



BASS LAKE BULLETIN

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EDH DEVELOPMENT UPDATE

Area Planning Advisory Committee Reviews Developments

At a recent El Dorado Hills Area Planning Advisory Committee (APAC) meeting, updates on several land use projects coming to El Dorado Hills were discussed. The following is a summary of the meeting.

Dixon Ranch

Dixon Ranch is back as Generations at Green Valley. Aidan Barry, managing general partner of The True Life Companies, which controls the 280 acres located between Malcolm Dixon and Deer Valley Roads off Green Valley, explained that since the Dixon Ranch project was denied in February 2017, it has been revised to take into account “mistakes made,” including “major issues with traffic and density.”

Dixon Ranch included 605 home lots, but the new plan proposes 439 lots of varying sizes, ranging from one-third of an acre to 3- and 4-acre lots. There are 200 units of age-restricted homes in the proposed project’s center. When the land entitlements are eventually sold to a home builder, Barry said he will find “a good fit” in a builder for the new plan’s design concepts for aging in place, including wider doors, among other things.

Barry said he is committed to making the same improvements on Green Valley Road under the new plan as before, including a two-way left turn lane at Loch Way and widening Green Valley Road in places.

“We’re also including an existing condition in this new plan,” Barry added. “We’re requesting from the county that money

generated from the project goes only to improving Green Valley Road.”

As for the county auditor previously stating that Dixon Ranch would have a negative financial impact to El Dorado County’s General Fund, Barry said, “We have to prove we won’t be.”

One resident familiar with the Dixon Ranch project spoke up, saying, “The money won’t be enough to fix the problems on Green Valley Road. The utilities alone will be monumental. Existing residents will have to pay for the infrastructure.”

“All of those questions will be vetted,” Barry said.

A conceptual review of Generations at Green Valley will be presented to the Board of Supervisors on Oct. 24.

Golf Course Future

The Central El Dorado Hills Specific Plan includes the fate of the former 98-acre Executive Golf Course, which residents overwhelmingly voted to keep open space in a 2015 advisory vote.

“There’s been silence since June 2016, but the plan is supposed to go back to the Planning Commission in October or November,” APAC chairman Tim White said at the meeting. “We have heard that the plan for 1,000 homes on the golf course has been reduced to 700 and that the new plan includes single family homes and condos — no apartments.”

When asked to comment, Parker Development Company’s Director of Government Relations Kirk Bone shot down the rumor. “There is no change to the proposed plan,” he said.

Before the project goes to the Planning

(continued on page 2)



SHINGLE SPRINGS BAND OF MIWOK INDIANS VICTORIOUS IN LAWSUIT

The California Court of Appeal for the Third District issued a long-awaited opinion in the case of Sharp Image Gaming v. Shingle Springs Band of Miwok Indians, giving a complete victory to the tribe in litigation that spanned a decade. From the time the case was filed in El Dorado Superior Court in 2007, the tribe has maintained it had no contractual obligation to Sharp Image Gaming for the company’s failed attempt to build a casino in the 1990s, and the state court should have immediately dismissed the case. Offering a complete vindication of the tribe’s legal arguments, the Court of Appeal ruled that the case should never have proceeded to trial and that the tribe owed Sharp Image nothing.

“I always believed the tribe was in the right,” said Nicholas Fonseca, Chairman of the federally-recognized Shingle Springs Band of Miwok Indians, whose reservation is in El Dorado County, and that owns and operates the Red Hawk Casino. “I’m glad the tribe had the perseverance to stay the course. This is a victory for all tribes in California.”

At trial, Sharp Image sought approximately \$300 million in damages on two contracts, but the jury rejected that claim, awarding instead just under \$30 million. However, by the time the matter was decided by the Court of Appeal, the claimed damages amounted to approximately \$49 million, representing the award plus interest, accrued with the passage of time.

(continued on page 2)



DEVELOPMENT *(continued)*

Commission, the draft environmental impact report must be circulated for public comment.

“What about voting we did a few years ago? Ninety-five percent of people didn’t want it,” a meeting attendee noted.

“It is privately owned property. They don’t need to listen to the residents,” White responded.

APAC member John Raslear reminded attendees that the El Dorado Hills Community Services District looked into purchasing the land, but the price tag was “astronomical,” he said. “And when residents were asked whether they would be willing to be taxed to purchase it they said ‘no.’”

The property needs county approval to be rezoned residential.

Saratoga Eateries

Next to Highway 50 and in the vacant space next to Walgreen’s on Saratoga Way there will be two separate developments, including a Habit Burger, Chick-Fil-A and an unidentified retail development. Originally the two fast food restaurants were supposed to be one “upscale, sit down restaurant,” White explained. The developer asked the county to split it. The land was designated commercial property in 2004. Residents who live close to the project spoke out in opposition because of noise and traffic concerns.

The second development is a 7-acre vacant lot located near Arrowhead Drive, which is split into three parcels. One parcel will house a 24,000-square-foot ambulatory surgery center. Uses for the other two are undetermined but White noted that one has a seasonal creek running through it.

“APAC recommends that there is an environmental study done before building there,” he said.

Town Center

Construction of a 115-room Aloft Hotel, owned by parent company Marriott, could begin as early as February. It will be across from the Mercedes-Benz dealership near the movie theater parking lot in El Dorado Hills Town Center. San Francisco-based 2015 Vine St. LLC will develop, own and operate the property. The company also owns and operates the 93-room Holiday Inn Express hotel in Town Center, which is undergoing a \$1 million renovation.

The lawsuit for the first version of EDH Apartments at Town Center is not settled and is rumored to be going before a judge in the last quarter of this year.

In the meantime, a fewer-unit EDH Town Center apartment project submitted by the

same developer has completed a Draft Environmental Impact Report. The plan will go back to the Planning Commission once the final EIR is completed and the public has had 40 days to comment. The project is not as yet on the Planning Commission Calendar.

Regarding Town Center, Norb Witt of the Town Center Design & Review Committee gave an update. He said there are discussions about putting in traffic signals where there are now stop signs. Earlier plans for mixed use — putting retail on the bottom floor of the apartments — have been nixed.

Montaño de El Dorado

The first phase is the area that includes Relish Burger Bar and Peet’s Coffee. Phase 2 is on 17 acres located on the east side of Latrobe Road, 500 feet south of the intersection with White Rock Road. A rezone approval is needed from regional commercial-design control to regional commercial-planned development. Plans for Phase 2 include a combined 80,000 square feet of retail, offices, an amphitheater and a hotel. The DEIR is in process. APAC members are waiting for the DEIR to comment and are seeking volunteers to study the report once it’s ready and report back to APAC members.

For more information visit edhapac.org. ~

Credit: Julie Samrick, Village Life

LAWSUIT *(continued)*

In ruling for the tribe, the Court of Appeal found that the contracts were illegal, and thus unenforceable, under federal law.

Specifically, the court ruled that one contract was a “management” contract under the Indian Gaming Regulatory Act and the second was interrelated and so “collateral” to the management contract. Because neither was approved by the federal agency charged with regulating Indian gaming, as the federal law requires, neither could be enforced by Sharp Image. The tribe had raised this defense at the outset of the litigation, but the trial court declined to consider the enforceability issue, which the Court of Appeal found to be erroneous.

In addition to ruling for the tribe on the merits, and reversing the jury award to Sharp Image, the Court of Appeal ordered Sharp Image to reimburse the tribe for the costs it incurred to pursue the appeal.

The opinion will be published as citable California appellate precedent, and the tribe will next consider whether to pursue recovery of the legal fees it incurred against Sharp Image. ~

Credit: Mountain Democrat



DELTA WATER TUNNELS IN TROUBLE

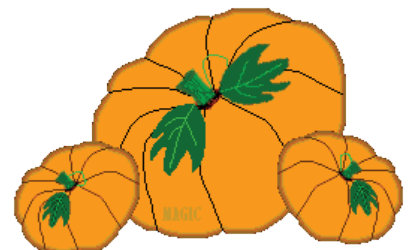
Gov. Jerry Brown’s \$17 billion California Delta WaterFix tunnels are in trouble over a threat to triple water costs and a federal probe of \$84.8 million in illegal payments.

The board of the Fresno-based Westlands Water District, America’s largest water supplier, voted 7 to 1 on September 19 to pull out of their \$4.5 billion, 26 percent participation in the \$17 billion WaterFix, which planned to build two 40-foot wide tunnels stretching for 35 miles to protect fish and divert water from the Sacramento River to the California aqueducts that service the San Joaquin Valley farmers and Southern California cities.

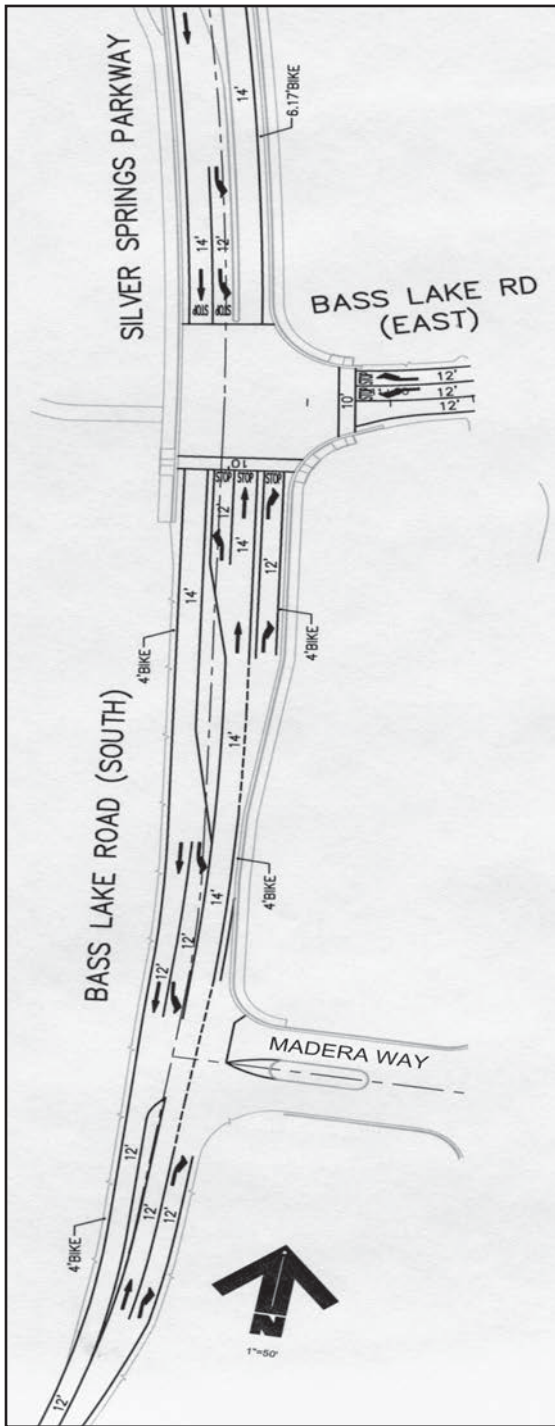
The move followed a July 17 presentation by Goldman Sachs to the Westlands Water District titled, “California WaterFix Financing Strategies.” Goldman apparently estimated that to finance the project, the average cost of water exports from the Delta could rise by \$260 per acre foot by 2033. That is two to three times the price paid to the Bureau of Reclamation this year.

The U.S. Department of Interior Inspector General also issued an audit that found that during the Obama administration, federal Bureau of Reclamation financial assistance agreements with the State of California’s Bay Delta Conservation Plan (BDCP) did not “fully disclose to Congress and other stakeholders the \$84.8 million cost of its participation in the BDCP efforts, including its subsidizing of the Federal Central Valley Project (CVP) water contractors’ share of BDCP costs.”

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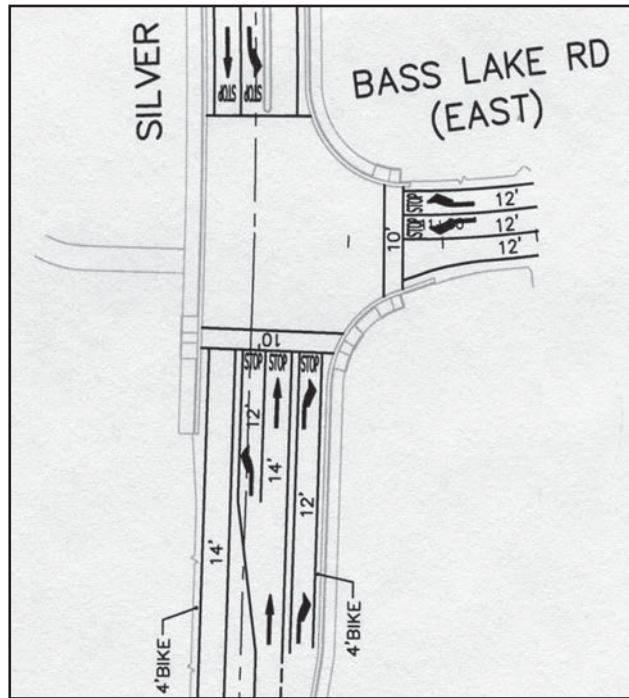
NEW INTERSECTION CONFIGURATIONS ANNOUNCED BY COUNTY



BASS LAKE ROAD

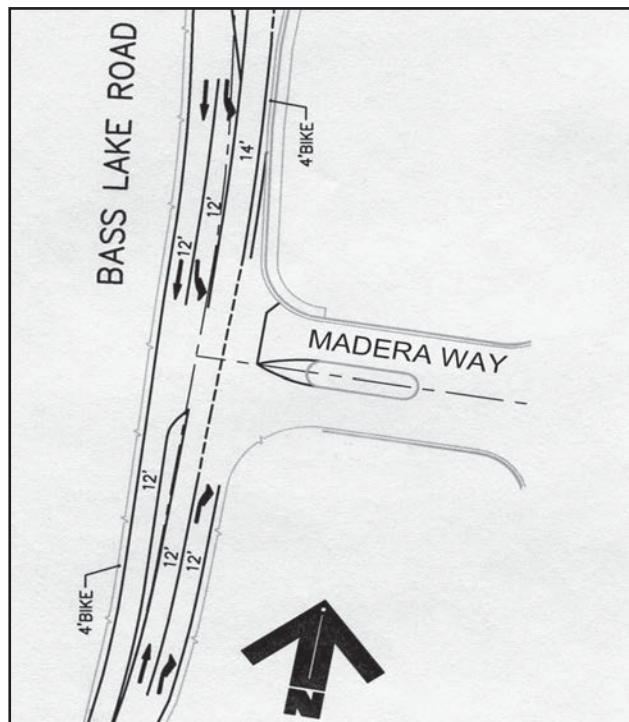
This map shows the proposed relationships of the new intersection of Bass Lake Road with Silver Springs Parkway, and improvements to Madera Way. Instead of curving to the east, Bass Lake Road will have a stop sign and make a right turn at the new intersection. The northbound traffic will be able to continue straight on Silver Springs Parkway to Green Valley Road.

This map was presented at a recent meeting of the Bass Lake Action Committee at Oak Knoll Park. ~



BASS LAKE ROAD AND SILVER SPRINGS PARKWAY

Detailed map of the new intersection, showing stop signs and right and left turn lanes. ~



BASS LAKE ROAD AND MADERA WAY

Detailed map of the intersection, showing stop signs and right and left turn lanes. Woodridge will finally get a right turn deceleration lane off of Bass Lake Road. ~

TUNNELS *(continued)*

The Inspector General (IG) also found the Bureau of Reclamation was never reimbursed for \$50 million of advanced payments, and improperly paid \$34.8 million of the contractors' costs through June 30, 2016. The IG stated that the Bureau of Reclamation submitted "inaccurate annual



Autumn Dreams

I know the year is dying,
Soon the summer will be dead.
I can trace it in the flying
Of the black crows overhead;
I can hear it in the rustle
Of the dead leaves as I pass,
And the south wind's plaintive sighing
Through the dry and withered grass.

Ah, 'tis then I love to wander,
Wander idly and alone,
Listening to the solemn music
Of sweet nature's undertone;
Wrapt in thoughts I cannot utter,
Dreams my tongue cannot express,
Dreams that match the autumn's sadness
In their longing tenderness.

—Mortimer Crane Brown

CalFed Bay-Delta certified financial reports" and "the actions it took to fund BDCP planning costs were neither transparent nor consistent with the 'beneficiaries pay' principle underlying Reclamation Law."

The IG referred the matter to the "Assistant Secretary for Policy, Management and Budget for resolution," a step that may lead to a U.S. Justice Department civil or criminal referral.

The Associated Press (AP) obtained documents on September 18 that reveal that the legal language governing California's biggest water project in half a century has been tweaked so that the tunnels are now just an "update," rather than a new project. That way every one of the 29 water districts that receive water from the existing California State Water Project will be jointly responsible to pay for the tunnels.

A Harris Farms' Executive Vice President and Westlands board member told AP that there is no guarantee that the project will consistently increase future water supplies and that "obligating hundreds of family farms" to pay for the tunnels doesn't make economic sense.

The Los Angeles Metropolitan Water District will vote on continuing as a \$4 billion WaterFix investor, and the Santa Clara Valley Water District will also vote on its \$2 billion participation. It is estimated that the project will cost residential water users about \$3 to \$4 a month. But that assumes an on-time completion, and that the project performs as advertised. ~

Credit: Chriss W. Street, Breitbart News



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BLAC BOARD SETS NOVEMBER AND DECEMBER MEETINGS

The next meeting of the Bass Lake Action Committee Board of Directors will take place on November 6, 2017, at 7:00 PM. at the home of John and Fran Thomson, 501 Kirkwood Court in Woodridge, El Dorado Hills, 530-677-3039. The nomination of candidates for board offices for 2018 will be an item on the agenda.

The Annual Meeting and Christmas Party will be held on December 4, 2017, at the home of John and Fran Thomson, 501 Kirkwood Court in Woodridge, El Dorado Hills, 530-677-3039.

For further information about BLAC meetings and membership, please contact Vice President Kathy Prevost at 530-672-6836. ~

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