

The

BASS LAKE BULLETIN

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Site of proposed Promontory Park in El Dorado Hills off Sophia Parkway and Green Valley Road where 70-foot high sports light towers are planned (photo courtesy promontorypark.blogspot.com)

PROMONTORY PARK LIGHTS FIGHT MAY BECOME ANOTHER INFAMOUS “YELLOW HOUSE” CASE

In 2003 the El Dorado Hills Community Services District (CSD) Board of Directors became embroiled in a legal tug-of-war with residents over house colors, resulting in the infamous “Yellow House Case.” The CSD ultimately lost in court, wound up paying the homeowner plaintiffs around \$18,000 in legal fees, and the CSD probably expended an untold amount of the district’s treasury paying for their own legal advice.

Last month the CSD board again set their feet on the path to costly litigation when they approved the plans for Promontory Park over the objections of Promontory neighborhood residents and their attorney, Michael Thomas. At the CSD Board meeting in November, Promontory representatives and Mr. Thomas pointed out obvious legal hurdles that the CSD failed to clear before approving the flawed park design.

Girding for their coming court battle, Promontory residents have formed a nonprofit grassroots group called Citi-

zens Organized for Responsible Development (CORD).

Bass Lake Action Committee withheld judgement on the park plans until it became obvious that the CSD was not interested in compromising with CORD over the main issues connected with the park plan: lights, noise and traffic. After the rejection of any compromise by CSD Planning Manager Diana Hillyer, and prior to the CSD Board meeting, BLAC President Kathy Prevost sent the CSD Board a letter expressing BLAC’s support of the CORD position against night sport lighting at the park.

Kathy wrote that, “We believe that those lights and the activity promoted by them [at Promontory Park] will have a material adverse impact on the surrounding neighborhood in the form of noise pollution, traffic congestion, and light pollution. For that reason, Bass Lake Action Committee joins the Promontory residents in protesting against the placement of athletic field lighting in Promontory Park.”

“BLAC has investigated the impact of such athletic field lights and has concluded that despite the best efforts of designers, and the best intentions of users, these lights produce unwanted glare and light over a very wide area. Because they do so, the use of such lights in a residential neighborhood is in contravention of both the 2004 El Dorado County General Plan and the current El Dorado County lighting ordinance,” Kathy continued.

The folks at Promontory won the support of BLAC because they face an inappropriate sports park that will force unwanted noise, lights, and traffic upon the residents of a quiet rural neighborhood, the same issues that confront BLAC with respect to the proposed Bass Lake Regional Park on Bass Lake Road. *ℵ*



BLAC ENGAGES LEGAL COUNSEL

Bass Lake Action Committee President Kathy Prevost announced recently that BLAC has engaged Michael W. Thomas of the law firm Inman and Thomas, LLP to serve as BLAC’s legal counsel.

Mr. Thomas’ primary area of practice is commercial real property, common interest development, and business litigation. He represents real property owners, developers, contractors and homeowners’ associations in real estate, land use, and construction-related litigation. Mr. Thomas has a broad background in commercial real estate, including purchase and sale agreements, land use, common interest development documentation, CC&R enforcement, and related issues.

He is a member of the Sacramento County Bar Association, Real Property Section, the State Bar of California, the State Bar of Hawaii, and the American Bar Association. *ℵ*

COUNTY AND LEGAL BILLS UNDERMINE NOSTORAGE GROUP

The Foothill Residents for Appropriate Land Use (FRALU) have hit some snags in their fight against a storage facility to be built at Brown's Ravine near Green Valley Road and Francisco Boulevard.

Facing mounting legal bills and a refusal of the County to commit to allowing residential building on the site, FRALU is currently negotiating with the present developer, Ron Smith of Sundance Mini-Storage, to mitigate the impacts of a storage facility on the site.

While Smith was willing to explore the possibility of a residential sub-division, uncertainty over the fate of the General Plan proved to render residential development unacceptable. FRALU couldn't get any guarantee from the County that residential development would be allowed in that particular location.

However, FRALU has been able to negotiate a reduction in the overall size of the storage facility by thirty percent, a lowering of the lot grade by approximately five feet, and an increase of the existing natural buffer from 10 feet to 70 feet to allow for several rows of trees around the perimeter. Also under discussion are a different roof shape and material and more tasteful signage on Green Valley Road.

FRALU activists Mark and Laura Obrochta said, "Though we stick by our opinion that this is an inappropriate place for a mini-storage, we do feel that we have made significant progress in making it less of an eyesore." The Obrochtas also have kind words for Mr. Smith, observing that he has been much easier to work with than the last owner of the property, and that Smith's concessions to date have gone a long way towards designing a project that would be acceptable to FRALU. ☺



BOARD ELECTION AT DECEMBER 6 MEETING

BLAC members are reminded that the election of board members for 2005 will take place at the general membership meeting to be held on December 6, 2004, at seven o'clock that evening, at the home of Tasha Boutselis. Call 530-672-6836 for meeting information.

In order to be elected to office, a candidate must receive a majority of the votes cast by the members at the meeting.

The nominees for office for 2005 are: president, Kathy Prevost; vice president, John Thomson; secretary: Fran Thomson; treasurer, Peggy Glazier; and director-at-large, Tasha Boutselis.

The newly-elected officers will assume office on January 1, 2005. ☺

NEW MOVIE MULTIPLEX

Visitors to Town Center Shopping Center at El Dorado Hills Boulevard and Highway 50 may have seen the new movie multiplex under construction east of Cafe Campanille. It will have 14 screens and seating for 2,800 movie goers, and is scheduled to be finished in March of 2005. Two other two-story buildings containing retail stores and restaurants are also part of the plans. Builder Tony Mansour expects to finish construction of the latter next fall. ☺

EL DORADO HILLS CITYHOOD PROGRESS

According to El Dorado Hills cityhood proponent John Hidahl, the EDH incorporation effort is moving along well. John says he expects the initial drafts of the Environmental Impact Report and the Financial Analysis to be available in mid-to late December.. ☺

BLAC MEMBERSHIP RENEWALS COMING UP

Membership renewal notices will be going out in January to all current BLAC members for the 2005 membership year.

The Board of Directors would like to thank the members for their support in 2004 and are looking forward to serving our members and the community in 2005. A lot will be happening next year, so your continued membership is certainly appreciated. ☺



COUNTY SLOWLY OBTAINS BASS LAKE ROAD RIGHTS-OF-WAY

Though the construction of the new intersection of the realigned Bass Lake Road and Serrano Parkway is already underway, rights-of-way issues continue to delay the start of the widening and realignment improvements to Bass Lake Road south of that intersection. Work on widening the road from Highway 50 to the fire station, and realigning the road to eliminate the dangerous curves and the narrow bridge, cannot commence until all of the needed rights-of way are obtained.

However, in November the El Dorado County Board of Supervisors approved agreements with William W. Ross, Pedro C. Cardona, and Albert Rodriguez Jr. and Lorena M. Rodriguez for road rights of way, including the underlying fee, landscape easements, and slope easements located along Bass Lake Road to accommodate construction of the Bass Lake Road project. They also approved an agreement with Hawk View Partners, a California Limited Partnership, for a road right of way, including the underlying fee, a landscape easement, and a slope easement located on Hawk View Road in El Dorado Hills, for the project.

It is not known how many more such right-of-way agreements remain to be completed before the work can start. However, given the poor and dangerous condition of the present Bass Lake Road, it is hoped that the delay will not result in the opening of Serrano Parkway before the completion of the improvements to Bass Lake Road so the increased traffic may be safely accommodated. ☺

What is the use of living if it be not to strive for noble causes and to make this muddled world a better place for those who will live in it after we are gone?

—Winston Churchill



THE PRESIDENT'S LETTER

Happy Holidays to each and every one of you!

Friends are the family we choose for ourselves! Through the years Herb and I have spent many holidays living away from family, and we found ourselves enjoying these special days with good friends. This year was one of those, but it was also very special because we were able to observe one of our "rituals" of making the gravy!

Practically from the beginning of our marriage, I have enjoyed the privilege of a spouse who enjoys cooking the turkey, dressing and gravy and is very good at it. While we lived close to family in Southern California, Herb honed his skills with his grandmother, where they would be bent over a hot stove simmering the best giblet gravy I have ever had. He even took this special talent to Asia, one year making gravy for about 30 western families at a large Thanksgiving celebration.

May you also enjoy your special traditions this year with family or friends and have a very happy new year.

Last year at this time, I suggested that we might have a draft environmental impact report for the proposed Bass Lake Regional Park released sometime after the first of the year. This year I can say the same thing! We understand that the County needs to address a number of items in the report before it can be finalized, all of which will take a while. As soon as it is released we will let you know.

At the recent El Dorado Hills Community Services District meeting, the Board of Directors made a decision to move forward with the Promontory Park design with lights. However, during the comment period, a representative of the Promontory project developer, MJM Properties, submitted a two-page open letter asking the Directors to delay their decision so that further discussion could take place. Although unsuccessful, the

letter encouraged a community-based decision to plan where lighted fields should be, for how long they should be lit, and for what uses.

The letter also made note of the fact that the Promontory residents were questioning whether lights were the right thing to do. It stated that it was a question worth asking and seemed to have been previously asked elsewhere in the community.

During the public comment period, the developer asserted they would like to work with the CSD to a satisfactory resolution. Unfortunately, this was all to no avail.

The *Sacramento Business Journal* recently reported on the land speculation in the North Natomas area near Sacramento International Airport, which is the apparent next "hot" area of growth for Sacramento County. A 10,000-acre section of North Natomas known as Natomas Joint Vision is nearly 50% controlled by a handful of developers. The huge tract, designated for eventual annexation into the City of Sacramento, has been the site of much land speculation.

The property, which has not as yet been zoned for development, is worth \$40 to \$60 thousand per acre for an outright transfer of title. Options for future purchase or partnerships with the developers can bring a deal for \$200,000 an acre or more, depending on the property being developed! It is estimated that developable land could sell for \$500,000 - \$600,000 an acre after it is rezoned and mapped and an infrastructure is built.

In December of 2002 the City and County of Sacramento agreed to a joint vision for the 10,000 acres to eventually be annexed to the city with a sharing of the tax revenues. While the process is moving forward, still needed is a plan for preserving open space, a land use map, changes to the city and county general plans and a final environmental impact report. Since these things can take years, developers recently suggested a Kings Arena financing plan as a way to ensure and speed development. Will this added enticement speed the necessary approvals? We will just have to wait and see!

Kathy Prevost

President
Bass Lake Action Committee




CABLE TV RATES TO RISE AGAIN IN 2005

Comcast cable television subscribers in the El Dorado Hills Community Service District are bracing for a 5 to 6 percent increase in their Comcast cable TV bills starting in January, as part of a nationwide price hike.

Comcast's increase outstrips its competitors by a wide margin. Time Warner Inc.'s cable business is raising its average rate for standard analog cable 4.1% in 2005, after increasing rates 4.9% this year and 5.2% in 2003. Cox Communications Inc. will raise its analog cable rate an average of only 2.5% to \$41.21, and Cablevision Systems Corp. will boost its rate 2.1% to about \$46.

El Dorado Hills subscribers will see an additional increase since the CSD cable TV "franchise fee" (essentially a cable tax) of 5.25% charged on their cable bill will be calculated on the increased amount. Most subscribers are unaware that the franchise fee is the amount the CSD charges Comcast for the privilege of supplying cable TV service to homes in the El Dorado Hills CSD. Comcast passes the fee on to the subscriber as an add-on to the bill, over and above Comcast's monthly cable charge, and pays it to the CSD.

Happily, television watchers have alternatives. Television programming rates offered by satellite TV remain competitive, and local and long-distance telephone provider SBC Communications recently announced a fiber-optic-based cable TV service that will be offered to its subscribers in the near future. 



COMMUNITY ADVISORY GROUP MEETS TO DISCUSS ASBESTOS

A number of residents of the El Dorado Hills community have formed the El Dorado Hills Community Advisory Group (CAG) to address the problem of Naturally Occurring Asbestos (NOA) in the El Dorado Hills area. The second meeting of the CAG was held on Wednesday evening, November 17, 2004, at the Bass Lake Road Fire Station.

Attendees from the Bass Lake neighborhood included Kathy Prevost and John Thomson from BLAC. Others attending were representatives from the California Air Resources Board (CARB), US Environmental Protection Agency (USEPA), the Agency for Toxic Substances and Disease Registry (ATSDR), the California Environmental Protection Agency (CALEPA) and the El Dorado County Air Quality Maintenance Department (AQMD). Attending as well were representatives of Christopherson Homes (developers of Promontory Village Four), Youngdahl and Associates, and Network Environmental Services. Channel 13 News was also in attendance and taped most of the meeting.

Sharon Farr, Branch Chief, School Property and Cleanup Division (CALEPA) gave a presentation on the development of the Promontory School site, including air monitoring results. The monitoring was performed by the consulting geologist hired by the contractor and the CALEPA. They concluded that fence line (site perimeter) monitoring did not identify asbestos or dust moving offsite of the school property. They did have two days when stationary monitors exceeded asbestos site action levels, and 13 days when personal monitors exceeded asbestos action levels. They stated when action levels were exceeded, additional watering activities effectively suppressed the dust.

Regarding Promontory Village 4, housing developer Christopherson Homes had initially been following county ordinances for this site, which included visual observation by trained and registered geologists and enhanced use of dust suppression with water trucks during grading activities. However, during the initial grading process, a pocket of white, slightly fibrous material mixed with talc was observed on a lot at the site.

Christopherson said they immediately implemented dust mitigation controls and submitted a sample of the suspect material to Forensic Analytical Laboratories in Hayward for analysis. The sample contained 12% actinolite asbestos. An Asbestos Dust Mitigation Plan was prepared and sent to El Dorado County AQMD for review and approval.

Christopherson Homes retained Network Environmental Systems, Inc. to perform air sampling for NOA. Their geologist reported that out of 330 air monitoring samples collected, 222 indicated some level of NOA. A representative from Christopher Homes stated that they have spent over \$2 million on NOA mitigation.

The resident of a house above the Promontory who was previously featured on Channel 13 News expressed her concerns and dissatisfaction with the whole process. She stated that she and her neighbors were never notified of the possibility of asbestos exposure, and were not told when air monitoring detected higher levels of naturally occurring asbestos.

A resident of Camerado Oaks bordering on Hollow Oak development expressed the same concern about dust at his house, as the result of construction activity at the nearby Hollow Oak development.

A number of officials spoke about the issue of standards, and each agency seemed to have a different idea about what the standard is, or should be. It appears that there is no uniform standard that would quantify what amount of NOA has to be present in the air to trigger a warning to the nearby neighbors of any danger from NOA fibers blowing over and into their homes and property. This provoked a sometimes-heated discussion

among the members of the CAG and the agency representatives.

The next CAG meeting is scheduled for January 19, 2005. The meeting particulars will be announced at a later date.

A more comprehensive summary of the meeting may be found on the Bass Lake Action website www.basslakeaction.org.

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The Bass Lake Action Committee is a group of concerned homeowners from the communities adjoining Bass Lake. Our purpose is to provide a voice for Bass Lake community homeowners in dealing with the county and other community organizations and agencies.

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