

**Buckingham Homes Association  
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Kelseyville, CA 95451  
707-279-0829**

January 2, 2007

Lake County Planning Commission  
Emily Minton  
255 N. Forbes Street  
Lakeport, CA 95453

Dear Emily:

Thank you for the opportunity to comment on Appelbaum Bakersfield's Buckingham Park Estates Subdivision proposal, as distributed on December 8, 2006.

We, the Buckingham Homes Association Board of Directors, are supportive of a well-conceived, harmonious development of the Walnut Orchard. This would be one which meets all of the County's policies and requirements, fully conforms with Buckingham's CC&R's, is integral with the existing Buckingham community, and maintains the ambiance of the area and the exceptional standard of living, all with minimal environmental impact. We do not feel the current proposal does this.

Comments on "Proposal":

(1) Appelbaum Bakersfield purchased property in Buckingham, subject to Buckingham's CC&R's. We are against the creation of a private sub-section with its own maintenance program and additional CC&R's (Buckingham Park Estates) overlaying the existing Buckingham CC&R's. A private sub-section is inconsistent with the harmony provisions of the Buckingham CC&R's. An additional set of CC&R's would be very complex and confusing for owners. Buckingham has recently approved two Road Maintenance Benefit Zones and we believe a third Zone would be the appropriate way to deal with the new roads supporting Orchard development.

(2) We are concerned about the large number of individual septic systems proposed. Existing residents on the periphery of this infill development have drinking water wells which could be at risk.

(3) We trust the County would require the off-site drainage system be fully installed up front to protect the surrounding residents during what may be a lengthy build-out period.

(4) Given the size of Appelbaum Bakersfield's proposal, which would represent over a 20% increase in the number of homes in Buckingham, we urge that the County require a rigorous environmental impact report and mitigation plan. We have surveyed the owners of Buckingham property via our Town Hall meetings and other group functions and have found these folks to strongly favor an EIR over a negative declaration.

Comments on "The Proposed Residential Development Project":

(1) Re: the statement that "The proposed project offers an opportunity to build-out the original subdivision to its final vision as planned by the CC&R's and the County General Plan." Neither the CC&R's nor the County General Plan envisioned a gated community within Buckingham or an age limitation on residents. Lot size is designated 20,000 sq ft MINIMUM. No where is the Orchard owner guaranteed subdivision down to 20,000 sq ft lots. In fact, such small lots would be inconsistent with both the surrounding lot sizes AND the intents of Buckingham's CC&R's (please see below).

(2) Re: "Lot Configurations & Context". We have consistently expressed our concerns about a 20,000 sq ft lot size. Given the 0.85 acre average size of the 65 already developed lots

surrounding the Orchard, we believe the Orchard subdivision lots should be AT LEAST 0.85 acres. In fact, Buckingham's CC&R's provide specific guidance on lot sizes where parcel sizes are larger than two acres. Clause IX states: "Any residential lot, which contains two or more acres, may be re- subdivided into smaller lots provided that no one of which shall be smaller than one acre." The Walnut Orchard is not a residential lot, but Clause IX makes clear the intent of the original subdividers that the minimum lot size, where possible, should be one acre. Of course, aside from consistency with the CC&R's and adjacent area lot sizes, subdivision of the Orchard down to one acre lots vs. 20,000 sq. ft. lots would reduce the number of new homes, thereby reducing somewhat many of the impact concerns we have expressed in the past and herein. Although the County may decide to act on this subdivision application prior to a formal adoption of the revised Riviera's Area Plan, we think that Draft Paragraph 5.2.1b is very good policy and as such should be adopted by the Board of Supervisors and be a consideration now in evaluating the Appelbaum Bakersfield proposal.

(3) Re: "Amenities". Once again, the Buckingham CC&R's do not discriminate as to who may purchase or reside in a Buckingham home. Thus a "retirement community" would be non-conforming. We are concerned as to the meaning of the statement that "The Parks Director has requested in-lieu fees". We fear that this may mean that the Parks Director would like Appelbaum Bakersfield to fund parks elsewhere in the County rather than require larger lots, common grounds, or a buffer zone in the Orchard. While we appreciate there may be recreational needs elsewhere in the County, ANY Orchard development will have some negative impacts on Buckingham (it already has) and thus any quid pro quo should remain in Buckingham. While it may appear to some that the BHA Clubhouse area is under-utilized, this is typical of all parks, which need to be sized for peak demand periods. At those times in Buckingham, the Clubhouse is quite crowded, the grounds are full, the boat-launching area is backed up, and nearby parking is impossible. An Orchard project will exacerbate this crowding. We also wish to point out that walking/hiking/jogging is the most prevalent recreation in Buckingham. Many residents are out every day walking ALL the streets and expect to keep on doing so. Chaining off part of the Community is not consistent with a single community. The Orchard is not a neighboring property which is "thinking about joining Buckingham on its own terms". It is an integral landlocked piece which has been identified in the CC&R's as "Buckingham Residential" (after subdivision) for decades! This restriction was on the property when purchased by Appelbaum Bakersfield, and we are not suggesting putting "new restrictions" on it.

(4) Re: "A Secure Community", the Buckingham Board is looking into the possibility of a Neighborhood Watch program, security patrols, and other means of dealing with a small increase in security incidents. Gating of Buckingham in total is also on the table, but gating of a subsection of Buckingham is NOT an option. The loss of harmony and community continuity would be extremely detrimental. We would like the County to know that Appelbaum Bakersfield has misrepresented the gate approval situation by implying that project gates have already been approved by Buckingham when they state: "two beautiful entrance gates and columns that are already approved by the Buckingham HOA" and "The gates for this property have already been approved by the Buckingham HOA" (reference the Buckingham Park Estates brochure and also written comments by Mr. Spike Wheeler on BHA's August 11, 2006 letter to County Planning). Mr. Wheeler initially applied for two 50-ft. gates along Orchard Drive. We advised him that his gate application would not be approved. He subsequently withdrew his application to the County to subdivide. He then reapplied to BHA for gates for his personal residence/family compound which we approved. In fact, only a 25-ft. gate has been approved, equal to the largest gate in Buckingham. We quote from our letter of March 21, 2006 to Mr. Wheeler: "This approval is specifically for a gate to a single parcel of land, to-wit, Lot 1 in Buckingham Park Subdivision 1, as the gate is shown on the attached plans. This approval is not for a gate to restrict access to multiple parcels of land. In the event Lot 1 is subdivided, this approval will be deemed revoked and, unless subsequent approval for a gate or gates restricting access to multiple parcels is granted by the Committee or the Board of Directors of the Association, the gates shall be removed at the then property owner's expense."

(5) Re: "Stormwater System". The statement that "The proposed project does not include curb, gutter and sidewalk because these items are not allowed under the Conditions, Covenants and Restrictions for Buckingham Park" is not correct. The CC&R's do not address this matter.

Nevertheless, we agree and support the project proposal in this regard. As to installation of the stormwater system, we have expressed above our position that this system should be completed very early in the project life.

(6) Re: "Wastewater System". We have expressed above our concerns about the number of septic systems proposed and the potential impact on existing potable water wells.

(7) Re: "Proposed Maintenance". We have expressed above our concerns about private roads and an additional set of CC&R's overlaying Buckingham's CC&R's.

(8) Re: "Site & Situation". We are pleased to read that Appelbaum Bakersfield contemplates Orchard lots "surrounded by residential homes of similar lot sizes".

(9) Re: "General Plan & Zoning". We agree that the Orchard development shall be "harmonious with existing development in the area", and "in compliance" with the existing CC&R's."

#### Comments on the Whitlock & Weinberger Traffic Study:

The traffic study fails, in our opinion, to recognize the risks associated with increased traffic on Westlake Drive between Orchard Drive and Little Borax Road (a 138% increase, from 400 to 950 cars per day!). The authors did not address the substantial hill and blind curve when concluding that it is okay to exceed the AASHTO standards. There is virtually no off road parking available due to the lack of shoulders and the adjacent steep properties and driveways. Trash cans, mail trucks, garbage trucks, service trucks, and private vehicles must park on the road's edge. The blind curve already makes this a catastrophe waiting to happen. Although the collision history on Westlake is currently below CA State averages, we believe this will change with the introduction of 550 more vehicles, many driven by senior citizens that may in some cases have suffered deterioration of driving skills. If an Orchard developer is not required to improve Westlake Drive, we fear that the collision rate will soon exceed the State average and it will become the County's obligation to improve the road, at its expense. We urge the County to take a hard look at Westlake Drive. Looking ahead, the significant expansion of Konocti Harbor resort, while uncertain at this time, would certainly exacerbate the Soda Bay Rd traffic situation.

#### General Comments:

We are very concerned that this project is ill conceived and could become a blight on Buckingham. We do not believe that 91 new one million-dollar homes can be assimilated here in a short period of time. Given the large up front investment, a developer experiences economic pressures to maximize revenue as soon as possible. If this revenue stream is not realized, project abandonment is a possibility. Thus, we would ask that the County require a sufficiently large completion bond from any Orchard developer that would, in the event of abandonment or sale of the uncompleted project to a non-viable entity, enable stabilization and restoration of the Orchard property, including mitigation of any negative environmental impact. If, on the other hand, construction of up to 91 homes is stretched out over many years, Buckingham will be a construction zone for an inordinate period of time, with all of its negatives - noise, dust, trucks and heavy equipment on the roads, potential run-off problems, hazardous conditions, inconvenience and eyesores. A significantly smaller Orchard project would ameliorate these concerns.

As to the Buckingham CC&R's, we appreciate what the County does to support enforcement of our requirements. We realize that the County is not obliged to do so, although the County does benefit from the resultant higher property values and the attraction of prosperous residents that shop here, provide needed professional services and other skills, support local charities, and contribute to the overall well being of the County. We are committed to enforcing our CC&R's, and welcome any help from the County.

We also appreciate the County's expertise and detailed review of any project's proposed drainage, septic (especially given nearby wells), emergency access, fire protection, and building code enforcement, as well as dust & noise abatement and traffic impact. Once again, given the relative size of Appelbaum Bakersfield's proposal, we urge that the County require a rigorous environmental impact report and mitigation plan.

As always, we very much appreciate your professionalism and efforts on behalf of beautiful

Lake County, and stand ready to discuss, at your convenience, any aspects of this project further with you.

Sincerely,

Buckingham Homes Association Board of Directors

cc: Rob Brown