

Bass Lake North EDHAPAC Subcommittee Chair Kathy Prevost

From the acquisition of the DR Horton properties in 2009, by Winn Communities and N. C. Brown Development, Inc. (doing business as BL Road LLC), there have been several requests from the developer regarding changes to the Conditions of Approval and the 2004 Bass Lake Hills Specific Plan Public Facilities Financing Plan (BLHSP PFFP).

In a letter to Lou Green, (then El Dorado County Council) dated January 21, 2009, Norm Brown stated that "In trying to rearrange the timing of existing conditions, DR Horton found themselves in the position of rearranging the deck chairs on the Titanic. It is insufficient to rearrange the deck chairs; we need to 'right the ship'."

Bass Lake North is in the Bass Lake Hills Specific Plan (BLHSP) as a Phase 2 project and is located on the east side of Sienna Ridge Road adjacent to the Bridlewood Canyon development. The developer of Bass Lake North has requested consideration to amend the Conditions of Approval (COA) of the previously approved tentative map by the Board of Supervisor's (BOS) on February 28, 2017 which requires them to build a one hundred space Park and Ride lot. They would prefer to construct only fifty spaces because of the cost burden.

They are also requesting a six year time extension for the project.

When the ninety home project (38.578 acres) was granted approval of the tentative map by the BOS, a request was made by Supervisor Frantzen that they also complete the Bass Lake Road Bike Trail from Hollow Oak to Highway 50 as one of the Conditions of Approval.

At the request of the developer for amendments to the COA's for Bass Lake North in 2016, a Bass Lake North CEQA Addendum and Initial Study of Environmental Significance, dated September 2016, was written and approved by the Board of Supervisors on February 28, 2017. The requirement for the construction of a one hundred space Park and Ride facility was included in this document.

The Park and Ride Facility had previously been part of the Hawk View project COA's with the requirement to purchase the property and build part of the parking spaces.

The Bass Lake Hills Conditions of Approval Amendments Addendum and Initial Study of Environmental Significance for Hawk View, Bell Woods and Bell Ranch (Phase 1A projects) was reviewed and adopted on April 28, 2016 by the Planning Commission.

The amended COA's refined the sequence and timing of certain infrastructure improvements and changed several interim infrastructure improvements to facilitate incremental development of the tentative maps rather than building them concurrently as originally defined in the BLHSP and 2004 PFFP.

The developer had noted that while Hawk View was a Phase 1A project and should be responsible for the purchase of the 2-acre site, the Phase 2 projects should be responsible for constructing the facility according to the 2004 Public Facilities Financing Plan. Consequently, a new COA number 68 was written requiring the applicant to acquire approximately two acres for a Park and Ride lot which has been completed.

Critical mass was considered to consist of Hollow Oak as Phase 1 and Bell Woods, Hawk View and Bell Ranch or any combination of the three were considered to be Phase 1A in the 2004 PFFP. The remaining Phases of 2 and 3 then consisted of those with and without Development Agreements. This property falls in that classification as only one property (APN 115-010-16) had an original Development Agreement.

The original Development Agreements with the property owners expired and new Development Agreements with Lennar Winncrest, LLC, were approved by the BOS on September 19, 2017.

The PFFP dated June 8, 2004, page 53 states Phases 2 and 3 (remaining units to build out) will "construct 100 parking spaces in park-in-ride lot". Also Phases 2 and 3 will construct or fund the bike way or sidewalk improvements as required.

Consequently, the Bass Lake North project COA's reflect this but the impacts associated with the Park and Ride facility were addressed in the Bass Lake Hills Conditions of Approval Amendments Addendum and Initial Study of Environmental Significance.

The Park and Ride is an important element of the BLHSP and it is included in several places. In the Vision Statement and Plan Goals 2.0 under Objective 3.10.1.3, "The County shall continue to work with employers, residents, and other Agencies to encourage increased car pools, van pools, and park-and-ride lots".

Also, under Circulation 4.0, 4.11 Park-and-Ride Lot, "A site for a park-and-ride lot capable of accommodating 100 vehicles with expansion to 200 vehicles (approximately 2 acres) has been designated on the east side of Bass Lake Road adjacent to the historic Clarksville Toll Road and U.S. Highway 50. This lot will allow Plan area residents alternatives to single-occupancy vehicle commuting. Transit and ridesharing programs will increase use of this facility resulting in vehicle trip reduction. This lot will also double as a parking area for the east-west trail".

In the Specific Plan section 4.13, General Circulation and Trail Standards states "The Mormon Carson Trail, an off road/pedestrian/equestrian/bicycle trail connecting the eastern and western boundaries of the plan area would be created within the approximate alignment of the historic Clarksville toll road (in certain circumstances this alignment may coincide with the current alignment of Country Club Drive). To facilitate access to the trail, a parking lot capable of containing

approximately 10 vehicles would be created at the eastern end of Country Club Drive, at the Plan area boundary. The Trail and the park and ride would be constructed to allow joint use of the parking facilities. These improvements would be funded by the area-wide assessment district and built during the improvements to Country Club Drive”.

It can also be found as figure 4-1, Circulation, page 35, on Village D which is the Bell Ranch project.

Currently, there are existing Park and Ride facility parking deficits in El Dorado Hills and a definite need for more spaces exists. In 2017, LSC Transportation Consultants assessed existing deficiencies in the Park and Ride capacity for the El Dorado County Transportation Commission and at that time found there was a shortage of more than twenty three parking spaces in El Dorado Hills.

For the summer of 2017, the average daily use of the “overflow” parking area was approximately forty vehicles. There were additional parking deficiencies in the Cameron Park area.

Sixty additional spaces were needed in El Dorado Hills and thirty new spaces in Cameron Park. The report stated that in the next ten years these deficiencies were anticipated to grow to one hundred seventy two spaces in El Dorado Hills and seventy in Cameron Park. Further it stated "The long-standing lack of parking capacity in these areas is believed to have suppressed potential transit use and carpooling, and the actual deficiencies might be higher".

This project is also conditioned to purchase the right-of-way for Hawk View Road (North Silver Dove extension) and complete that section of road.

Along with the Bell Woods, Bell Ranch and Hawk View projects, the project is responsible for the improvements to Bass Lake Road from US50 to the realigned Country Club Drive (aka Tierra De Dios, aka City Lights Drive) and construction of the new Country Club Drive.

Additionally, they are responsible for the construction of improvements at the intersection of Bass Lake Road and the US50 interchange ramps, both east and

west bound and the signalization of the eastbound off-ramp terminus intersection with Bass Lake Road.

Consequently the developer is stating that their cost per unit would be increased to \$26,237. Sixteen years ago the 2004 BLHSP PFFP reflected a total Bass Lake Hills Fee Program of \$11,846 for 1404 units at build out.

The BLHSP Amendments and Addendum and Initial Study of Environmental Significance stated there was a “New requirement on for all subdivisions that an update to the Bass Lake Hills PFFP shall be submitted prior to issuance of the first building permit”.

Also, this project is requesting an extension of their Tentative Map's approval because it took them two years to complete the annexation into EID through the Local Agency Formation Committee (LAFCO). EID would not accept the Facility Plan Report for review until the property was annexed.

Project Summary: Bass Lake North Addendum

“The project site is within the region originally known as the Bass Lake Road Study Area (BLRSA), the subject of which was evaluated in a Program Environmental Impact Report adopted by the El Dorado County Board of Supervisors in 1992. Subsequent to this, the Bass Lake Hills Specific Plan (BLHSP) was prepared and adopted by the County in 1995, along with an Addendum to the 1992 Program EIR.”

“The County determined that the project does not present a legal or evidentiary basis for preparation of a Supplemental or Subsequent EIR pursuant to State CEQA Guidelines and that an addendum to the 1992 EIR, pursuant to State CEQA guidelines, is the appropriate environmental document for the proposed project.”

“Site-specific studies were prepared for this project and reviewed and analyzed by County staff to determine if the documents were accurate and objective based on their professional judgment and expertise.”

“The Bass Lake Hills Specific Plan assumed the build-out of the Park and Ride facilities would be located on Country Club Drive near the intersection of Bass Lake Road.” The 100 space park and ride facility property was acquired by the Hawk View subdivision project as stated in the Conditions of Approval for the Bass Lake Hills Specific Plan Conditions of Approval Amendment Addendum and Initial Study of Environmental Significance dated January 2016 and adopted on April 28, 2016. Because the impacts associated with the build out of the Park and Ride facility had already been reviewed, they were not in the analysis within the Bass Lake North Addendum.

The Bass Lake North project is considered a Phase 2 project in the Bass lake Hills Specific Plan PFFP and therefore conditioned to construct Phase 2 public facilities according to the Addendum. Per the document the three Phase 1A projects including Hawk view, Bell Woods and Bell Ranch projects have been approved and conditioned to complete the necessary phase 1A infrastructure consistent with the Bass Lake Road Supplemental Addendum Program EIR.

However, if the Phase 1A infrastructure required by Phase 1A projects is not completed by the time the final map for Bass Lake North is recorded, the proposed project would be required to construct the Phase 1A infrastructure.

The following Planning Commission Findings and Final BOS Findings were adopted on 2/28/17.

Traffic, page 3, 3.6 Policy 3.10.1.1. “Transportation alternatives, which are cost-effective, shall be strongly encouraged. A public transit system linking employment, shopping areas, and schools with residential areas should be developed”.

“The BLHSP requires the construction of bicycle facilities to ensure connectivity with parks and adjacent development. The proposed project, as mitigated and

conditioned, will include a pedestrian access network that internally links all residential and open-space areas and connects to all existing and planned external streets and pedestrian facilities contiguous with the project site. The project is conditioned to construct 100 spaces in the proposed Park and Ride lot located on Country Club Drive near the intersection of Bass Lake Road. Lastly the project is conditioned to pay its fair share of the Public Facilities Financing Fees to support transportation-related facilities identified in the BLHSP.”

3.8 Policy 3.10.1.3 “The County shall continue to work with employers, residents, and other agencies to encourage increased carpools, vanpools and park and ride lots.”

“The project is conditioned to construct 100 spaces in the proposed Park and Ride lot located on Country Club Drive near the intersection of Bass Lake Road. Lastly, the project is conditioned to pay its fair share of the Public Facilities Financing Fees to support the facilities identified in the BLHSP.”

3.9 Policy 3.10.1.5. “Project review shall take into account all forms of transportation and circulation systems, including rail, bicycle trails, pedestrian paths, equestrian easements, off-site and on-site parking where appropriate.”

“The proposed project, as mitigated and conditioned, will include a pedestrian access network that internally links all residential and open space areas and connects all existing and planned external streets and pedestrian facilities contiguous with the project site. The project is conditioned to construct a hundred spaces in the proposed park-and-ride lot located on Country Club Drive near the intersection of Bass Lake Road. Lastly the project is conditioned to pay its fair share of the Public Facilities Financing Fees to support transportation related facilities identified in the BLHSP.”

It is pretty clear that the very much needed Park and Ride is part of a much larger picture for the overall connectivity of the specific plan.

From the addendum to the Bass Lake Road Study Area Program EIR dated November 7th, 1995, page 34.

Specific Plan Section 4.13, General Circulation and Trail Standards, number 13

“In accordance with Caltrans requirements, a park and ride lot capable of accommodating 100 cars, expandable to 200 (approximately 2.0 Acres) shall be provided in the approximate location shown on figure 3-1, Specific Plan Land Use Diagram, and figure 4-1, Circulation Plan, beyond the ultimate right of way of the Bass Lake Road/ Highway 50 interchange. (See Section 8 .0 of the Design Guidelines)”

The requested change only benefits the project proponent and does nothing for the nearby residents or the El Dorado Hills and Bass Lake communities.

Unfortunately, most residents are unaware of the proposed change, and will only become aware of the changes to COA #66 when the previously approved requirement for 100 parking spaces in the Park and Ride Facility do not materialize. This is a consistent experience of dissatisfaction for residents, when proposed mitigation and improvements that are touted as community benefits when a project is approved, but fail to be achieved years after the fact, because initial projections on needs are either insufficient at the time of approval, expectant costs are underestimated, or don't hit proscribed triggers years later, due to a decrease in the overall buildout in a Plan Area.

To residents, one-sided changes to COAs that benefit the applicant, but leave the community with less mitigation, seem inappropriate. The phrase ‘horse trading’ comes to mind. Negotiations between applicants and the County that are codified

in a development agreement - a legal contract – along with the PFFP, that result in a project approval, shouldn't be subject to changes after the fact unless it benefits all parties. These are changes that don't address the resultant domino effect on other elements of the BLHSP circulation planning, and development buildout.

Since recommendations have been made that a reduced parking space count for the Park and Ride Facility can be justified at this time, and the requirement to move the burden of 50 of those parking spaces to undefined future projects in Phase 2, or later phases of the BLHSP, perhaps it would be appropriate to consider a 'trade' of the 50 spaces, or even all required 100 spaces, to future projects in later phases, for something that will immediately benefit the County/residents, since this proposed COA modification appears to benefit the applicant to the detriment of the County/residents. As an example, other elements of circulation are still lacking funding support in the Bass Lake Road Study Area, such as the proposed Bass Lake Road-Bridlewood Drive intersection roundabout, which could also use additional seed funding to obtain grants, even though it is outside the Plan Area. Or improvements to the Bass Lake Road-Hollow Oak Drive intersection which is in the Plan Area, and could be improved to provide safer circulation in conjunction with El Dorado Hills Fire Department Station 86's access driveways, with some seed funding. In these days of reduced funding sources, and increased needs, creative solutions should be embraced. Simply, a change to the COA should be an opportunity to benefit both the applicant and the County/residents.

EDHAPAC believes that the 100 spaces of the 200 parking spaces as required in the BLHSP, PFFP, and COA #66, are necessary elements of the overall circulation needs of the BLHSP, and the region. If a benefit is derived from modifying COA #66, it should be a benefit to all parties – the applicant, the County, and residents.

EDHAPAC understands that we are not currently experiencing what is considered “normal” traffic and transportation demands, however once we do, the requested reduced 50 parking spaces would neither meet the normal demand nor allow for parking for the trail usage.

It would be a tremendous advantage for Bass Lake residents to have a local Park and Ride, as defined in the specific plan, without the need to drive through several miles of local roads and US50, to Town Center for ride sharing, as well as for public transportation.

The El Dorado Hills Area Planning Advisory Committee appreciates the opportunity to review and provide public comment on proposed development projects in the El Dorado Hills area.

Respectfully,

Kathy Prevost

EDHAPAC Bass Lake North Subcommittee Chair

John Davey

2020 EDHAPAC Chair