PC 3/24/16
#5, #6, #7
4 pages

Charlene Tim <charlene.tim@edcgov.us>

re: March 24, 2016 Agenda Projects/Hawk View/Bell Ranch/Bell Woods/BLHSP

hpkp@aol.com <hpkp@aol.com> Sat, Mar 19, 2016 at 9:32 AM
To: tiffany.schmid@edcgov.us, rich.stuart@edcgov.us, gary.miller@edcgov.us, brian.shinault@edcgov.us, jeff.hansen@edcgov.us, james.williams@edcgov.us, bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, charlene.tim@edcgov.us

Good Morning:

I have attached a letter from the El Dorado Hills Area Planning Advisory Committee (EDH APAC) with a **request** for the following projects which are on the March 24, 2016 Planning Commission Agenda (16-0195 - Hawk View/TM00-1371 - R/Time Extension 1371-E; 16-0198 - Bell Ranch/TM96-1321-R-3/Time Extension TM1321-E2; and 16-0199 - Bell Woods/TM01-1380-R/Time Extension TM01-1380-E) **to be reviewed by the Planning Commission at a later date** to allow for them to be sufficiently reviewed by both APAC and the residents of the Bass Lake area in EDH.

These projects were submitted to APAC in late 2014/early 2015 for comment. On March 4, 2016, information was received by APAC from the Planning Department indicating two of the projects would be reviewed at the Planning Commission meeting on March 24, 2016 for a tentative map revision and a request for a one year time extension. The Planning Commission agenda actually shows more extensive changes are planned by the developer seeking approval from the Commission.

Based on the Planning Commission Agenda information, there is insufficient time for APAC and the residents of the Bass Lake area to fully review these projects and the many significant changes suggested as well as the possible ramifications of the proposed Condition of Approval amendments for the three projects.

The BLHSP Conditions of Approval Amendments for EDC document (P) written in February 2016 alone is 732 pages in length and there are three projects to be considered. We would very much appreciate having the opportunity to review the projects at our April 13, 2016 meeting which would allow for input from the residents of the El Dorado Hills area so that we might write a more fully informed comment letter. Please consider granting our request so that these projects can be more fully vetted.

Thank you in advance,

Sincerely,

Ellison Rumsey
2016 APAC Committee Chair
aerumsey@sbcglobal.net
916 358-5733

John Raslear
2016 APAC Committee Vice Chairman
jjrazzpub@sbcglobal.net
916-933-2203

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16-0199 Public Comment
PC Rcvd 03-21-16

APAC extension letter request for BLHSP Revisions 3-18-16.doc
688K

El Dorado Hills Area Planning Advisory Committee
1021 Harvard Way
El Dorado Hills, CA 95762

March 18, 2016

El Dorado County Community Development Agency
Development Services Department, Planning Division
Tiffany Schmid, Planner
Planning Commissioners – Rich Stewart, Gary Miller, Brian Shinault, Jeff Hansen, James Williams
Board of Supervisors – Ron Mikulaco, Shiva Frentzen, Brian Veerkamp, Sue Novasel, Michael Ranalli
Clerk of the Board – Charlene Tim

RE: March 24, 2016 Agenda Projects – Bass Lake Hills Specific Plan - 16-0195 –Hawk View/16-0198 – Bell Ranch/16-0199 – Bell Woods

Proposed Actions submitted by BL Road, LLC and staff:

1) Adopt February 2016 Addendum to the 1992 Bass Lake Road Study Area Final Program Environmental Impact Report; (2) Adopt the Mitigation Monitoring and Reporting Plan in accordance with CEQA Guidelines Section 15097, incorporating the Mitigation Measures as presented; (3) Approve a one-year time extension to Tentative Map TM00 1371/TM96-1321/TM01-1380-E; (4) Approve Tentative Map Revisions for all three based on the Findings and subject to the Conditions of Approval as presented.
Bell Woods also has a requirement to adopt a phasing plan consisting of Phase 1 and 2, pursuant to 120.28.010 of the EDC Subdivision Ordinance.

These three projects were submitted to APAC in late 2014/early 2015 for comment and at that time APAC, in a majority subcommittee report, expressed a major concern relating to the changes to the undercrossing at Highway 50 and Bass Lake Road which could cause an unsafe condition to exist. Their comments related to the complexity of the changes proposed and the lack of an integrated regional traffic analysis. The minority subcommittee Report provided a more detailed review of each condition and a separate set of recommendations.

On March 4, 2016, information was received by APAC from the Planning Department indicating two of the projects would be reviewed at the Planning Commission meeting on March 24, 2016 for a tentative map revision and a request for a one year time extension.

The Planning Commission agenda actually shows more extensive actions are planned by the developer who is seeking approval from the Commission for all three projects not two.

Based on the Planning Commission agenda information, there is insufficient time allowed for the three projects to be fully reviewed for comment by APAC and the residents of the El Dorado Hills/Bass Lake area. The many significant changes suggested as well as the possible ramifications of the proposed Condition of Approval amendments for the three projects need to be more fully explored. The BLHSP Conditions of Approval Amendments for EDC document (P) written in February 2016 alone is 732 pages in length and there are three projects to be considered.

We would very much appreciate having the opportunity to review the projects at our April 13, 2016 meeting which would allow for APAC to gain input from the residents of the El Dorado Hills area so that we might write a more fully informed comment letter. APAC appreciates having the opportunity to provide comments and we hope you will please consider granting our request so that these projects can be more fully vetted.

If you have any questions please contact Kathy Prevost, 2016 APAC Secretary at hpkp@aol.com or 530 672-6836; Ellison Rumsey, 2016 APAC Chairman at aerumsey@sbcglobal.net or (916 358-5733); or John Raslear, Vice Chair at jjrazzpub@sbcglobal.net or (916-933-2203).

Sincerely,

Ellison Rumsey

2016 APAC Committee Chair
aerumsey@sbcglobal.net
916 358-5733

PC 3/24/16
#5, #6, #7
19 pages

Charlene Tim <charlene.tim@edcgov.us>

Public comment, Planning Commission 3/24/16, items 5, 6, 7

Ellen Van Dyke <vandyke.5@sbcglobal.net> Sat, Mar 19, 2016 at 6:08 PM
To: Char Tim <charlene.tim@edcgov.us>, Brian Shinault <brian.shinault@edcgov.us>, Gary Miller <gary.miller@edcgov.us>, Rich Stewart <rich.stewart@edcgov.us>, James Williams <james.williams@edcgov.us>, Jeff Hansen <jeff.hansen@edcgov.us>
Cc: Kathy Prevost <blacinfo@aol.com>, Tiffany Schmid <tiffany.schmid@edcgov.us>

Please consider the attached public comments and include them in the record for the Bass Lake projects Hawk View (16-0195), Bell Woods (16-0198), & Bell Ranch (16-0199), to be heard by the Commission 3/24/16. (The Infusino letter attached was referenced in my comments and was submitted for the 2013 Bass lake PFFP hearing)

I would totally support the Bass Lake request to extend the hearing so that residents might have a better opportunity to review the project documents.

thank you- Ellen Van Dyke

2 attachments

Infusino letter_BassLakeSP_PFFP BOS 10.28.13.doc
70K

Van Dyke public comment for PC_HawkView.BellWoods.BellRanch_3.19.16.pdf
1645K

16-0199 Public Comment
PC Rcvd 03-21-16

Thomas P. Infusino, Esq.
P.O. Box 792
Pine Grove, CA 95665

10/28/13

Board of Supervisors
County of El Dorado
330 Fair Lane
Placerville, CA 95667

RE: I strongly recommend that you leave in place the current Bass Lake Hills Specific Plan Public Facility Finance Plan.

Dear Supervisors:

My name is Tom Infusino, and I am submitting these comments on behalf of the Measure Y Committee. I am writing to encourage you to leave in place the existing Bass Lake Hills Specific Plan Public Facility Finance Plan. This matter is on your October 29 agenda.

My analysis below is based upon my review your Community Development Agency files that span over twenty years of activity on the BLHSP. I have practiced land use law in the Sierra Nevada foothills for over twenty years. On many occasions I have tried to help the El Dorado County Board of Supervisors avoid making fiscal and land use mistakes. I am writing again today for that very same purpose.

I. Summary & Recommendation

A) I agree with the staff reports that:

1) The Specific Plan must be amended with or before the proposed PFFP, and this change is subject to CEQA review.

2) The proposed PFFP changes shift the burdens to finance and construct legally required roadways onto a cash-strapped county that has no plan that timely ensures the needed funding.

3) The proposed PFFP changes create an unfair competitive advantage by allowing new BLHSP builders to "jump the line" and collect immediate reimbursements from TIM Fees collected, while other TIM Fee Zone 8 developers continue to wait in line for their money, even though they have already constructed critical county roadways and have existing reimbursement agreements with the county.

Unless the County is willing to spend the time, the money, and the effort (1) to complete the CEQA documentation to amend the Specific Plan and Tentative Maps, (2) to fund a new

mechanism to ensure timely construction of connector roads between isolated BLHSP villages, and (3) to pacify the other irate TIM Fee Zone 8 developers who will have to wait longer for their reimbursements while their competitors in the BLHSP unfairly get immediate reimbursement; **I strongly recommend that the County just leave the existing PFFP in place and unchanged.**

If the landowners in the Specific Plan Area need to reallocate the financial burdens of implementing the specific plan, they can do so through agreements among themselves, on their own. Unlike the proposed PFFP, such agreements would not shift millions of dollars of financial risk onto El Dorado County residents and taxpayers. Such agreements would not make other area investors (who are successfully building homes, opening businesses, and creating jobs) the victims of unfair competition.

II. Analysis

A) Staff is correct that the Specific Plan and Tentative Map conditions of approval must be updated to reflect changes in the required infrastructure and mitigation measures.

There is a hierarchy to land use planning. (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176.) At the top of the local land use planning hierarchy is the general plan, that includes a land use designation map covering the entire county, and a set of countywide policies covering land use, circulation, housing, conservation, open space, public safety, and noise. Virtually all subordinate discretionary decisions regarding land use and public works must be consistent with the general plan. (*Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988.) Among those subordinate decisions are specific plans, that identify in more detail the development requirements for a specific sub-region of the county. The specific plan must be consistent with the general plan. (Government Code, Sec. 65454.) For each specific plan there must be a public facility financing plan that includes "**public works projects, and financing measures**" to carry out "the uses of land … including open space;" and the infrastructure "needed to support the land uses described in the plan." (Government Code, Sec. 65451.) Within the specific plan, there may be one or more subdivision maps that identify specific conditions for the development of subdivided lands. The subdivision maps must be consistent with the specific plan and the general plan. (Government Code, Sec. 66474.)

If the only action the Board of Supervisors needed to take was an amendment to the PFFP that merely adjusted who paid for what, that action could be exempt from CEQA review. The definition of a "project" subject to CEQA review does not include, "The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment." (See Zischke, Letter to Carpenter, 10/4/13.)

However, the proposed PFFP does far more than merely adjust who pays for what. The proposed PFFP changes actual physical components of the Bass Lake Hill Specific Plan. ("Specific Plan") In particular, it changes Bass Lake Road/Highway 50 Interchange Improvements, it changes recreational park requirements, it changes sewer infrastructure, and it changes the width of Bass Lake Road. (Paolini & Wilson, memo to BOS, 10/29/13, p. 2.) In addition, the timing of implementation of the Specific Plan is being altered. Finally, these portions of the Specific Plan that are being changed directly relate to the measures the County adopted to mitigate the impacts development under the Specific Plan. Thus, with or before the proposed PFFP is approved, the County must first amend the Specific Plan.

Prior to amendment of a Specific Plan, the County must complete any additional CEQA review. (CEQA Guidelines, sec. 15162.) For the purposes of CEQA review, the "project" analyzed is "the whole of an action," and not "each separate government approval." (CEQA Guidelines, sec. 15378, subds. (a) & (c).) Thus, all of these changes to the Specific Plan, to the PFFP, to the subdivision maps and to the development agreements are part of the one "project" to be analyzed in the updated CEQA document. (Paolini & Crawford, Memo to BOS, 8/16/13, p. 14-15.) Thus, the County must complete any necessary CEQA review and findings ***prior*** to any of these approvals. (CEQA Guidelines, secs. 15091 & 15092.) When changing mitigation measures in a specific plan, the lead agency must explain why the original mitigation measures are infeasible, and adopt findings of fact based upon substantial evidence. (*Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342.)

After or with the Specific Plan amendments, the County would then make the needed changes to the PFFP. Parties with existing subdivision maps and development agreements who wish to take advantage of the new PFFP provisions would then need to have their subdivision maps and development agreements amended accordingly. Any new subdivision maps and development agreements would be drafted to be consistent with the new PFFP.

B) The Staff Report is correct that a Supplemental EIR is required due to significant changes in the project, new information, and changed circumstances.

Usually, an EIR is prepared on a project, the project is approved, and no further EIR is needed. However, if a new approval is required for the project, a Supplemental EIR may be needed. A Supplemental EIR is needed if the agency finds that changes in the project, new information about the project, or changed circumstances associated with project implementation will result in new environmental impacts, substantially more severe environmental impacts, or will make additional mitigation measures feasible. (CEQA Guidelines, sec. 15162, subd. (a).)

1) Significant changes in the project indicate that its impacts may be substantially more severe.

a) Changes in the park mitigation may result in a new significant impact.

The Bass Lake Road Study Area plan representative sold the Planning Commission on the project, in part, because it would result in the actual construction of public improvements, recreational facilities. (Testimony of Croasariol, Minutes of El Dorado County Planning Commission, April 19, 1992, p. 19 ["There will be a school site, park and ride, parks, and open space."].) The Findings of Fact for the Addendum to Bass Lake Road Study Area PEIR indicated that the recreation impact of the plan was a need for 24 acres of recreational space. That impact was mitigated to less than significant. This finding was a result of three factors. First, mitigation measure I02 called for the County to enter into an agreement with the developer to meet the park requirement. Second, the Specific Plan described recreational opportunities. Third, the Specific Plan included bike a pedestrian trials. (Resolution No. 288-95, Statement of Findings, Exhibit A, p. 8.) This Development Agreement similarly recognizes the developer's obligation to dedicate park sites and open space as indicated in the Specific Plan. (Development Agreement, 9/20/96, pp. 10-11.)

The 2004 PFFP implemented this mitigation in two ways. First, in accord with the Specific Plan, it calls for the developers to dedicate, plan and design an 8.7 acre active sports park for the El Dorado Hills Community Service District in the specific plan area. Second it calls for developing at least on park in every village of more than 50 units, in accord with the EDHCSD Recreational Facilities Master Plan. (2004 PFFP, p. 48.)

The new PFFP only requires that developers pay fees to the EDHCSD. The EDHCSD indicates that it may not use those fees to construct the sports park in the Specific Plan Area. (Paolini & Crawford, Memo to BOS, 8/16/13, p. 4.) Similarly, the new PFFP prominently notes that the EDHCSD no longer requires "a park site to serve each 50 unit village." Thus, it is unclear from the record how, if at all, the terms of the Specific Plan and the recreational impact mitigation will be met under the proposed PFFP.

At this time, the record lacks substantial evidence that the changes in the Specific Plan, the Financing Plan, and the conditions of approval will not result in a substantial increase in the recreational impacts of the Specific Plan. Unless substantial evidence can be produced for the record specifying how the recreational impacts of the Specific Plan will be effectively implemented by the PFFP, these substantially more sever impacts must be evaluated in an EIR Supplement.

b) Changes in traffic mitigation will result in substantially more severe impacts.

Regarding traffic, the findings for Program EIR and the Addendum indicate that," Without improvements, virtually all facilities will function at unacceptable levels. To mitigate these impacts to the degree feasible, the County made the commitment that "all of the roadway and facility improvements in the Specific Plan will be constructed." In addition the County

indicated that the developer would make interim improvements to the Bass Lake Rod/U.S. Highway 50 Interchange. (Resolution No. 288-95, Statement of Findings, Exhibit B, p. 4.)

As noted above, the Critical Mass Threshold Requirements have been removed from the proposed PFFP in favor of case by case infrastructure requirements in subdivision maps and planned developments. As staff has noted, "fee collection may not support timely construction of infrastructure." (Paolini & Crawford, Memo to BOS, 8/16/13, p 7.) More specifically, "Situations could arise where roadways are operating at unacceptable service levels because of new development in the Specific Plan but there are not sufficient funds in the PFFP fee account to construct the necessary improvements." (Paolini & Crawford, Memo to BOS, 8/16/13, p. 12.)

While the proposed PFFP adds a 25% mitigation fee surcharge to cover the inflation of construction costs, this is little comfort since those cost estimates have gone up over 100% since 1995. (Bass Lake Hills Specific Plan, 1995, p. 89 [$14.7 million]; Paolini & Crawford, Memo to BOS, 8/16/13, Exhibit L [$31.7 million].) Staff properly concludes, "[I]f the project is not constructed for 5 or 10 years, chances are that there will not be enough money to pay actual construction costs in the future due to normal inflationary increases." (Paolini & Crawford, Memo to BOS, 8/16/13, p. 13.)

The end result of these changes is that the proposed PFFP turns adequate mitigation into inadequate mitigation. "[A] fee program is insufficient mitigation where … a county will not have sufficient funds to mitigate effects on traffic." (*Endangered Habitats League v. County of Orange* (2005) 131 Cal.App.4th 777.)

Finally, with regard to the interim improvements to be made to the US Highway 50/Bass Lake Road Interchange by the 300th unit the staff report notes that the proposed PFFP "eliminates these improvements completely, except for the 'possible' inclusion of a signal." (Paolini & Crawford, Memo to BOS, 8/16/13, p. 9.)

Because the proposed PFFP compromises the effectiveness of the traffic mitigation, the impacts of Specific Plan traffic will be substantially more severe than previously expected. Unless the proposed PFFP can be improved to cure these mitigation problems, an EIR supplement will be necessary.

2) Staff is correct that new information and changed circumstances suggest that the Specific Plan's direct and cumulative impacts will be substantially more severe.

Since the 1995 approval of the EIR and Addendum, new traffic analyses and fee program reviews have painted a substantially bleaker picture of the traffic future for El Dorado County.

In 2004, the County adopted a general plan indicating that 14 road segments would be allowed to operate at Level of Service F.

In 2006, the County was unable to fully fund the road improvements required for 20 years of growth under the 2004 General Plan. The TIM Fee program was underfunded by $130 million. The anticipated result is that As a result, despite spending over $840 million on road improvements over the next twenty years, people in peak period traffic on 94 of the 184 road segments in the County will experience, "severe restrictions in speed and freedom to maneuver," "poor levels of comfort and convenience," "frustration," and "queued traffic traveling in a stop-and- go fashion." (See 2004 General Plan, p. 56, description of LOS D, E, and F.)

The El Dorado County Regional Transportation Plan 2010 – 2030 estimates that the funding shortfall for roads needed through 2030 is now at $339 million. (RTP, Chapter 13, Table 13-5, p. 15.) It is this future of congested roadways and unfunded roadways that the remaining 1359 units of the Specific Plan will be constructed in.

All the substantial evidence in the record indicates new information and changed circumstances will result in a substantial increase in the direct and cumulative impacts of the Specific Plan. Thus, an EIR supplement is needed prior to amendment of the Specific Plan, the tentative maps, the development agreements, and the PFFP.

C) Staff is correct that the proposed PFFP would eliminate infrastructure concurrency guarantees, and risk placing additional financial burdens on a cash-strapped county that has no plan to fund those burdens.

In 2004, the El Dorado County Board of Supervisors approved the existing PFFP in part because it provided for the construction of infrastructure by specific unit deadlines. The "Critical Mass Threshold" required specific core improvements before creation of the 300th lot. Another phase of improvements would be constructed by the 600th unit, and so on. While this placed a higher infrastructure cost on the first 300 units, if the owners of the 88 properties in the specific plan needed to readjust those burdens more equitably, they could do so among themselves, as would any development company seeking to implement a specific plan. This is fair. If the BLHSP land owners want to get the benefits of increased development capacity like any other specific plan developer, they need to timely produce the necessary infrastructure, just like any other specific plan developer.

The newly proposed PFFP provides for the incremental construction of infrastructure in and adjacent to each development as it is built. If this infrastructure does not functionally connect to others in the specific plan, **THE COUNTY** would finance the construction of the necessary connecting infrastructure, from some as yet unidentified source, and then develop another new mechanism to get reimbursement from future projects, should they ever develop. Thus, instead of the Specific Plan landowners bearing the risk of fronting the cost of common infrastructure, **THE COUNTY** (and its taxpayers and fee-payers) will front those costs and bear those risks. (Paolini & Crawford, Memo to BOS, 8/16/13, p. 12.) Given that only 99 of the 1,458 units have

developed since the BLHSP was approved in 1995, and the cost of infrastructure is estimated at $31 million, the County's risk of not being reimbursed seems substantial. (Paolini & Crawford, Memo to BOS, 8/27/13, p. 2, Exhibit L.)

This is not the first time the Board of Supervisors has seen this sort of BLHSP PFFP. In December of 2002, the El Dorado County Board of Supervisors rejected a draft PFFP that provided for the piecemeal development of BLHSP infrastructure on a project by project basis. With 88 separate land owners across 18 villages, the Board found the prospect of incremental infrastructure development "too fragmented, making the completion of all infrastructure uncertain." They felt that the PFFP should "provide road improvements concurrent with development to avoid traffic worsening." The Board directed staff to investigate the "critical mass concept" that ultimately became the basis of the PFFP approved in 2004 and in place today. (Hunter, BOS Agenda Item Transmittal, 7/18/03, pp. 14-15; Buckley, Letter to Youmans, 6/9/03, p. 1.)

In summary, the Specific Plan land owners now want all the development rights and profits of a unified specific plan, without the concurrent unified responsibility to ensure the construction of the necessary infrastructure. This Board of Supervisors wisely rejected this notion in December 2002. The Board should do so again in October 2013.

D) Staff is correct that the proposed PFFP creates an unfair competitive advantage by allowing new BLHSP builders to "jump the line" and collect immediate reimbursements from TIM Fees collected, while prior TIM Fee Zone 8 developers continue to wait for their money.

Under the current Traffic Impact Mitigation Fee (TIM Fee) system, the County is divided into geographic zones. When a developer constructs a TIM Fee project that in part serves his development, and in part serves other transportation needs, that developer is entitled to compensation for the latter from the TIM fees paid by other developers in his zone. The developer seeking compensation enters into a reimbursement agreement with the County, so that he can be reimbursed for his excess expenditure within ten years. As a result, there are currently a number of developers in Zone 8 (the location of the BLHSP) who have already built TIM Fee roads, and have already entered into reimbursement agreements with the County, and are already waiting for years for their reimbursement. (Wilson, Payment Schedule - Reimbursement Agreements from the TIM Fee Program, 10/28/13.)

Under the proposed PFFP, new developers in the BLHSP would get special treatment when it comes to TIM Fee reimbursements. They would get immediate reimbursement for excess expenditures on TIM Fee roads. Meanwhile, the other developers they compete with in Zone 8, who have already constructed important county TIM Fee roadways, and who have already

entered into reimbursement agreements with the County, and are already waiting for years for their reimbursement, would continue to wait. This is unfair.

III. Conclusion

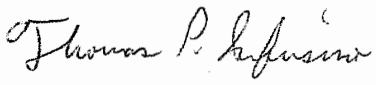
In the final analysis, the Board really has the choice between two options:

First, the Board could direct staff to begin the CEQA analysis needed to update the Specific Plan, the existing subdivision maps, the development agreements, and the PFFP.

Second, the Board could reject the proposed PFFP, and stay the course with the existing PFFP.

Either of these is a lawful option.

Sincerely,



Thomas P. Infusino

E. Van Dyke public Comment - Planning Commission 3/24/2016, items 5, 6 & 7
Bass Lake Hills Specific Plan project revisions: Hawks View, Bell Ranch, and Bell Woods
Please add these comments to the record for all three projects (Legistar files 16-0195; 16-0198; 16-0199)

Dear Commissioners:

The proposed project revisions will "undo" the PFFP (Public Facilities Financing Plan) concurrency requirements and Conditions of Approval (COA)that were intended to mitigate the impacts of the Bass Lake Hills Specific Plan (BLHSP). A similar proposal to change the concurrency was made in 2013 and rejected, in large part due to the need to amend the Specific Plan first, per the 10/29/13 staff report (see also the attached letter from attorney Tom Infusino, 10/28/13).

According to CEQA, a Supplemental EIR is needed if changes in the project, or changed circumstances, result in new environmental impacts or make mitigation measures infeasible, per section 15162(a). Clearly the BLHSP impact mitigation is being changed, and circumstances have changed significantly since 1992. Yet staff determined this not to be the case, and instead prepared an Addendum (Exhibit P, Addendum and Initial Study) rather than a Supplemental EIR, which does *not* address the proposed changes relative to 2016 conditions, Measure Y requirements, the currently proposed development projects that would be included under a cumulative analysis, and more.

Here are some examples of the proposed changes from the project that are inconsistent with the BLHSP and should require both an amendment to the Specific Plan, and a Supplemental CEQA analysis:

- Sidewalks and bike lanes along Bass Lake Road are being deleted, even though they are required under BLHSP Section 4.8.
- Hwy 50 onramp/off ramp improvements required by BLHSP Section 4.4 are being 'traded' for Country Club Dr improvements per the revisions; in reality *both* may be needed, and a Supplemental EIR with an accurate analysis of the cumulative projects as required by CEQA, would show that.
- BLHSP Section 5.6.1 requires a park to be provided to serve the Plan area. The project however, changes the conditions to provide in-lieu fees instead; it is unclear if those fees will be used to fund a park within the plan area as required.
- The Initial Study (exhibit P) claims traffic conditions have not changed on Bass Lake Rd since *1992*, contrary to both traffic count evidence and the experience of longtime residents.
- The proposed General Plan amendment projects of Dixon Ranch, San Stino, Marble Valley/Lime Rock, Town Center Apts, and more, did not exist in 1992, yet they are entirely ignored in the Initial Study. This is a substantial change in circumstances that must be analyzed alongside the other project changes in a Supplemental CEQA review.
- The increased development potential and changes under the newly approved Zoning Ordinance Update (ZOU, Dec 2015) have not been addressed. This would be a significant change.
- The 2008 approvals that entitled these projects were allowed because the concurrency requirements of the BLHSP were considered more stringent than the 1998 Measure Y requirements. To go back and change the concurrency, Measure Y should have been considered, yet it was not addressed in the Initial Study.
- Other changes in the conditions that are inconsistent with the Specific Plan include-
    - ministerial approval of mass pad grading would now be allowed by the conditions, but is prohibited under BLHSP Section 6.1 except by Supervisor review
    - the revised conditions changed setbacks to be consistent with high density residential (5' side setbacks), but BLHSP previously designated medium density standards (10' setbacks)

Additionally, new development proposed on Green Valley Rd (Springs Equestrian, Dixon Ranch, Summer Brook, and more) will be dependent upon Bass Lake Rd carrying its proportionate share of the traffic, and each of those projects has assumed that the improvements required under the BLHSP will have been completed. You cannot simply 'delete' those anticipated mitigations and improvements without doing the Cumulative Impact analysis on the BLHSP changes, that includes all of the reasonably foreseeable projects currently awaiting approval or those that have been approved since 1992 and not yet built.

The conclusion that circumstances have not changed since 1992 simply does not pass the sniff test, and the claim that changes are minor constitute some serious misrepresentations of the project.

A Specific Plan Amendment for the BLHSP is needed along with the appropriate CEQA review.

Respectfully,

Ellen Van Dyke
Rescue

Back up info, excerpts, & policies referenced follow.

cc. planner Tiffany Schmid, Commissioners, Clerk of the Commission, Bass Lake Action Committee

BLH Specific Plan section 4.8 *- bike lane & sidewalks are required on Bass Lake Rd*

4.8 Pedestrian and Bicyclist Facilities-Streetscape

The pedestrian/bicycle system along streets or roads includes the following components:

1. Portland cement concrete sidewalk within the public right-of-way on one side of primary local roads, a decomposed granite path will be placed in the L.7PD and L.2PD land use designated areas;

2. 4-foot-wide Class 2 bicycle lane on both sides of all primary local roads which will accommodate bicyclists; and

3. 8-foot-wide asphalt concrete Class 1 bicycle/pedestrian path within the landscape easement on one side of Bass Lake Road. The relationship of this pathway to the pavement and right-of-way edge will vary in order to create an informal appearance.

4.9 Pedestrian, Equestrian, and Bicyclist Facilities-Open Space

The non-vehicular circulation system within public open space areas is intended to allow for extensive travel within and through the Plan area with only minimal contact with streets. Following is a description of pathway components:

1. 8-foot-wide paved Class 1 bicycle/pedestrian path within a 25-foot-wide public access easement generally along the alignment of the historic Clarksville Toll Road.

Exhibit P, Table 1 (pdf p32/732) *- conditions would be modified to delete Bike lanes & Sidewalks on Bass Lake Rd, inconsistent with the Specific Plan:*

Table 1
Hawk View Modification of Conditions Summary

Original COA#	Improvement Description	Approved Conditions	Proposed Revisions
#24 A, B, & C	Bass Lake Road	Build Bass Lake Road with full improvements, including bike lane and sidewalks.	Conditions deleted in their entirety and replaced with revised language. New requirements (COA #24.A) for Bass Lake Road include design, Plan, Specifications and Estimate (PS&E), utility relocation, ROW acquisition, and construction of improvements to Bass Lake Road from Highway 50 to the realigned Country Club Drive (also known as Tierra De Dios Drive or City Lights Drive). Revised COA also includes design specifications.

BLH Specific Plan section 4.4 *- Hwy 50 on-off ramp improvements are a required mitigation:*

4.4 Bass Lake Road/U.S. Highway 50 Interchange

The EIR determined anticipated cumulative traffic volumes resulting from development of the Plan area, and areas beyond will require improvements to the Bass Lake Road/U.S. Highway 50 interchange and U.S. Highway 50 to increase carrying capacity.

Improvements to the interchange identified by Caltrans include:

1. A westbound two-lane on-ramp;
2. On-ramp traffic metering to maintain acceptable LOS on U.S. Highway 50; and
3. An eastbound two-lane off-ramp.

Exhibit P,

Table 1 (pdf p32/732) *- conditions would be modified to delete Hwy50 on/off ramp improvements:*

#24.I	Signals	Construct traffic signals on Bass Lake Road if required by traffic warrants.	Condition deleted in its entirety. New requirements related to signals (COA #24.H) include timing and financing guidance.
#24.J	Highway 50/Bass Lake Road Interchange	Construct or complete funding for ramps at the Highway 50/Bass Lake Road interchange.	Condition removed in its entirety. New requirements for the Highway 50/Bass Lake Road interchange (COA #24.E) include design, PS&E, utility relocation, ROW acquisition, and construction. The new language also includes design specifications and timing guidance.

BLH Specific Plan section 5.6.1 *- park acquisition & design required:*

5.6.1 Recreation Facilities

The potential Plan area development will generate the need for approximately 24 acres of parkland including both area-wide and neighborhood facilities. In addition, the El Dorado County Hiking and Equestrian Trails Master Plan designates hiking and bicycle routes in the Plan area.

Parks in the Plan area are intended to serve both active and passive recreation needs. Park land and facilities will be provided in accordance with requirements of the EDHCSD Recreation Facilities Master Plan (RFMP). It is anticipated that all park sites will be dedicated to and maintained by the EDHCSD. Ultimate site selection and development is the responsibility of that body. The EDHCSD RFMP requires that one or more park sites be provided in each village that contains 50 or more units. These park site locations will be determined in conjunction with the review of subdivision applications submitted for projects within the Plan area.

All park site reservations and design shall adhere to the policies set forth in Section 4.2.8 of the El Dorado County Parkland Dedication Ordinance and the requirements of the CSD.

Exhibit P, Table 1 (pdf p32/732) *- conditions modified to change park requirement to in-lieu fee only:*

#24 L & M	Sports Park	Acquire 8.7 acres of land for park site and plan and design park site	Condition removed in its entirety. Requirements for payment of in-lieu park fees are included in COA #57 and COA #58.

Comparative impact discussion, Exh P, pg 199/732 *- claim there is no change of traffic conditions around the Plan area since 1992:*

The 2005 MNDs did not include any description of existing or projected traffic conditions; however, as very limited development has occurred in the BLHSP project site to date, it is reasonable to assume that existing traffic conditions within the BLHSP site and surrounding area are fairly similar to those described in the 1992 BLRSA Final PEIR.

From the 2008 staff report *that granted approvals to the three subject projects- 'concurrency' is a Specific Plan requirement:*

and suggested that the first 300 housing units construct the realignment and construction of Bass Lake Road. The 300-unit threshold is referred to as "critical mass."

In addition to Bass Lake Road improvements, the PFFP provides that the following items would be required at the 300-unit critical mass level:

- Highway 50 Interchange Project Study Report (PSR);
- Access roads and infrastructure to the school site;
- Sidewalks and the Class I bike trail along Bass Lake Road;
- Acquisition of an 8.7 acre sports park;
- Design of a sports park; and
- Acquisition of a 2-acre park-and-ride lot.

The PFFP allows for two phases of construction for the Bass Lake Road improvements. The first phase would be constructed by the Hollow Oak project (Phase 1). These improvements included the construction and re-alignment of Bass Lake Road from the intersection of Hollow Oak Road to the current alignment of Bass Lake Road just north of Serrano Parkway. Shoulder widening and related facilities would be completed from Bass Lake Road south to Highway 50 where the street section is less than 32 feet wide. The second phase (Phase 1A) would be completed by the next group of projects, whether the next project or group of projects equal 300 units. These projects currently include Hawk View, Bell Ranch, and Bell Woods. Phase 1A projects would complete the improvements to Bass Lake Road from Highway 50 to Serrano Parkway. Construction would include the bikeway and sidewalk running parallel to Bass Lake Road. The PFFP includes additional timing requirements for other infrastructure items to assure that the Specific Plan concurrency requirements have been completed. These include construction of an 8.7 acre sports park and construction of the 100 space park-and-ride lot by the 600 unit threshold. It is important to note that although the Phase 1A projects have been identified as Hawk View, Bell Woods, and Bell Ranch, other projects may come forward and be conditioned with Phase 1A improvements.

From the 2005 Bell Ranch MND, page 36/75 *- Concerns expressed regarding concurrency of road improvements was answered with "provisions in the Specific Plan that require construction of roadway facilities concurrent with new development are more stringent than the requirements of Measure Y" :*

RESPONSE TO TORRENCE PLANNING LETTER DATED MARCH 31, 2005

Response 2-1: The commentor states that the project is not an applicable development project for the purposes of Measure Y. El Dorado County Planning staff concurs that the Bell Ranch Developer Agreement predated the passage of Measure Y such that the project is not an applicable development project for Measure Y. However, the County will conduct a concurrency review per the BLHSP and the BLHSP Public Facilities Financing Plan (PFFP) concerning provision of roadway facilities. It is EL Dorado County staff's opinion that provisions in the BLHSP that require construction of roadway facilities concurrent with new development are more stringent than the requirements of Measure Y.

The following paragraph is added under the heading "Measure Y" below the General Plan policies referenced on page 2-5 of the Bell Ranch Draft MND. This paragraph has be added to clarify that that the project is not an applicable development project for the purposes of Measure Y, as follows:

> "The Bell Ranch Developer Agreement predated the passage of Measure Y such that the project is not an applicable development project for the purposes of Measure Y. However, if the project is approved, the County will conduct a concurrency review per the BLHSP and the BLHSP Public Facilities Financing Plan (PFFP) concerning provision of roadway facilities. It is El Dorado County staff's opinion that provisions in the Specific Plan that require construction of roadway facilities concurrent with new development are more stringent than the requirements of Measure Y."

The discussion under the heading "Measure Y" on page 3-106 of the Bell Ranch Draft MND has been revised to clarify that that the project is not an applicable development project for the purposes of Measure Y, as follows:

> "Measure Y requires supporting infrastructure (that is, roads) to be in place prior to or concurrent with development. The measure also requires traffic impact fees paid by developers to fully pay for road capacity improvements necessary to mitigate all direct and cumulative traffic impacts from new development. Under Measure Y, County tax revenues cannot be used to fund road improvements to mitigate traffic impacts of new development unless approved by the voters. This concept is built into the 1996 General Plan, the pending 2004 General Plan, the BLHSP and BLHSP PFFP.
>
> ~~This concept is built into the 1996 General Plan, the pending 2004 General Plan, the BLHSP and BLHSP PFFP.~~The Bell Ranch Developer Agreement predated the passage of Measure Y such that the project is not an applicable development project for the purposes of Measure Y. However, it is El Dorado County staff's opinion that provisions in the BLHSP that require construction of roadway facilities concurrent with initial development are more stringent than the requirements of Measure Y.~~One of the stated goals of the BLHSP is that major infrastructure improvements in the plan area are to be constructed concurrent with initial~~

Then Errata was added to ensure compliance with the concurrency requirements:

3.1 ERRATA TO THE MITIGATED NEGATIVE DECLARATION

The following are minor text changes to the Mitigated Negative Declaration as a result of comments on the document. None of the below changes would require the preparation of an EIR, recirculation of the Mitigated Negative Declaration, or are in violation of CEQA. All revised and new figures resulting from comments raised during the public review period or staff-initialed edits are included at the end of this section.

SECTION 2.2 BACKGROUND

- The following paragraph is added under the heading "Measure Y" below the General Plan policies referenced on page 2-5 of the Bell Ranch Draft MND. This paragraph has be added to clarify that that the project is not an applicable development project for the purposes of Measure Y, as follows:

"The Bell Ranch Developer Agreement predated the passage of Measure Y such that the project is not an applicable development project for the purposes of Measure Y. However, if the project is approved, the County will conduct a concurrency review per the BLHSP and the BLHSP Public Facilities Financing Plan (PFFP) concerning provision of roadway facilities. It is El Dorado County staff's opinion that provisions in the Specific Plan that require construction of roadway facilities concurrent with new development are more stringent than the requirements of Measure Y."

Specific Plan section 6.1 *- says mass pad grading is prohibited except to allow for clustered development and avoidance of resources, and ONLY when first approved by the Board of Supervisors per Condition #31.*

Specific Plan Section 6.1, Grading Standards

1. Regardless of the specific grading limitations set forth herein, development should conform to natural slopes to the maximum extent possible, rather than changing topography to fit development.

2. Creation of large graded pads which extend beyond the boundaries of one lot (i.e., mass-pad grading) shall be prohibited, except as noted herein. Some deviation may be allowed for clustered development, affordable housing, and avoidance of other resources.

and-

6. Grading and landform alteration of prominent ridgelines whose silhouettes are visible from U.S. Highway 50 and Bass Lake Road is prohibited regardless of slope. This shall be gauged through the use of visual simulation of proposals (see Section 3.3.1).

Per Exhibit P, Table 1, *this condition regarding Supervisor review for mass pad grading is deleted, and replaced with condition 32.*

#31	Grading	Mass pad grading project application required to be sent to County Supervisor for comment.	Entire condition deleted as El Dorado County no longer follows this process.

Exhibit P, p28/732 *- Conditions #31 & 32 shows the BOS would no longer review this; this is a change from discretionary to ministerial review, which should require a formal revision to the Specific Plan:*

31. [Deleted.]

32. Grading plans shall be prepared in substantial conformance with the preliminary grading plans submitted for Hawk View and submitted to the El Dorado County Resource Conservation District (RCD) and the Transportation Division. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Transportation Division shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. The County shall issue no building permits until the Transportation Division approves the final grading and erosion control plans and the grading is completed.

    Soils Report: At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the Transportation Division. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.

Initial Study downplays the changes, Exh P, p218/732 *- "minor alterations to infrastructure improvements" :*

1. Relevant Changes to the Project

The proposed changes to the project include revisions to three approved tentative maps and COAs. None of these changes would allow for greater development than previously analyzed and approved. The amended COAs, if approved, would refine the sequence and timing of required infrastructure improvements, changing the order in which improvements are made. In addition, minor alterations to infrastructure improvements are proposed that would facilitate incremental development of the tentative maps. In some cases, conditions for unneeded improvements or infrastructure would be removed from the three maps. In other cases, new conditions were added to address new or existing impacts.

2. Relevant Changes in Circumstances

The cumulative impact analysis in the 1992 PEIR examined planned growth to the year 2010.[178] Background studies estimated that the population of El Dorado County would increase by approximately 81,000 persons between 1990 and 2010.[179] According to U.S. Census Bureau data, the population of El Dorado County in 1990 was 125,995[180] and the

New condition, Exhibit P, p21/732 *- shows setbacks reduced to 5' :*

4. Development Plan PD00-0007 for Hawk View (Exhibit K) shall be in substantial compliance with the Hawk View tentative map and shall conform to the development standards of the R1-PD zoning district with the exception of a coverage limitation of 45 percent and the following revised setbacks: Side – 5 feet minimum (not height dependent), Street Side – 15 feet minimum fronting street.

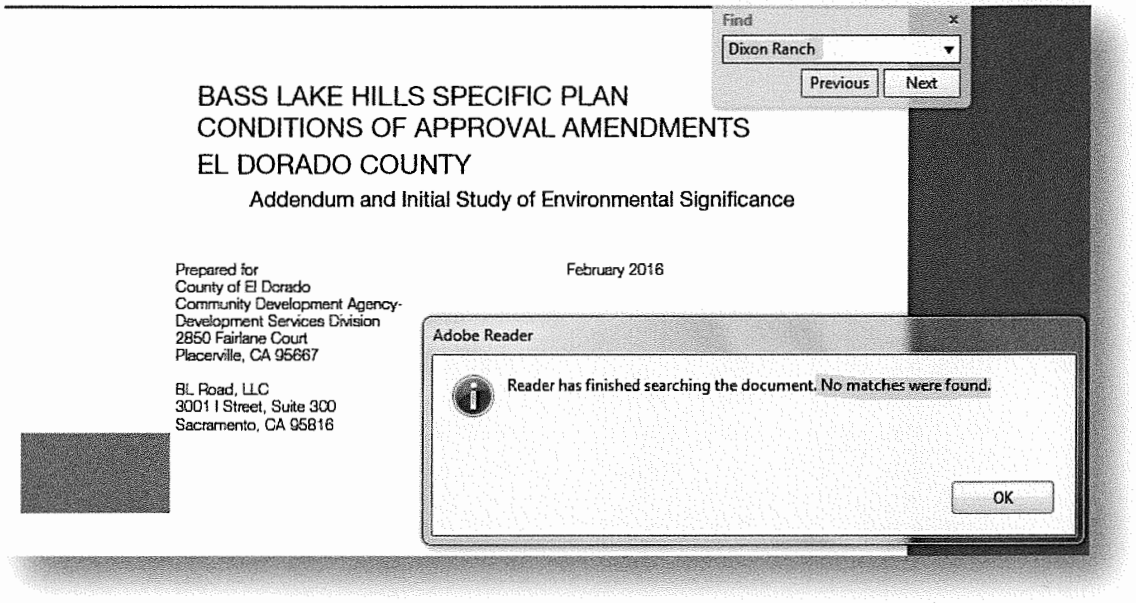
staff report 2008, pdf p36/61- *typical side setbacks were 10' or greater:*

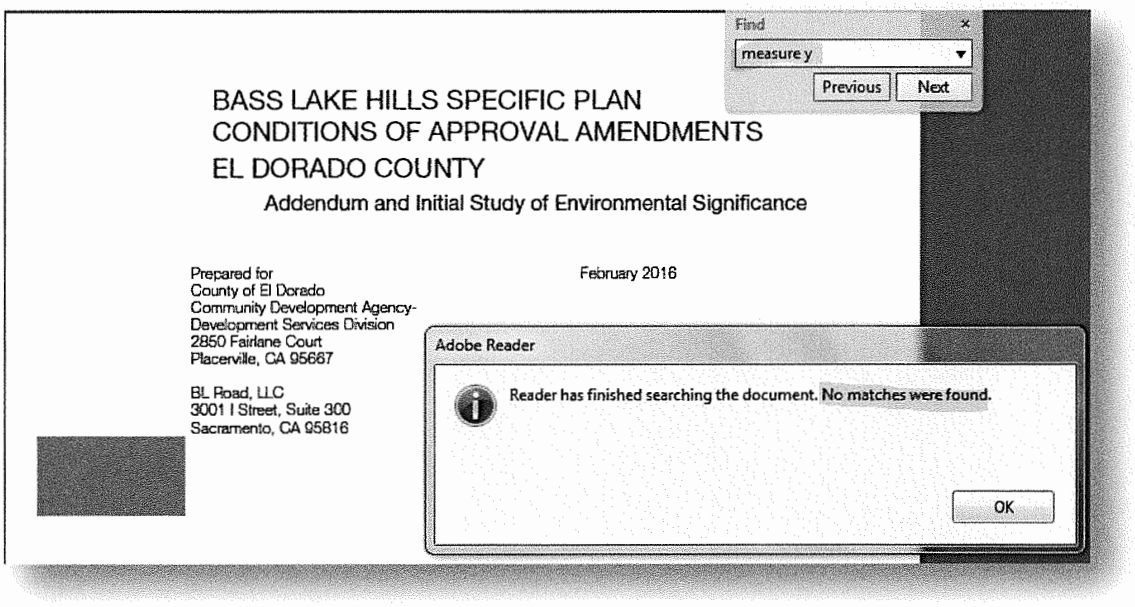
TM00-1371E/Hawk View
Attachment 2/Conditions of Approval
Planning Commission/April 24, 2008
Page 11 of 16

Fire Department

37.~~35.~~ The potable water system for the purpose of fire protection for this residential development shall provide a minimum fire flow of 1,000 gpm with a minimum residential pressure of 20 psi for two-hour duration. This requirement is based upon a side lot setback of 10 feet or greater. This fire flow rate shall be in excess of the maximum daily consumption for this rate for this development. A set of engineering calculations reflecting the fire flow capabilities of the system shall e supplied to the Fire Department for review and approval.

Initial Study, Exhibit P *- a search does not turn up evidence of Dixon Ranch for cumulative analysis, or Measure Y for current circumstances regarding traffic issues:*





PC 3/24/16
#5, #6, #7
2 pages

Charlene Tim <charlene.tim@edcgov.us>

Fwd: Planning Commission Agenda 3/24/16 - Items 5, 6, 7

Planning Unknown <planning@edcgov.us> Mon, Mar 21, 2016 at 11:05 AM
To: Charlene Tim <charlene.tim@edcgov.us>

Please see public comment email.

---------- Forwarded message ----------
From: **Gary Garakian** <gary.garakian@calatl.com>
Date: Mon, Mar 21, 2016 at 9:48 AM
Subject: Planning Commission Agenda 3/24/16 - Items 5, 6, 7
To: "planning@edcgov.us" <planning@edcgov.us>

To Whom it may concern:

Please accept my letter regarding the abovementioned agenda items for review.

Thank you,

Gary Garakian

Bar J Ranch Resident

PC Letter.pdf
113K

16-0199 Public Comment
PC Rcvd 03-21-16

March 21, 2016

Email to: planning@edcgov.us

County of El Dorado
Community Development Agency
Development Services Division – Planning Services
2850 Fairlane Court, Building "C"
Placerville, CA 95667

Re: Planning Commission Agenda March 24, 2016 – Items 5, 6, and 7

To Whom It May Concern:

My wife and I have lived in Bar J Ranch since 1988 and in fact were the 2nd homeowners in what was then a new development.

Over the last 27 years, I have seen the intersection of Bass Lake Road and Country Club Drive worsen to a point where I plan my commute to avoid that intersection. Often times I'll back track and travel east to Cambridge Road to then head west down the hill on Highway 50. Many other people do the same thing which causes Cambridge around Highway 50 to be impacted.

It is very obvious that the contributing factors that create massive traffic backups and often dangerous maneuvering by vehicles along Country Club Drive are the following:

Holy Trinity Church – 4 services on Sunday, K-8 school weekdays with after school daycare available until 6 pm.
Faith Episcopal Church – 2 services on Sunday.
Church of the Foothills – 3 services on Sunday. We are members of this Church.
Blue Oaks Elementary School – K-5 with daily before and after school programs available until 5:30 pm.
Camerado Middle School – 6-8 grade with several school bus routes daily.
EDCSD Community Center – frequent activities include weekend swim meets, swap meets, concerts, etc.

Both morning / afternoon school and weekend church traffic create backups on Country Club primarily at Bass Lake Road that cause vehicles to often try to dart out between oncoming traffic creating a very dangerous situation. WE love living in Bar J Ranch and strongly feel that we are way beyond utilizing a rural stop sign intersection that should have been resolved a long time ago.

I strongly support the realignment and signalization of Country Club at Bass Lake. As I understand it, these projects are already approved and this is a question of whether developers will fix this intersection or not. Let's have him fix the problem instead of making it worse.

Additionally, my 101 year old mother-in-law lives with us and I worry how we'll get her to the hospital if something should happen during these back-up times. With 2 lanes of travel and no shoulder, paramedics would have a very difficult time navigating their way on Country Club to the Bass Lake onramp.

I urge you to support his proposal. The sooner this intersection gets fixed the better.

Sincerely,

Gary Garakian
Bar J Ranch Resident

PC 3/24/16
#5, #6, #7
2 pages

Charlene Tim <charlene.tim@edcgov.us>

Fwd: Letter

Planning Unknown <planning@edcgov.us> Mon, Mar 21, 2016 at 11:06 AM
To: Charlene Tim <charlene.tim@edcgov.us>

Please see public comment email.

---------- Forwarded message ---------
From: **David G. Lopez** <DLopez@holytrinityparish.org>
Date: Mon, Mar 21, 2016 at 10:58 AM
Subject: Letter
To: "planning@edcgov.us" <planning@edcgov.us>

Please accept this letter from our pastor regarding items before the Commission this Thursday.

David G. Lopez
Director of Stewardship/
Parish Administrator
Holy Trinity Parish

530.677.3234

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294K

16-0199 Public Comment
PC Rcvd 03-21-16

March 21, 2016

County of El Dorado
Community Development Agency
Development Services Division – Planning Services
2850 Fairlane Court, Building "C"
Placerville, CA 95667

Re: Planning Commission Agenda March 24, 2016 – Items 5, 6, and 7

Dear Planning Commission:

The purpose of this letter is to express our strong support for the above–referenced applications before you on March 24th. Approximately 20 years ago, we acquired property and began building our parish in the Bass Lake Hills Specific Plan. Holy Trinity Parish now includes over 10,000 registered members and an elementary school with 300 students.

We have been both surprised and disappointed the community surrounding our church has not come to fruition. We support development in this area; we want neighbors. After all, it is our desire to be part of a well-rounded, complete community. We also hope to develop the remainder of our property into uses compatible with our ministry, as well as the goals of the Bass Lake Specific Plan as it was developed twenty years ago.

We are particularly excited about these applications because they will bring much-needed traffic improvements to our area. This extension of Country Club Drive from Bass Lake Road to the church will eliminate the current road access to our church and provide us with the "front door" we had always anticipated.

A dangerous bottleneck occurs almost daily at the existing Country Club and Bass Lake Road intersection. The existing intersection cannot handle simple everyday occurrences like morning and evening commute, the beginning and end of each school day and even Sunday mass. It is extremely dangerous.

Our involvement in this community is significant – from spiritual to educational to employment to social services. A well-rounded community with safe, free flowing traffic is what we all want. We urge you to support this proposal.

Sincerely,

James C Kidder

Rev. Monsignor James Kidder
Pastor

3111 Tierra de Dios Drive • El Dorado Hills, CA 95762-8008 • (530) 677-3234 *fax:* (530) 677-3570
holytrinity@holytrinityparish.org www.holytrinityparish.org

PC 3/24/16
#5, #6, #7

March 16, 2016

16 MAR 21 PM 1:04
RECEIVED
PLANNING DEPARTMENT

Roger Trout, Executive Secretary
El Dorado County Planning Commission
Placerville, CA 95667

Dear Mr. Trout,

As residents of El Dorado County for over 40 years, and homeowners in the Bass Lake Specific Plan, we see no reason why the Planning Commission would not approve the Tentative Maps at their meeting on March 24th. Development has already taken place in this area, so the matter should no longer be debated. From our home on Hollow Oak Drive we can see Fire Station 86, as well as the Catholic Church and the their school. However, the land for another, much needed, elementary school and land for a 10 acre park remain empty. We know that Rescue School District has bought 20 acres for yet another school.

Since water and sewer requirements have been met, after 20 years, it is now time to build homes. We urge the Planning Commission to approve these maps. The County has procrastinated much too long.

Thank you for your attention,

Joe and Dottie Williams
3700 Hollow Oak Dr.
El Dorado Hills, CA 95672

Joseph F. Williams
Dorothy Williams