

DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

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TO: Planning Commission **Agenda of:** February 25, 2010

FROM: Jason R. Hade, AICP, Senior Planner **Item #:** 10

DATE: February 8, 2010

SUBJECT: **Z07-0040/TM07-1454/S09-0012/Sundance Subdivision**

Pursuant to comments received from the Georgetown Divide Recreation District (GDRD) on January 25, 2010 and a recommendation from the Department of Transportation, Planning Services recommends the Planning Commission add the following condition of approval if approval of the project is recommended.

The applicant shall provide a 15-foot wide Georgetown Divide Recreation District trail easement for non-motorized use along Road A with the filing of the map.

A letter received from the applicant on January 28, 2010 concerning this subject is also attached. Please be advised that the GDRD would be responsible for maintaining the requested trail easement.

Attachment

cc: Carlton Engineering, Inc.
Attn: Cesar Montes de Oca, P.E.
3883 Ponderosa Road
Shingle Springs, CA 95682

Claudia Wade, DOT

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ATTORNEYS AT LAW

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PLANNING DEPARTMENT

ROBERT A. LAURIE

FAX (530) 295-6408

January 27, 2010

Mr. Jason Hade
Senior Planner
Planning Department
County of El Dorado
2850 Fairlane court
Placerville, CA 95667

Re: Sundance Subdivision-Request for Trail Dedication

Dear Mr. Hade:

We are in receipt of the December 2, 2009 letter from the Georgetown Divide Recreation District requesting the dedication of an unrestricted public trail through the middle of the project in addition to the payment of the requisite Quimby Act fees. On behalf of the development, I hereby note our strongest objection to this request.

As referenced in the proposed Condition 8 for the project, the Quimby Act would require a dedication of 0.2352 acres of parkland. We agree with the County's analysis that regional recreation services can be better served by paying the in-lieu fees authorized by statute and ordinance. In addition, because the Sundance project proposes less than 50 parcels, only the payment of fees may be required (Ordinance Code Section 16.12.090 (A)(6)).

When the property owner submitted the earlier project design, such included the application of density-bonus provisions, 40 parcels and open-space running along Rattlesnake Bar Road. In addition, the Recreation District requested a trail through the project. We found that the adjacent neighborhoods held strong objections to such a trail fearing that the public would end up wandering through their residential neighborhoods. We agree with their concerns. An unrestricted trail through this project leads to no

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discernable point of interest other than a dead-end in the middle of this project. It is understood that the County Trails System map does propose a trail that could run "generally" from the Salmon Falls Bridge through Pilot Hill to the Knickerbocker Trail then to Highway 49. The specific location of the trail is not mandated. The trail as proposed serves no purpose as it would be the trail to nowhere. Current adjacent residents are certainly not going to allow the imposition of a trail through their properties.

In addition, objection would be made to any public right-of-way over which the homeowners have no control. Who is going to pick up the garbage? Who is going to control midnight strollers on a public trail? Who is going to control the noise in a residential neighborhood? Who is going to maintain the easement in a safe condition? Who is going to bear the liability? Certainly not the GDRD. Finally, the easement as demanded by the GDRD would take approximately 2.5 acres of the owner's property. As noted above, County regulations would only require less than one-quarter of an acre to satisfy park and recreation requirements.

In summary, the property owner objects to the trail demand, the neighbors seem to object and the demand for such is inconsistent with state and county regulations. We request that the District's request be denied. Thank you for your consideration.

Very truly yours,


ROBERT A. LAURIE