



EDC COB <edc.cob@edcgov.us>

**RE: March 8, 2016 Meeting Agenda # 14-1617 Dixon Ranch APN 126-020-04
SMUD ownership**

1 message

Mark Kleinhans <eldoradovineyard@yahoo.com>
To: "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Thu, Mar 3, 2016 at 1:14 AM

El Dorado County Board of Supervisors

I would still like to submit concerns regarding the ownership of APN 126-020-04 Regarding Dixon Ranch Development before the Board of Supervisors March 8th meeting. Agenda # 14-1617 .

Below is a copy of my response of a letter from Placer Title who claims Fey Louie as the present owner or APN 126-020-04., I am challenging ownership and believe SMUD a public utility the proper owner thus public property. Please find attachments as well from Placer Title .

Bev Drake of Placer Title, Placerville

Thank you for your courtesy in responding to my inquiry regarding the SMUD property APN 126-020-04 AKA 067-051-11 ~ 6/17/06 and older map AKA 067-050-20 ~ 06/12/84. Which was rezoned in 2015 from AE to RF-L. I had questions about your documentation and visited Ernie in the Assessors office maps division who was puzzled and suggested I go to the source, Placer Title, as the county only records and assess as the title company dictates and verification is not the county's job. I found this trust factor enlightening.

After reviewing the documentation you sent, there seems to be an error(s) and a need for clarification for the claim made that Fay Louie being owner of this parcel.

The document "Grant of Right of Way" dated 2/26/1960 #2631, Book and page 0500-333 Is entitled incorrectly by just reading the actual Deed you'll see the mistake and find SMUD purchased the property from Malcolm and Maude Dixon therefore making it Right of Way "In Fee" ownership to SMUD. This deed was clarified by SMUD's Resolution #3281 dated 6/16/1958 #4604 Book and page 435-130 and was significant as it was also recorded in Placer and Sacramento Counties and utilized resolving the dispute for an undisclosed amount of money as so stated. We all make mistakes and shouldn't take the names of titles for granted I presume and can understand as reading deeds are boring and tedious endeavors. I have found similar Grant of Right of Way's by SMUD and PGE in El Dorado Co. Our property has SMUD and PGE easements being directly next door to this SMUD parcel, we pay assessed taxes as owners allowing access but not ownership to the utilities. I was told "Right of Way" and Easements are interchangeably used but have since learned there is a legal difference. The Dixon's had the right to pass over the property not own it.

Further review the SMUD property in question has never been reunited to it's parent property after split in 2/26/1960 nor documentation to Fay Louie's APN 126-020-03 as you claim. APN 126-020-03 AKA 067-051-10
14-1617 Public Comment

and APN 126-020-04 AKA 067-051-11, as we can determine are still separate property's having two different owners.

Your reference to document Dated Nov 10, 1960 Book 531 page 15 is a Quick Claim deed / a purchase by El Dorado County for \$660 signed by Gloria May Dixon an entirely separate entity from another parcel therefore not split from Malcolm and Maude Dixon Property that was granted to SMUD in 1960. After reviewing the coordinates described in this deed having no APN was determined the description of a roadway located in the Northeast section of section 24, most likely a portion of Green Valley Rd and nowhere close to the SMUD's triangular shaped parcel located in the Southeast section of 24 granted by Malcolm and Maude Dixon.

And further no documentation in the Grant Deed 2004-0001132-00 or other research shows the SMUD parcel APN 126-020-04 a part of APN 067-420-14 or 067-051-10 as you so state.

So, we conclude that SMUD a public utility being the rightful recorded owner of APN 126-020-04 and so having paid assessed property taxes for the past 56 years a separate property.

Sincerely,

Mark Kleinhans

SMUD's neighbor/farmer. APN 126-231-28

[REDACTED]

Rescue, CA 95672

[REDACTED]

P.S. The difference between an easement and a right of way is that a company with a right of way typically owns the actual land the right of way passes over. For example, the term "right of way" in a railroad context speaks to the land itself. This differs from an easement in that easements merely grant the right to use another's property; the term "easement" refers to the right to use someone else's land, not the land itself.

Sent from Mail for Windows 10



Bev_Drake_20160120_134402_01a36c28ad70.pdf
2612K

**METROSCAN PROPERTY PROFILE =
El Dorado (CA)**

OWNERSHIP INFORMATION

Parcel Number : 126 020 041
 Owner : Sacramento Municipal Util
 CoOwner :
 Site Address : *no Site Address* Rescue 95672
 Mail Address: PO Box 15830 Sacramento Ca 95852
 Owner Phone :
 Tenant Phone :

*owner of parcel
is "Fay"*

SALES AND LOAN INFORMATION

Transferred : 02/26/1960
 Document # : 500-333
 Sale Price :
 Deed Type :
 % Owned :

*Easement
Only*

Loan Amount :
 Lender :
 Loan Type :
 Interest Rate :
 Vesting Type :

ASSESSMENT AND TAX INFORMATION

Land : \$3,309
 Structure :
 Timber :
 Other :
 Total : \$3,309

Exempt Type :
 Exempt Amount :
 Tax Rate Area : 100172
 15-16 Taxes : \$35.10
 % Improved :

PROPERTY DESCRIPTION

Map Grid :
 Census : Tract : 308.01 Block :
 Zoning : Ae Agricultural,Exclusive
 Land Use : 40 Vacant,Industrial Property
 Legal : R/W SEC 24 10 8

DISTRICT INFORMATION

Elem School: Rescue Union
 High School: El Dorado Union
 Com College: Los Rios

Fire : 255
 Park/Rec :
 Water : El Dorado Co

PROPERTY CHARACTERISTICS

TotalRms :	Water Srce :	LotAcres :	1.44	BldgClass :
Bedrooms :	AccessType :	Lot SqFt :	62,513	Bldg Cond :
Bathrms :	NaturalGas :	BldgSqFt :		Terrain :
Stories :	Waterfront :	Year Blt :		GroundCvr :
Units :	Floor Plan :	Eff Year :		View Qlty :
Sewer :	Williamsn :			

*Information compiled from various sources. CoreLogic makes no representations
or warranties as to the accuracy or completeness of information contained in this report.*

Parcel Number 126-020-04-100

California Code Sec 6254.21 Prohibits the display of addresses on a government website.

Current Property Owners

SACRAMENTO MUNICIPAL UTIL

Easement Only

Assessor's information is for assessment and tax purposes only and should not be relied upon for status of development or building purposes.

Property Description -

Assessor's Plat map 126-02

Inactive Assessor's Plat map 126-02_20061012 (Old map)

Reference: R/W SEC 24 10 8

For Zoning, Flood Zone, Census Tract, etc. : "El Dorado County Planning Dept." or "Tahoe Regional Planning Agency"

Last appraisal effective date: 12/31/2014

Last appraisal reason: Miscellaneous (Without Supplemental Assessment)

APN Status: 00, Active

APN Status Change date: 06/17/2006

Primary use: 40, Vacant industrial land

The **USE** is only reviewed at the time of last taxable event and may not be a legal use.

Tax Rate Area: 100-172 Rescue Union school district

**2015-2016
Taxable Property Values**

Property Type	Value
Land	3,309
Land Total	3,309
Total Roll	3,309
Net Roll	3,309

Parcel Number **126-020-04-100**

Event List

Roll	Date	APN Status	Event Status	Seq.	Type	I.D.	Stmt. #	Value
2015	01/01/2015	Annual Roll	Active	1	Roll		087823	3,309
2014	01/01/2014	Annual Roll	Active	1	Roll		087531	3,128
2013	01/01/2013	Annual Roll	Active	1	Roll		087447	3,007

2012	01/01/2012	Annual Roll	Active	1	Roll		087392	2,993
2011	01/01/2011	Annual Roll	Active	1	Roll		087317	2,886
2010	01/01/2010	Annual Roll	Active	1	Roll		087311	2,966
2009	01/01/2009	Annual Roll	Active	1	Roll		087301	3,093
2008	01/01/2008	Annual Roll	Active	1	Roll		087125	2,959
2007	01/01/2007	Annual Roll	Active	1	Roll		086036	2,691

Parcel Number **067-051-11-100**

Event List for previous Parcel Number

Roll	Date	APN Status	Event Status	Seq.	Type	I.D.	Stmt. #	Value
2006	01/01/2006	Annual Roll	Active	1	Roll		041084	2,364
2005	01/01/2005	Annual Roll	Active	1	Roll		041024	2,117
2004	01/01/2004	Annual Roll	Active	1	Roll		040995	1,944
2003	01/01/2003	Annual Roll	Active	1	Roll		040935	1,809
2002	01/01/2002	Annual Roll	Active	1	Roll		040937	1,688
2001	01/01/2001	Annual Roll	Active	1	Roll		040940	1,557
2000	01/01/2000	Annual Roll	Active	1	Roll		040937	1,455
1999	01/01/1999	Annual Roll	Active	1	Roll		040915	1,364
1998	01/01/1998	Annual Roll	Active	1	Roll		041007	1,333
1997	01/01/1997	Annual Roll	Active	1	Roll		040993	1,304
1996	03/01/1996	Annual Roll	Active	1	Roll		041042	1,293
1995	03/01/1995	Annual Roll	Active	1	Roll		041059	1,289
1994	03/01/1994	Annual Roll	Active	1	Roll		041188	1,299
1993	03/01/1993	Annual Roll	Active	1	Roll		041214	1,274
1992	03/01/1992	Annual Roll	Active	1	Roll		041436	1,227
1991	03/01/1991	Annual Roll	Active	1	Roll		041577	1,148
1990	03/01/1990	Annual Roll	Active	1	Roll			1,037
1989	03/01/1989	Annual Roll	Active	1	Roll			940
1988	03/01/1988	Annual Roll	Active	1	Roll			877

Parcel Number **126-020-04-100**

Property Characteristics

Area calculations and characteristics are not guaranteed.

Users should verify items such as permits,
building areas, acreages, zoning, legal use, etc.

Characteristic	Change Date 02/28/1990	Value
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Parcel Number **126-020-04-100**

Parcel Split Background

This parcel was formed from parcel 067-051-11-100 06/17/2006

Owner Change History

Recorded Document:

Recorder's Book and Page: 0500-333

Record Change Date: 02/26/1960

Effective Owner Change Date: 02/26/1960

Generated Wednesday January 20, 2016 13:20:52 PST for PUBLIC at 66.60.179.61
e-mail the Assessor assessor assessor@edcgov.us

Easement Deed

2631

500 2233

GRANT OF RIGHT OF WAY

MALCOLM S. DIXON and MAUDE E. DIXON, his wife, hereinafter called first party, in consideration of value adequate therefor paid by SACRAMENTO MUNICIPAL UTILITY DISTRICT, a municipal utility district, hereinafter called second party, the receipt whereof is hereby acknowledged, hereby grants to second party the right to erect, construct, reconstruct, replace, remove, maintain and use a line, or lines, of poles and/or towers with such wires as second party shall from time to time suspend therefrom for the transmission and distribution of electric energy, and for communication purposes, and all necessary and proper crossarms, guys, anchors and other appliances and fixtures for use in connection with said poles and/or towers and wires, together with a right of way, on, along and in all of the hereinafter described strip of those certain lands which are situate in the County of El Dorado, State of California, and are described as follows, to-wit:

That certain triangular parcel of land in the Southeast one-quarter of Section 24, Township 10 North, Range 3 East, Mount Diablo Base and Meridian, which is included within that certain strip of land described as follows:

A strip of land of the uniform width of 200 feet with 50 feet lying southeasterly and 150 feet lying northwesterly of a line which is described as follows:

Beginning at a point in the East line of the Southwest one-quarter of the Southeast one-quarter of Section 19, Township 10 North, Range 9 East, Mount Diablo Base and Meridian, from which said point the Northeast corner of Section 20 of said Township and Range bears North $75^{\circ}40'01''$ East 6802.77 feet and North $0^{\circ}35'42''$ West 2710.07 feet; thence from said point of beginning South $75^{\circ}40'01''$ West 6945 feet to a point in the West line of the North one-half of the Northeast one-quarter of Section 25, Township 10 North, Range 3 East, Mount Diablo Base and Meridian.

First party shall have the right to use said strip for purposes not inconsistent with second party's full enjoyment of the rights hereby granted, provided that first party shall not erect or construct any building or other structure, or drill or operate any well, within said strip.

First party shall have the right to erect fences either along or across said strip, but second party shall have the right to install, maintain and use gates in all fences which now cross or shall hereafter cross said strip.

Second party shall also have the right from time to time to trim and to cut down and clear away any and all trees and brush now or hereafter on said strip and shall have the further right from time to time to trim and to cut down any tree in the immediate vicinity of said strip the height of which is greater than the distance from its base to any of the conductors suspended over said strip by plaintiff, it being agreed that the northernmost of said conductors will be suspended at least three feet south of the north line of said strip and at a minimum height of 28 feet. All trees which second party is hereby

600-334

authorized to cut and remove, if valuable for timber or wood, shall continue to be the property of first party, but all tops, lops, brush and refuse wood shall be burned or removed by second party.

Second party shall also have the right to mark the location of said strip by suitable markers set in the ground or on said poles, but said markers when set in the ground shall be placed in fences or other locations which will not interfere with any reasonable use first party shall make of said strip.

Second party shall repair any damage it shall do to first party's private roads or lanes on said lands, and shall indemnify first party against any loss and damage which shall be caused by the exercise of said ingress and egress, or by any wrongful or negligent act or omission of second party or of its agents or employees in the course of their employment.

The provisions hereof shall inure to the benefit of and bind the heirs, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF first party has executed these presents this 26th day of February, 1960.

VOL. 6 PAGE 22
OFFICIAL RECORDS
RECORDED AT REQUEST OF
INTER-COUNTY TITLE CO.
MAR 7 1960
AT 11 MIN. PAST 1 O'CLOCK, A.M.
EL DORADO COUNTY, CALIFORNIA
L. J. [Signature]
RECORDER

Malcolm S. Dixon

Maude E. Dixon

STATE OF CALIFORNIA }
County of El Dorado }
On this 26th day of FEBRUARY in the year one thousand nine hundred and SIXTY
before me, EMMETT J. FOLEY, a Notary Public in and for the State of California, and for the said
County of El Dorado, personally appeared Malcolm S. Dixon and Maude E. Dixon
known to me to be the person whose name appears subscribed to the within instrument
and acknowledged to me that he executed the same
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal
in the said County of El Dorado the day and year first above written.
Emmett J. Foley
Notary Public in and for the said County of El Dorado
My Commission Expires Nov. 28, 1963 State of California
Clerk's Form No. 32 - Acknowledgment - General (C.C. Sec. 1189) 17885

STATE OF CALIFORNIA
COUNTY OF SACRAMENTO

} ss.

Certificate of Acceptance

This is to certify that I, David S. Kaplan,
fully appointed, qualified, and acting Secretary
of Sacramento Municipal Utility District, do hereby accept and
consent to the recordation of the within grant on behalf
said District, as its officer or agent for that purpose, by virtue
of the authority vested in me by Resolution No. _____
Board of Directors of said District, a certified copy of which
is recorded in the office of the Recorder of Sacramento County
in Book 3528 of Official Records, Page 283; in the office of the
Recorder of Placer County in Book 763 of Official Records, Page
499; and in the office of the Recorder of El Dorado County in
Book 435 of Official Records, Page 130.

DATED March 3, 1960

David S. Kaplan
Secretary

When recorded return to
Sacramento Municipal Utility District
P. O. Box 2391
Sacramento 11, California
Phone # 20511

**METROSCAN PROPERTY PROFILE =
El Dorado (CA)**

OWNERSHIP INFORMATION

Parcel Number : 126 020 031
 Owner : Louie Fay Tr & Fay Liv Rev Tr *also owner of*
 CoOwner :
 Site Address : 1856 Green Valley Rd El Dorado Hills 95762 *126-020-04*
 Mail Address: PO Box 14485 Fremont Ca 94539 *=*
 Owner Phone :
 Tenant Phone :

SALES AND LOAN INFORMATION

Transferred	: 01/07/2004	Loan Amount	:
Document #	: 1132 Multi-Parcel	Lender	:
Sale Price	:	Loan Type	:
Deed Type	: Grant Deed	Interest Rate	:
% Owned	: 100	Vesting Type	: Trust\trustee

ASSESSMENT AND TAX INFORMATION

Land	: \$1,150,959	Exempt Type	:
Structure	:	Exempt Amount	:
Timber	:	Tax Rate Area	: 100172
Other	:	15-16 Taxes	: \$12,215.12
Total	: \$1,150,959	% Improved	:

PROPERTY DESCRIPTION

Map Grid :
 Census : Tract : 307.09 Block : 1
 Zoning : Ae Agricultural,Exclusive
 Land Use : 24 Rur,20+ Acres,No Res Living Unit
 Legal : SEC 24 10 8

DISTRICT INFORMATION

Elem School: Rescue Union	Fire	: 255
High School: El Dorado Union	Park/Rec	:
Com College: Los Rios	Water	: El Dorado Co

PROPERTY CHARACTERISTICS

TotalRms	:	Water Srce	:	LotAcres	: 80.00	BldgClass	:
Bedrooms	:	AccessType	:	Lot SqFt	: 3,484,800	Bldg Cond	:
Bathrms	:	NaturalGas	:	BldgSqFt	:	Terrain	:
Stories	:	Waterfront	:	Year Blt	:	GroundCvr	:
Units	:	Floor Plan	:	Eff Year	:	View Qlty	:
Sewer	:	Williamsn	:				

Information compiled from various sources. CoreLogic makes no representations or warranties as to the accuracy or completeness of information contained in this report.

Transfer History

Property ID: 126 020 031

Buyer	: Louie-Helm Trust	Price	:
CoOwner	:	Xfered	: 01/07/2004
Title	:	Doc #	: 1132
Lender	:	Deed	: Grant Deed
Loan	:	Vest	: Trust/trustee
Loan\$:	% Owned	: 100
Rate	:	\$/SqFt	: 0.00

Buyer	: Louie Jen L 2003 Trust	Price	:
CoOwner	:	Xfered	: 11/07/2003
Title	:	Doc #	: 15085
Lender	:	Deed	: Grant Deed
Loan	:	Vest	:
Loan\$:	% Owned	: 100
Rate	:	\$/SqFt	: 0.00

Buyer	: Louie Wayland H 2002 Trust	Price	:
CoOwner	:	Xfered	: 07/29/2002
Title	:	Doc #	: 54937
Lender	:	Deed	: Grant Deed
Loan	:	Vest	:
Loan\$:	% Owned	: 100
Rate	:	\$/SqFt	: 0.00

Buyer	: Louie Fay 2001 Trust	Price	:
CoOwner	:	Xfered	: 01/17/2002
Title	:	Doc #	: 4454
Lender	:	Deed	: Grant Deed
Loan	:	Vest	:
Loan\$:	% Owned	: 100
Rate	:	\$/SqFt	: 0.00

Buyer	: Louie H F	Price	:
CoOwner	:	Xfered	: 05/23/2001
Title	: Placer Title Co.	Doc #	: 30612
Lender	:	Deed	: Aff Death (Misc)
Loan	:	Vest	:
Loan\$:	% Owned	: 100
Rate	:	\$/SqFt	: 0.00

Buyer	: Louie H Fay/Marian/Wayland;Helm Jenny	Price	: \$1,350,000
CoOwner	: Louie Jen Lynn	Xfered	: 06/02/2000
Title	: Placer Title Co.	Doc #	: 27370
Lender	:	Deed	: Grant Deed
Loan	:	Vest	:
Loan\$:	% Owned	: 100
Rate	:	\$/SqFt	: 0.00

Buyer	: Marion Ltd	Price	:
CoOwner	:	Xfered	: 10/27/1999
Title	: Placer Title Co.	Doc #	: 66733
Lender	:	Deed	: Corporation
Loan	:	Vest	:
Loan\$:	% Owned	: 100
Rate	:		

Information compiled from various sources. CoreLogic makes no representations or warranties as to the accuracy or completeness of information contained in this report.

Transfer History**Property ID: 126 020 031**

<i>Buyer</i>	: Marlon Ltd	<i>Price</i>	: \$125,000
<i>CoOwner</i>	:	<i>Xfered</i>	: 09/22/1997
<i>Title</i>	:	<i>Doc #</i>	: 4998-076
<i>Lender</i>	:	<i>Deed</i>	: Grant Deed
<i>Loan</i>	:	<i>Vest</i>	:
<i>Loan\$</i>	:	<i>% Owned</i>	: 50
<i>Rate</i>	:	<i>\$/SqFt</i>	: 0.00

<i>Buyer</i>	: Marlon Ltd	<i>Price</i>	: \$125,000
<i>CoOwner</i>	:	<i>Xfered</i>	: 09/22/1997
<i>Title</i>	:	<i>Doc #</i>	: 4998- 76
<i>Lender</i>	:	<i>Deed</i>	: Grant Deed
<i>Loan</i>	:	<i>Vest</i>	:
<i>Loan\$</i>	:	<i>% Owned</i>	: 50
<i>Rate</i>	:	<i>\$/SqFt</i>	: 0.00

<i>Buyer</i>	: Mid-Exchange II	<i>Price</i>	:
<i>CoOwner</i>	:	<i>Xfered</i>	: 08/15/1997
<i>Title</i>	: Interstate County Title	<i>Doc #</i>	: 4974-013
<i>Lender</i>	: Private Individual	<i>Deed</i>	: Grant Deed
<i>Loan</i>	: Seller	<i>Vest</i>	:
<i>Loan\$</i>	: \$550,000	<i>% Owned</i>	: 100
<i>Rate</i>	: Fixed	<i>\$/SqFt</i>	: 0.00

<i>Buyer</i>	: Dixon Velma L Tr	<i>Price</i>	:
<i>CoOwner</i>	: Dixon Trust B	<i>Xfered</i>	: 12/13/1995
<i>Title</i>	:	<i>Doc #</i>	: 4597-172
<i>Lender</i>	:	<i>Deed</i>	:
<i>Loan</i>	:	<i>Vest</i>	:
<i>Loan\$</i>	:	<i>% Owned</i>	: 100
<i>Rate</i>	:	<i>\$/SqFt</i>	: 0.00

<i>Buyer</i>	: Dixon Velma L Trustee	<i>Price</i>	:
<i>CoOwner</i>	: Dixon Ronard M;Velma L Trust	<i>Xfered</i>	: 12/13/1995
<i>Title</i>	:	<i>Doc #</i>	: 4597-164
<i>Lender</i>	:	<i>Deed</i>	: Aff Death of Jt
<i>Loan</i>	:	<i>Vest</i>	:
<i>Loan\$</i>	:	<i>% Owned</i>	: 100
<i>Rate</i>	:	<i>\$/SqFt</i>	: 0.00

<i>Buyer</i>	: Dixon Ronard M	<i>Price</i>	:
<i>CoOwner</i>	: Dixon Velma L	<i>Xfered</i>	: 12/04/1990
<i>Title</i>	:	<i>Doc #</i>	: 3472-123
<i>Lender</i>	:	<i>Deed</i>	:
<i>Loan</i>	:	<i>Vest</i>	:
<i>Loan\$</i>	:	<i>% Owned</i>	: 100
<i>Rate</i>	:	<i>\$/SqFt</i>	: 0.00

RECORDING REQUESTED BY:

JENNY LOUIE-HELM

MAIL DEED TO:

JENNY LOUIE-HELM
46995 Ocotillo Court
Fremont, CA 94539-7204



El Dorado, County Recorder
William Schultz Co Recorder Office
DOC- 2004-0001132-00

Check Number 3580
Wednesday, JAN 07, 2004 08:57:24
Ttl Pd \$10.00 Nbr-0000531241
AKB/C2/1-2

MAIL TAX STMTS TO:

FAY LOUIE
P.O. BOX 14485
Fremont, Ca 94539-1185

APN: 067-420-14-100 and 067-051-10-100
Address: land in El Dorado County, CA (16.7% int)

-----SPACE ABOVE THIS LINE FOR RECORDER'S USE-----

GRANT DEED

PCOS
FILED

The undersigned grantor(s) declare(s):

- Documentary transfer tax is \$ NONE (Transfer to grantor revocable trust)
- computed on full value of property conveyed, or
- computed on full value less value of liens and encumbrances remaining at time of sale.
- Unincorporated area: City of _____
- Realty not sold

FOR NO CONSIDERATION, JENNY LOUIE-HELM (a.k.a. JENNY HELM), a married woman as her sole and separate property (who acquired title as a single woman),

hereby GRANT(S) to VERNE D. HELM and JENNY LOUIE-HELM as Trustees of the LOUIE-HELM LIVING TRUST (created by a Declaration of Trust dated November 15, 2003),

the real property situated in the Unincorporated Area of El Dorado Hills, County of El Dorado, State of California, and being more particularly described as follows:

PARCEL ONE:

ALL THAT PORTION OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 8 EAST, M.D.B. & M., LYING SOUTHWESTERLY OF GREEN VALLEY ROAD, AS SAID ROAD EXISTED ON JUNE 1, 1950

001132

EXCEPT ANY PORTION THEREOF LYING WITHIN THAT PARCEL OF LAND DESCRIBED IN THE DEED TO THE COUNTY OF EL DORADO, DATED NOVEMBER 14, 1960 IN BOOK 531 OF OFFICIAL RECORDS, PAGE 15, EL DORADO COUNTY RECORDS.

Parcel Number: 067-420-14-100
Address: 1856 Green Valley Road, El Dorado Hills, CA

PARCEL TWO:

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 8 EAST, M.D.B. & M

Parcel Number: 067-051-10-100
Address: Unimproved Land in El Dorado Hills, CA

Dated: November 15, 2003

Jenny Louie-Helm
JENNY LOUIE-HELM
(a.k.a. JENNY HELM)

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
) SS
COUNTY OF ALAMEDA)

On November 15, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared JENNY LOUIE-HELM, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Wallis W. Lim
Wallis W. Lim, Notary Public

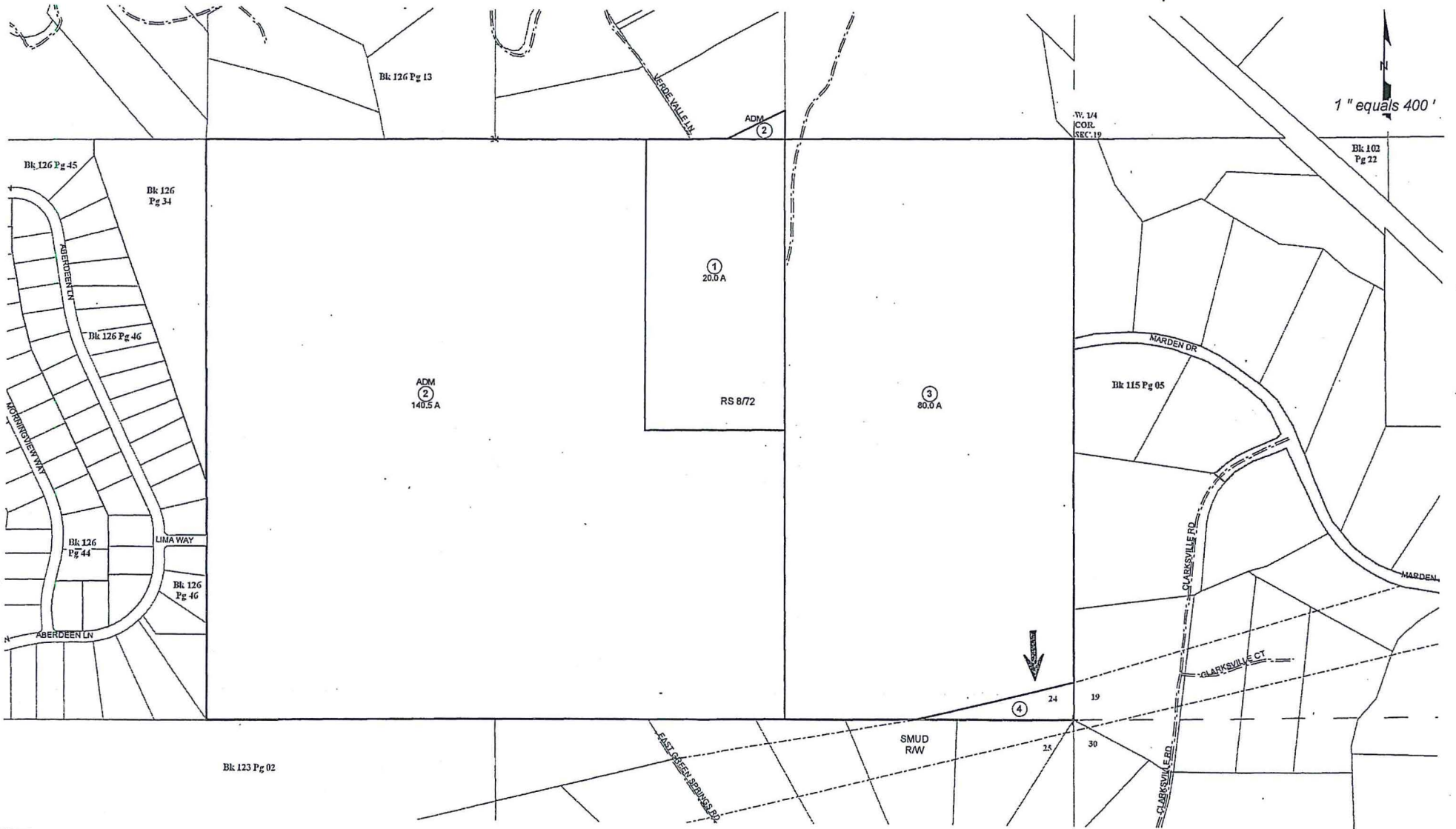


01/07/2004, 20040001132

POR. SECS. 14 & 24, T.10N., R.8E., M.D.M.

Current Map

126:02



THIS MAP IS NOT A SURVEY. It is prepared by the El Dorado Co. Assessor's office for assessment purposes only. Area calculations and characteristics are not guaranteed. Users should verify items such as dimensions and acreage.

Acreages Are Estimates

Adjacent Map Pages Shown in Grey Text
Assessor's Parcel Numbers Shown in Circles

Rev. Sept. 30, 2006 Assessor's Map Bk. 126, Pg. 02
County of El Dorado, CA

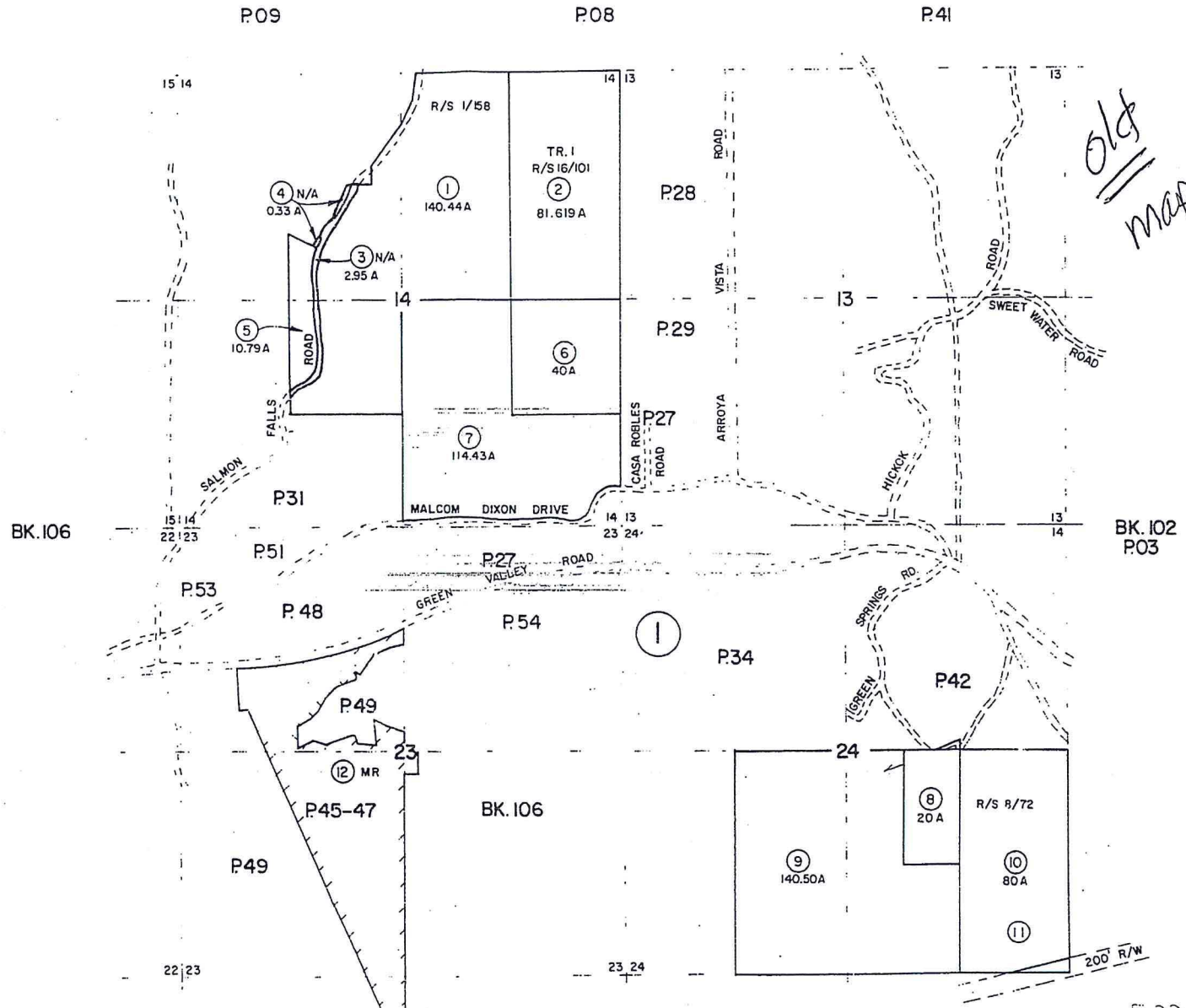
14-1617 Public Comment
BOS Rcvd 3-3-16

POR. SECS. 14 & 24, T.10N., R.8E., M.D.M.

Tax Area Code

67:05

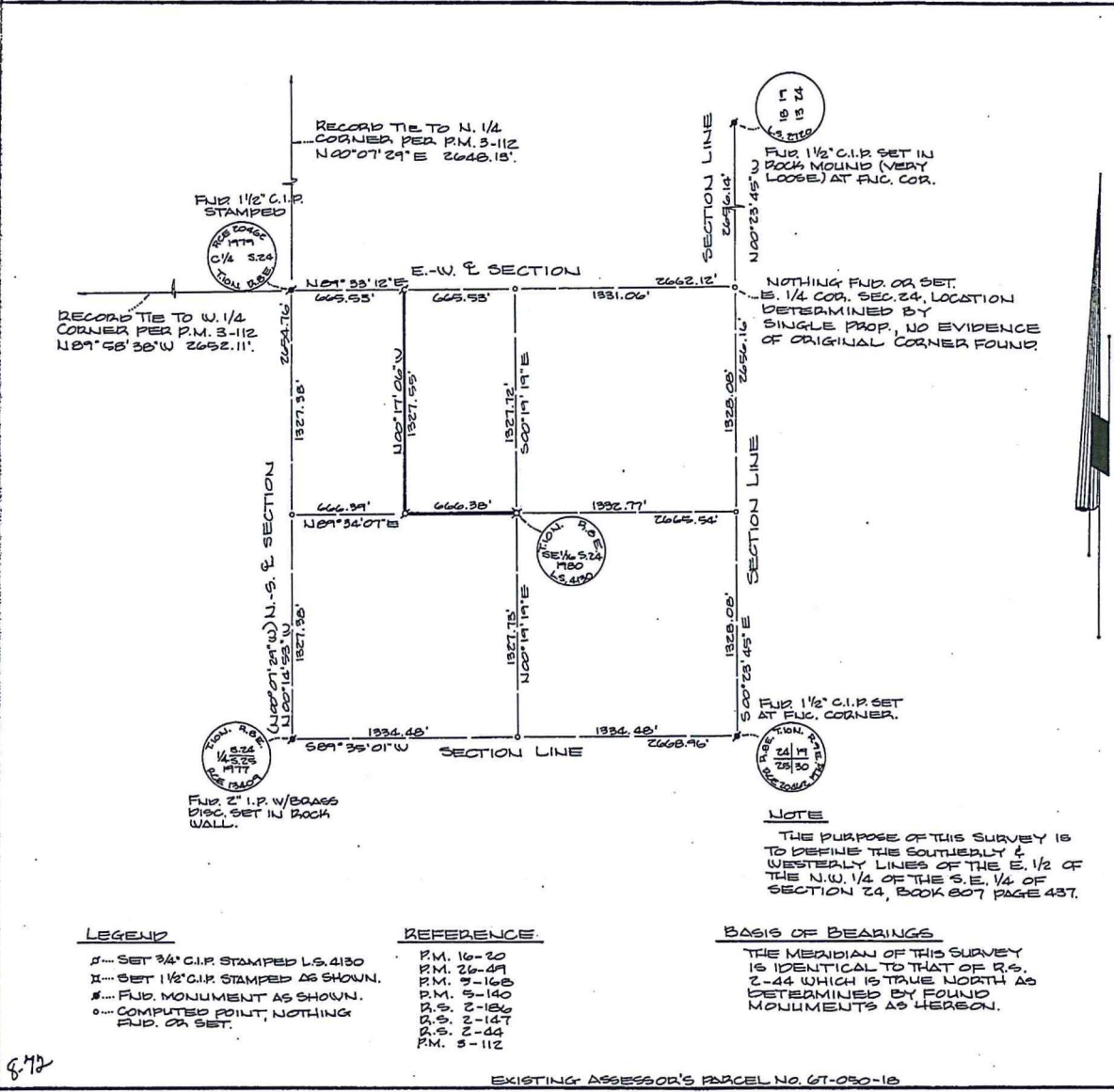
THIS MAP IS NOT A SURVEY
IT IS PREPARED BY THE
DORADO CO. ASSESSOR'S
OFFICE FOR ASSESSMENT
PURPOSES ONLY.



old map

8.72

8.72



RECORD OF SURVEY

THE S.E. 1/4 OF SECTION 24, T.10N., R.8E., M.18N.

COUNTY OF EL DORADO, STATE OF CALIFORNIA
MAY, 1980 SCALE 1"=400'
EL DORADO LAND SURVEY CO.

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYORS ACT AT THE REQUEST OF MAUDE DIXON IN MAY, 1980.

Wayne C. Swart
WAYNE C. SWART L.S. 4130



COUNTY SURVEYOR'S CERTIFICATE

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYORS ACT THIS 26th DAY OF JUNE, 1980.

Fred G. DeBerry
FRED G. DEBERRY L.S. 2403
COUNTY SURVEYOR
COUNTY OF EL DORADO



RECORDER'S CERTIFICATE

FILED THIS 16th DAY OF JUNE, 1980 AT 2:26 P.M. IN BOOK 8 OF RECORD OF SURVEYS AT PAGE 72 AT THE REQUEST OF MAUDE DIXON.

DOCUMENT NO. 23287

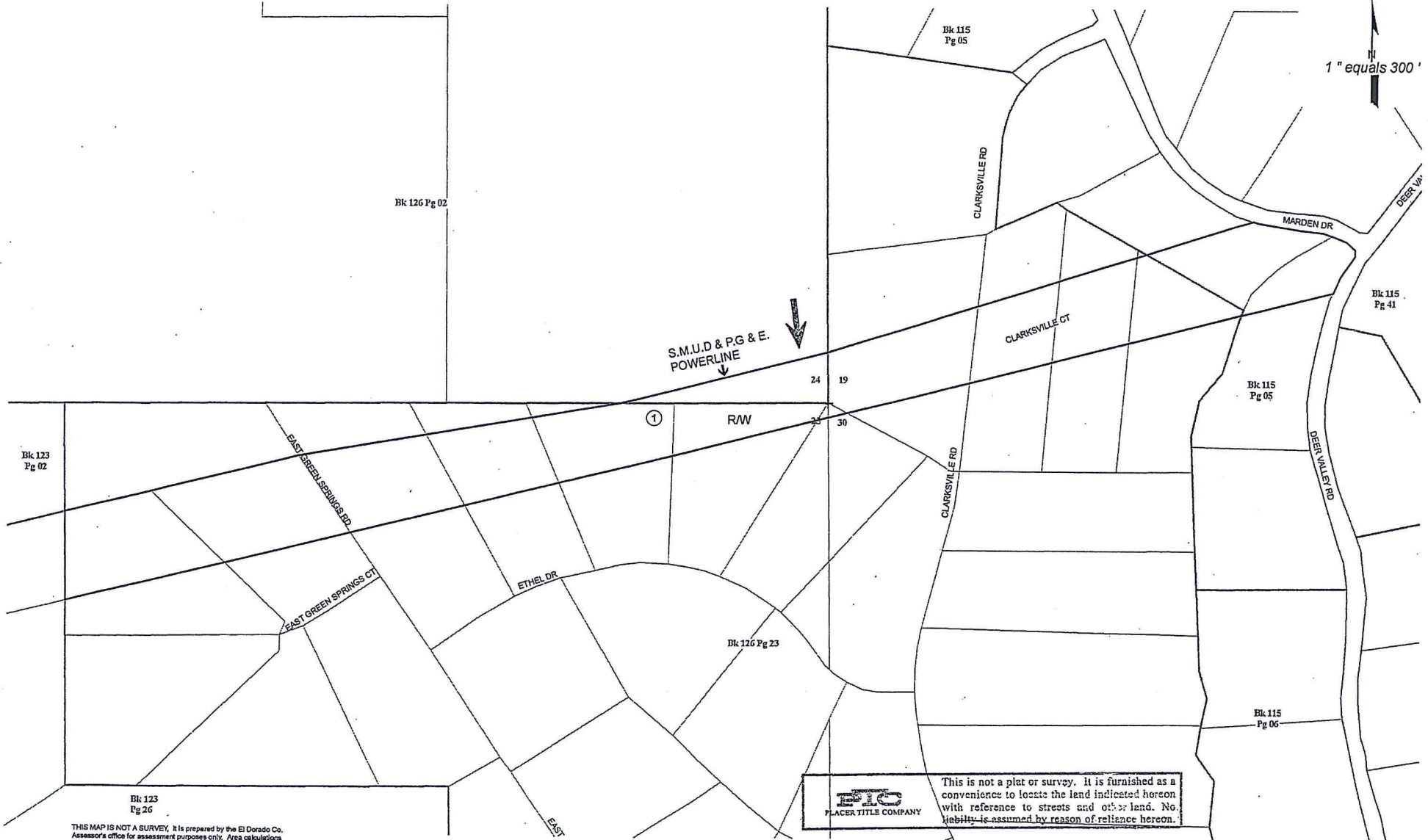
Dorothy Carr
DOROTHY CARR
COUNTY RECORDER
COUNTY OF EL DORADO
BY: *Marianne Land*
DEPUTY

8.72

POR. SECS. 24 & 25, T.10N., R.8E., & POR. SECS. 19 & 30, T.10N., R.9E., M.D.M.

126:48

1" equals 300'



Bk 123
Pg 02

Bk 126 Pg 02

Bk 115
Pg 05

Bk 115
Pg 41

Bk 115
Pg 05

Bk 115
Pg 06

Bk 123
Pg 26

Bk 126 Pg 23

ETC
PLACER TITLE COMPANY

This is not a plat or survey. It is furnished as a convenience to locate the land indicated hereon with reference to streets and other land. No liability is assumed by reason of reliance hereon.

THIS MAP IS NOT A SURVEY. It is prepared by the El Dorado Co. Assessor's office for assessment purposes only. Area calculations and characteristics are not guaranteed. Users should verify items such as dimensions and acreage.

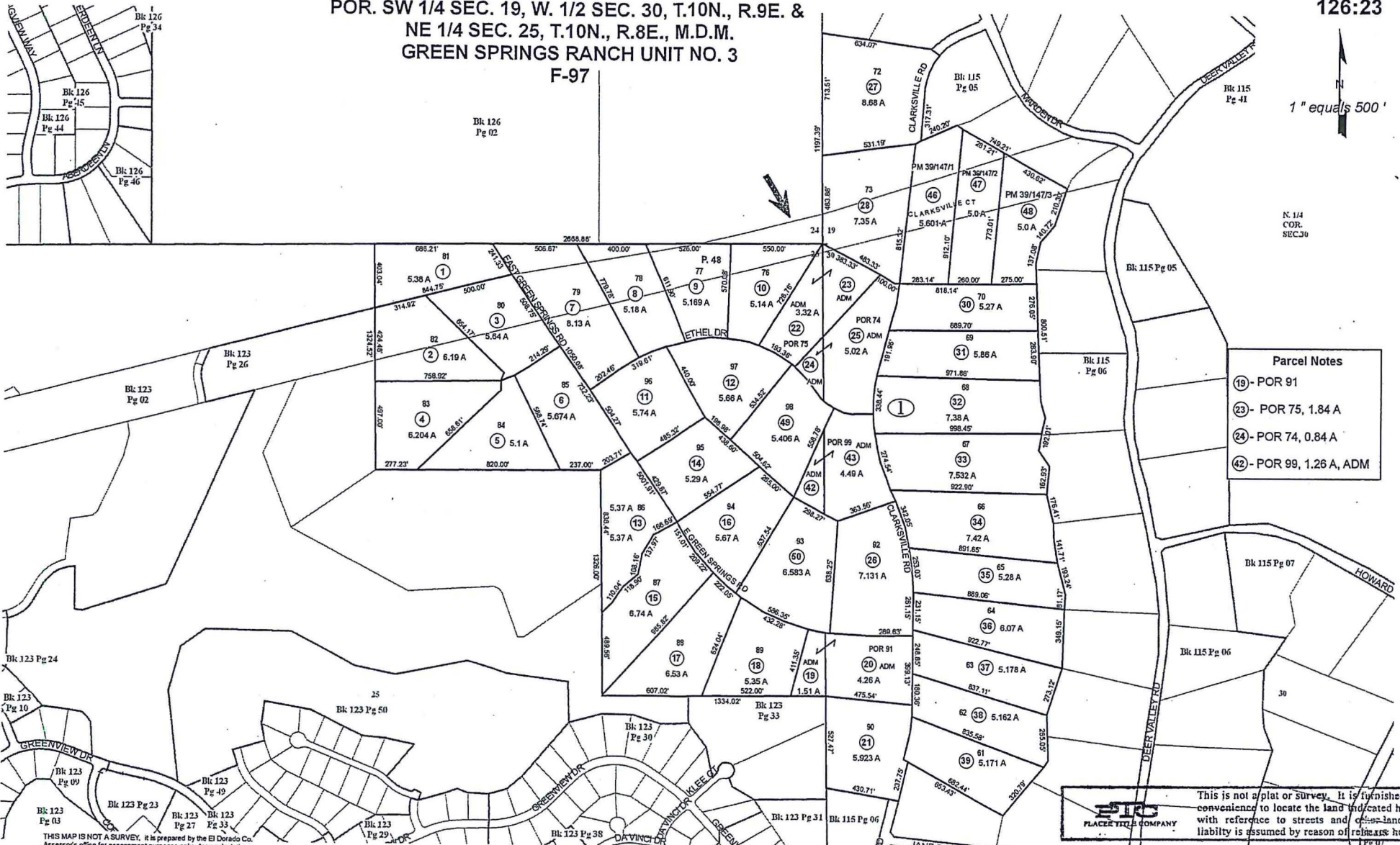
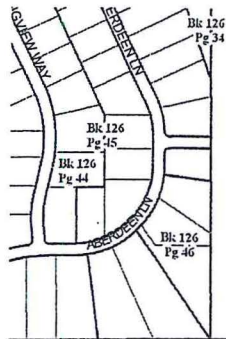
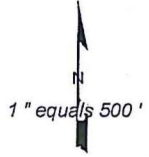
Acreages Are Estimates

Rev. July 12, 2006

Assessor's Map Bk. 126, Pg. 48
County of El Dorado, CA

POR. SW 1/4 SEC. 19, W. 1/2 SEC. 30, T.10N., R.9E. &
NE 1/4 SEC. 25, T.10N., R.8E., M.D.M.
GREEN SPRINGS RANCH UNIT NO. 3
F-97

126:23



- Parcel Notes**
- (19) - POR 91
 - (23) - POR 75, 1.84 A
 - (24) - POR 74, 0.84 A
 - (42) - POR 99, 1.26 A, ADM

PTC
PLACE TITLE COMPANY

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THIS MAP IS NOT A SURVEY. It is prepared by the El Dorado Co. Assessor's office for assessment purposes only. Area calculations and characteristics are not guaranteed. Users should verify items such as dimensions and acreage.

Acreages Are Estimates

Adjacent Map Pages Shown in Gray Text
Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Rev. Aug. 12, 2006

Assessor's Map Bk. 126, Pg. 23
County of El Dorado, CA

F-97

PLAT OF
THE GREEN SPRINGS RANCH UNIT NO 3
 A RURAL SUBDIVISION
 POR'S. OF THE N.E. 1/4 OF SEC. 25, T.10N., R.8E., & N.W. 1/4
 OF SECTION 30, T.10N., R.9E., M.D.M.
 COUNTY OF EL DORADO STATE OF CALIFORNIA
 MARCH, 1979 MORGAN ENGINEERING CO. SCALE 1" = 200'
 SHEET 1 OF 3

LEGAL DESCRIPTION

All that real property situated in the County of El Dorado, State of California, being portions of the Northeast Quarter Section 25, Township 10 North, Range 8 East, M.D.M., the Southwest Quarter Section 19, Township 10 North, Range 9 East, M.D.M. and the West Half Section 30, Township 10 North, Range 9 East, M.D.M., described as follows:

Beginning at a 1-1/2" capped iron pipe stamped "19-24-25-30 RBE RBE TION 1974 RCE 20462" marking the Section corner common to Sections 24 and 25, Township 10 North, Range 8 East, M.D.M. and Sections 19 and 30, Township 10 North, Range 9 East, M.D.M. as shown on that certain Plat Map entitled "The Green Springs Ranch Unit No. 1" filed in the Official Records of the County of El Dorado, State of California in Map Book "F" at Page 67; thence from said point of beginning along the West line of said Section 19, Township 10 North, Range 9 East, M.D.M. North 00°07'14" East 1197.39 feet to the Southwest corner of Lot 8 of Green Springs Ranch Unit No. 1, the Plat of which is filed in the Official Records of the County of El Dorado, State of California in Map Book "F" at Page 67; thence departing said West line of said Section 19, Township 10 North, Range 9 East, M.D.M. along the boundary of said Green Springs Ranch Unit No. 1 the following courses:

- South 82°14'43" East 634.07 feet;
 - South 51°00'00" East 96.00 feet;
 - thence along a curve to the left having a radius of 976 feet, said curve being subtended by a chord bearing South 22°42'10" West 206.76 feet;
 - South 06°24'19" West 317.91 feet;
 - North 66°24'34" East 240.72 feet;
 - South 61°06'58" East 749.21 feet;
 - South 18°04'33" West 216.40 feet;
 - South 38°47'37" West 140.72 feet;
 - South 12°32'43" West 137.08 feet;
 - South 01°51'11" East 800.51 feet;
 - South 17°49'45" East 98.40 feet;
 - South 12°09'17" West 197.01 feet;
 - South 33°38'17" East 109.58 feet;
 - South 05°55'28" West 167.93 feet;
 - South 12°53'43" East 176.41 feet;
 - South 01°08'15" West 82.77 feet;
 - South 07°37'10" East 141.71 feet;
 - South 14°55'04" East 126.24 feet;
 - South 02°17'48" West 430.32 feet;
 - South 10°07'08" West 273.12 feet;
 - South 01°04'51" East 265.05 feet;
 - South 33°27'11" West 91.08 feet;
 - South 39°35'48" West 320.79 feet;
 - North 61°12'06" West 699.45 feet;
 - South 13°35'19" West 259.76 feet;
 - North 80°56'59" West 480.21 feet to a 3/4" capped iron pipe set in the West line of Section 30, Township 10 North, Range 9 East, M.D.M., stamped "RCE 13409" marking the Northwest corner of Lot 22 of Green Springs Ranch Unit No. 1; thence departing the boundary of Green Springs Ranch Unit No. 1 along said West line of said Section 30, Township 10 North, Range 9 East, M.D.M. North 00°07'31" West 527.47 feet to a 2" capped iron pipe stamped "TION 1/4 S25 S30 1976 RCE 13409" marking the West Quarter corner of said Section 30, Township 10 North, Range 9 East, M.D.M.; thence along the East-West centerline of said Section 25, Township 10 North, Range 8 East, M.D.M. North 00°08'05" West 1326.00 feet; thence along the East-West centerline of the Northeast Quarter of said Section 25, Township 10 North, Range 8 East, M.D.M. North 89°47'03" West 1334.02 feet to a point in the North-South centerline of the Northeast Quarter of said Section 25, Township 10 North, Range 8 East, M.D.M. North 00°08'05" West 1326.00 feet; thence along the East-West centerline of the Northeast Quarter of said Section 25, Township 10 North, Range 8 East, M.D.M. North 89°50'51" West 1334.23 feet to a point in the North-South centerline of said Section 25, Township 10 North, Range 8 East, M.D.M.; thence along said North-South centerline of said Section 25, Township 10 North, Range 8 East, M.D.M. North 00°08'05" West 1324.52 feet to the North Quarter corner of said Section 25, Township 10 North, Range 8 East, M.D.M.; thence along the North line of said Section 25, Township 10 North, Range 8 East, M.D.M. South 89°54'39" East 2668.88 feet to the point of beginning.
- Containing 243.157 Acres.

OWNER'S CERTIFICATE

The undersigned, owners of record title interest, hereby consent to the preparation and recording of this map, and hereby convey and make an IRREVOCABLE OFFER OF DEDICATION to the County of El Dorado the streets and other public ways shown hereon for any and all public purposes subject to the provision that said streets will not be maintained or improved by the County of El Dorado. Maintenance and improvements of said streets, public ways and common areas will be the responsibility of the owners of the lots in the subdivision acting through a legal entity, approved by the Board of Supervisors, County of El Dorado, having the power of assessment. The undersigned also offer for dedication and do hereby dedicate to those certain utility companies and public entities who will provide services to this subdivision the following:

- 1. The streets, drives, courts, circles, lanes and ways shown hereon are offered as non-exclusive road and all public utility easements.
- 2. The front 10 feet of all lots of this subdivision are offered as public utility easements together with 10 feet along all side lot lines for poles, guy wires, anchors, overhead and underground wires and conduits, with the right to trim and remove trees, tree limbs and brush thereon, together with other public utility easements as shown on this map.

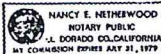
Edwin W. Greenwald and *Edith A. Greenwald*
 EDWIN W. GREENWALD EDITH A. GREENWALD

State of California)
 County of El Dorado) ss

On March 23, 1979, before me, the undersigned, a notary public in and for said county, and State, personally appeared *Edwin W. Greenwald* and *Edith A. Greenwald*, known to me to be the persons who executed the foregoing certificate and acknowledged to me that they executed the same.

My Commission expires 7/31/79.

Nancy E. Netherwood



F-97



ENGINEER'S CERTIFICATE

I, CLIFFORD L. MORGAN, hereby certify that the survey and final map of this subdivision were made under my direction in June 1978, and are true and complete as shown; that the monuments are of the character and do occupy the positions indicated, and are sufficient to enable the survey to be retraced.

Clifford L. Morgan
 Clifford L. Morgan
 Registered Civil Engineer
 State of California No. 13409

COUNTY SURVEYOR'S CERTIFICATE

I, FRED G. DeBERRY, hereby certify that I have examined this final map, that it is substantially the same as the tentative map of this subdivision approved on October 31, 1978 by the Board of Supervisors, that it is technically correct, and that all provisions of the Subdivision Map Act and of all applicable County ordinances have been complied with.

Fred G. DeBerry
 Fred G. DeBerry
 County Surveyor
 L.S. 2403
 County of El Dorado
 State of California



COUNTY TAX COLLECTOR'S CERTIFICATE

I, E. R. FERGUSON, hereby certify that, according to the records of this office, there are no liens against this subdivision or any part thereof for unpaid State, County, Municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable, provided that the final map is accepted for record and filed prior to the next succeeding lien date.

April 2, 1979
 Date

E. R. Ferguson, Tax Collector
 E. R. Ferguson, Tax Collector
 County of El Dorado
 State of California

COUNTY PLANNING DIRECTOR'S CERTIFICATE

I, KENNETH L. MILAM, hereby certify that this final map conforms substantially to the tentative map of this subdivision approved on October 31, 1978 by the Board of Supervisors and that all conditions imposed upon said approval have been satisfied.

Kenneth Milam
 Kenneth Milam
 Planning Director
 County of El Dorado
 State of California

COUNTY CLERK'S CERTIFICATE

I, DORIS BREEDSON, hereby certify that the Board of Supervisors, by order adopted June 23, 1978 approved the final map of this subdivision and does hereby reject the offer of dedication to the County of El Dorado of the streets and other ways thereon.

Doris Breedson
 Doris Breedson
 County Clerk and ex-officio
 Clerk of the Board of Supervisors
 County of El Dorado
 State of California



COUNTY RECORDER'S CERTIFICATE

I, DOROTHY CARR, hereby certify that First American Title Co. of Placerville title certificate no. 26728 was filed with this office and that this final map was accepted for record and filed in Map Book F, Page 97, Document No. 21553 on June 14, 1979, at 5:17 min. past 2 o'clock P.M.

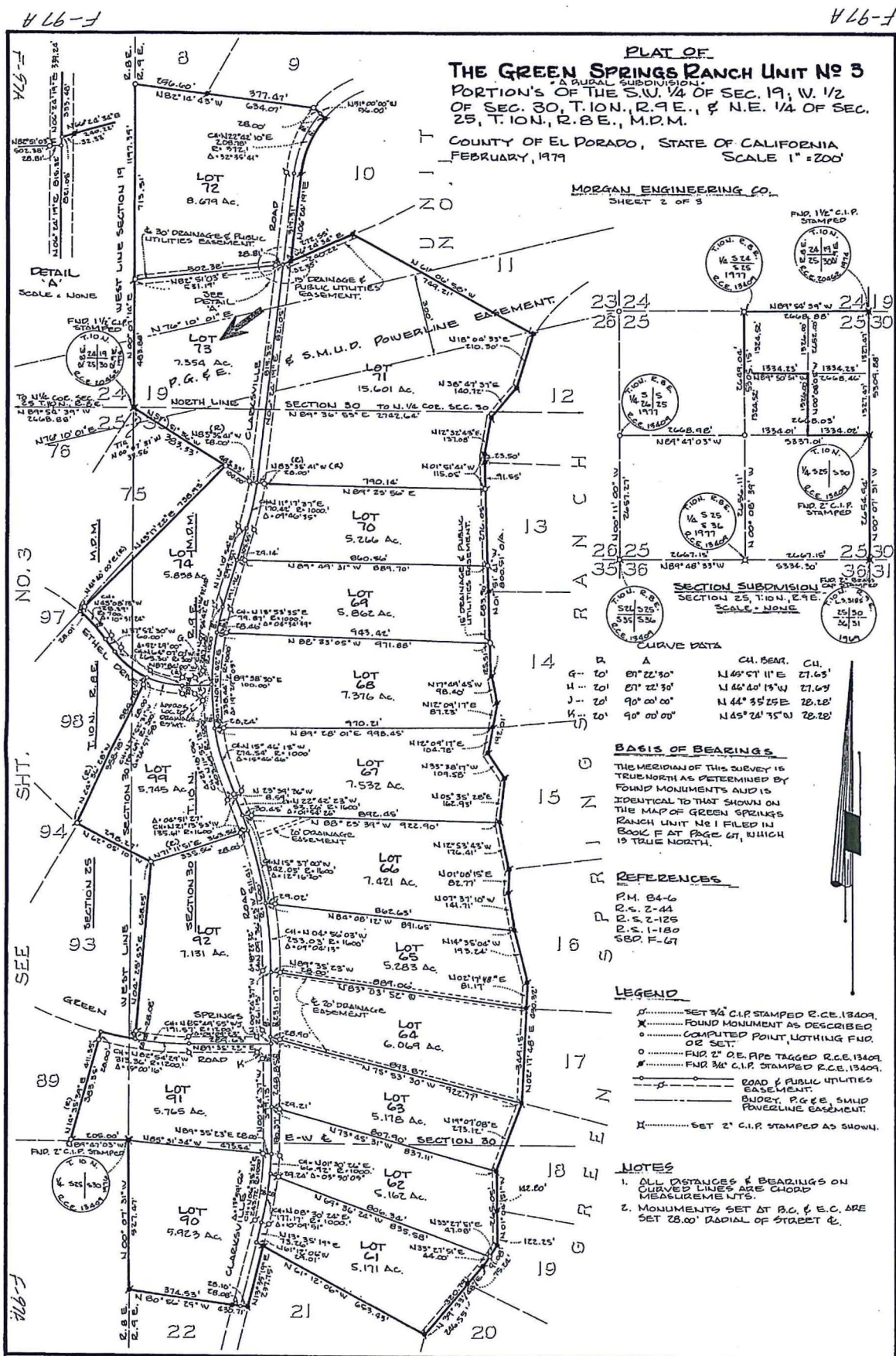
Dorothy Carr
 Dorothy Carr
 County Recorder
 County of El Dorado
 State of California
 by *Harold M. Chance*
 Deputy

Existing Assessor's Parcel Nos.: 66-020-14, 66-020-33, 68-040-68, 68-040-70, & 68-720-16

F-97

Declarative of Restrictions
 see Book 177 & page 250

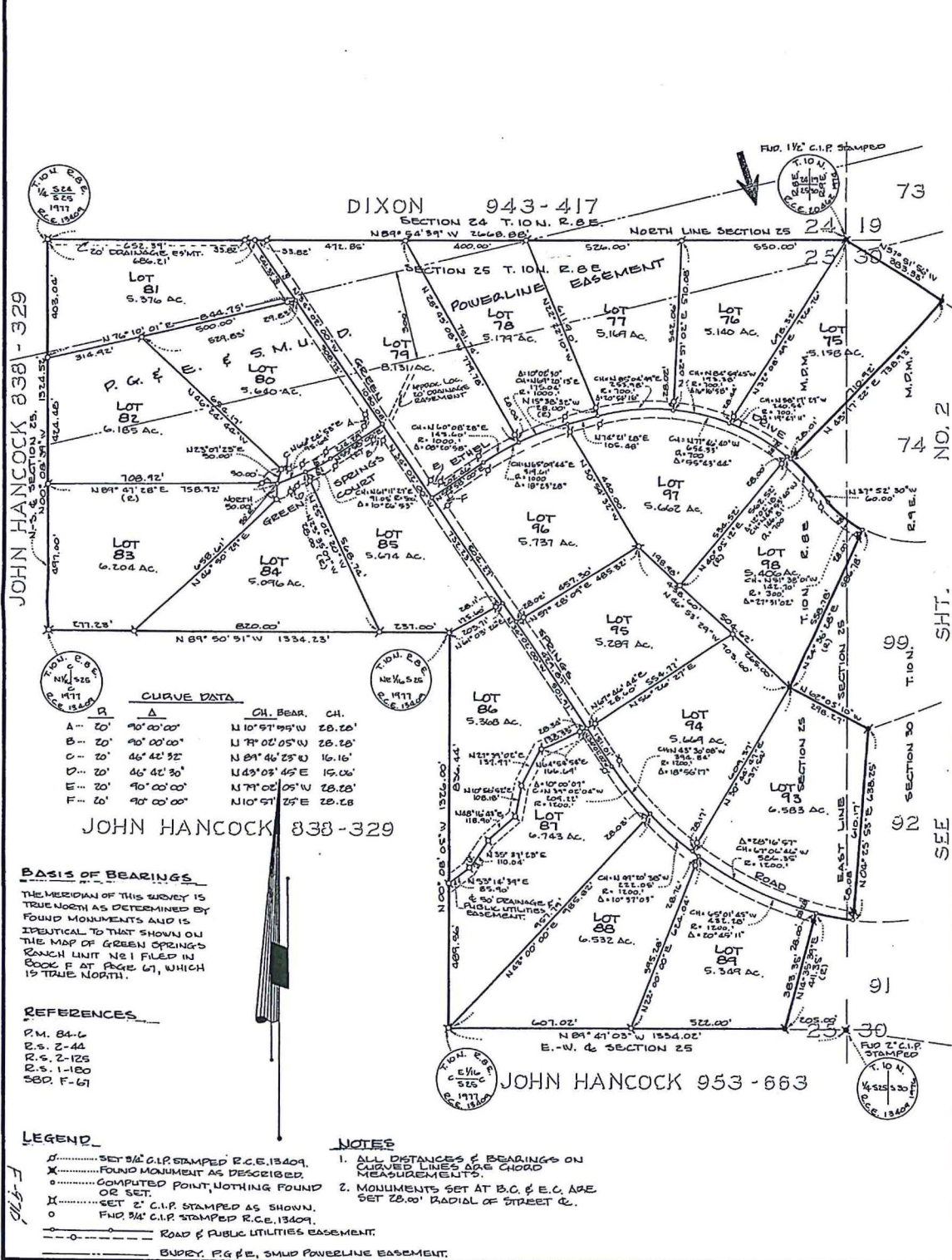
F-97



F-97A

F-97A

PLAT OF
THE GREEN SPRINGS RANCH UNIT No 3
 A DIAGONAL SUBDIVISION
 POR'S. OF THE N.E. 1/4 OF SEC. 25, T.10N., R.9E., & N.W. 1/4
 OF SECTION 30, T.10N., R.9E., M.D.M.
 COUNTY OF EL DORADO STATE OF CALIFORNIA
 FEBRUARY, 1979 MORGAN ENGINEERING CO. SCALE 1" = 200'
 SHEET 3 OF 3



CURVE DATA

R	A	CH. BEAR.	CH.
A	20'	90° 00' 00"	N 10° 57' 19.5" W 28.28'
B	20'	90° 00' 00"	N 7° 02' 05" W 28.28'
C	20'	46° 42' 32"	N 8° 46' 25" W 16.16'
D	20'	46° 42' 30"	N 4° 03' 45" E 15.06'
E	20'	90° 00' 00"	N 7° 02' 05" W 28.28'
F	20'	90° 00' 00"	N 10° 57' 19.5" E 28.28'

BASIS OF BEARINGS
 THE MERIDIAN OF THIS SURVEY IS TRUE NORTH AS DETERMINED BY FOUND MONUMENTS AND IS IDENTICAL TO THAT SHOWN ON THE MAP OF GREEN SPRINGS RANCH UNIT No 1 FILED IN BOOK F AT PAGE 67, WHICH IS TRUE NORTH.

REFERENCES
 P.M. 84-6
 E.S. 2-44
 R.S. 2-125
 E.S. 1-180
 S.D.P. F-67

LEGEND
 S..... SET 3/4" C.I.P. STAMPED R.C.E. 13409.
 X..... FOUND MONUMENT AS DESCRIBED.
 O..... COMPUTED POINT, NOTHING FOUND OR SET.
 H..... SET 2" C.I.P. STAMPED AS SHOWN.
 O..... FND. 3/4" C.I.P. STAMPED R.C.E. 13409.
 --- ROAD & PUBLIC UTILITIES EASEMENT.
 --- SURVEY, P.G. & E., SHAD POWERLINE EASEMENT.

NOTES
 1. ALL DISTANCES & BEARINGS ON CURVED LINES ARE CHORD MEASUREMENTS.
 2. MONUMENTS SET AT B.O. & E.C. ARE SET 20.00' RADIAL OF STREET C.

MARSHA A. BURCH
ATTORNEY AT LAW

131 South Auburn Street
GRASS VALLEY, CA 95945

Telephone:
(530) 272-8411
mburchlaw@gmail.com

March 3, 2016

Via Electronic Mail

Lillian MacLeod, Principal Planner
El Dorado County Development Services
2850 Fair Lane
Placerville, CA 95667

Re: Dixon Ranch Residential Project SCH#2012062023
Final Environmental Impact Report

Dear Ms MacLeod :

This office represents Eleni Morgan with respect to the above-referenced Dixon Ranch Residential Project ("Project") and Final Environmental Impact Report ("FEIR"). Ms. Morgan and others have submitted comments on the Draft Environmental Impact Report ("DEIR"), and these comments are meant to supplement, not replace, earlier comments.

Ms. Morgan owns property immediately adjacent to the Project, and has attempted over the past several months to reach agreement with the Project proponent regarding mitigation of serious impacts to the neighbors. She has not been able to reach agreement because she continues to have concerns regarding impacts not only to immediate neighbors, but the myriad impacts the Project will have on the environment and the surrounding community.

For a variety of reasons, the FEIR falls short of compliance with the California Environmental Quality Act ("CEQA").¹ For example, the FEIR fails to provide a reasoned response to several comments, and also fails to remedy the serious shortcomings identified by comments on the DEIR.

In addition to the CEQA violations, the Project violates the County General Plan as set forth in detail by several comment letters. Amending the General Plan in an attempt to *make* the Project fit will result in internal inconsistency in the General Plan. (*Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90; and Govt. Code § 65300.5.) The density of this Project cannot be overlooked by simply amending the General Plan. The El Dorado Hills Area Planning Advisory Committee made this clear in their

¹ Public Resources Code § 21000 *et seq.*

comment to the DEIR, but the response in the FEIR is dismissive, which is typical of the entire response to comments section of the FEIR.

A. The FEIR fails to comply with CEQA

Generally, the FEIR fails to adequately analyze the direct and indirect impacts to the environment, and this failure has not been corrected after response to comments on the DEIR. The comment letters submitted in response to the DEIR identify tremendous impacts to air quality, traffic, water supply, land use, and others, and the response to comments was generally to refer back to the DEIR analysis and simply point to the conclusions there. The point is that many of the conclusions in the DEIR are not supported by substantial evidence in the record.

The County must ensure adequate environmental information is gathered and that the environmental impacts of a proposed project are fully identified and analyzed before it is approved. "To conclude otherwise would place the burden of producing relevant environmental data on the public rather than the agency and would allow the agency to avoid an attack on the adequacy of the information contained in the report simply by excluding such information." (*Kings County Farm Bureau v. City of Hanford* (1990) 22 1 Cal.App. 3d 692, 724.)

Environmental review documentation is more than a set of technical hurdles for agencies and developers to overcome. "[Its] function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account." (*Laurel Heights I, supra*, 47 Cal.3d at pp. 391-392.) For the [environmental review documentation] to serve these goals it must present information in such a manner that the foreseeable impacts of pursuing the project can actually be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made.

(*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449-450.) In responses to comments, the County repeatedly makes conclusory statements, with no evidentiary support or citation. This does not comply with CEQA's requirement that the environmental review must be based upon facts and analysis.

Because the EIR is deficient as an informational document the County has failed to comply with CEQA. (*Kings County Farm Bureau v. City of Hanford* (1990) 22 1 Cal.App.3d 692, 717-718 [holding that a misleading impact analysis based on erroneous information rendered an EIR insufficient as an informational document].)

Additionally, the County must look at reasonable mitigation measures to avoid impacts, but failed to do so here with respect to several areas of impact. Where all available feasible mitigation measures have been proposed but are inadequate to reduce an environmental impact to a less-than-significant level, an EIR may conclude that the impact is significant and unavoidable, and if supported by substantial evidence, the lead agency may make findings of overriding considerations and approve the project anyway. (See CEQA Guidelines §§ 15091, 15093 and 15126.2.) Crucially, however, the lead agency may not simply throw up its hands, conclude that an impact is significant and unavoidable and move on. A conclusion of residual significance does not excuse the agency from (1) performing a thorough evaluation and description of the impact and its severity before and after mitigation, and (2) proposing *all* feasible mitigation to “substantially lessen the significant environmental effect.” (CEQA Guidelines § 15091(a)(1); see also § 15126.2(b) [requiring an EIR to discuss “any significant impacts, *including those which can be mitigated but not reduced to a level of insignificance*”], emphasis added.) “A mitigation measure may reduce or minimize a significant impact without avoiding the impact entirely.” (Stephen Kostka & Michael Zischke, *Practice Under the California Environmental Quality Act*, § 14.6 (2d ed. 2008).)

Even in those cases where the extent of impacts may be somewhat uncertain due to the complexity of the issues, the County is not relieved of its responsibility under CEQA to discuss mitigation of reasonably likely impacts at the outset. The Final EIR has not adequately assessed or incorporated readily available and achievable measures to reduce significant, unavoidable impacts to less than significant levels.

Some general deficiencies in the EIR for the Project include a failure to evaluate a reasonable range of alternatives and a failure to adequately account for existing and future projects in the cumulative impacts analyses.

Specific examples of shortcomings in the DEIR are set forth in many of the comment letters submitted previously by members of the public, other agencies and the El Dorado Hills Area Planning Advisory Committee. Examples of the lack of substantial evidence to support conclusions are also described in many comment letters, and discussed below in the section regarding the proposed Project Findings.

B. Issues specific to immediate Project neighbors

Ms. Morgan remains in opposition to the Project because of the impacts to the environment and surrounding community, and also because of the impacts the Project will have on her property adjacent to the Project site.

The Project, largely because of its density, will have significant impacts that were never anticipated by citizens of El Dorado County under the General Plan. The Mitigation Monitoring and Reporting Program states that there are no

visual impacts that require mitigation, and there are no mitigation measures identified for the noise and safety issues that will arise because of the dense population that will be located adjacent to rural parcels. Visual and noise impacts must be mitigated through visual screening with the planting of native trees, including periods of maintenance sufficient to establish the new trees. Also, where the sight-line from an upper story would include a neighbor's yard, Project parcels should be limited to single story homes.

Project neighbors also have concerns about the tremendous increase in population in what is now a very rural area. The Board should require the developer to construct fencing between the Project site and adjoining residential properties in order to ensure the safety of children and others who may venture into areas with livestock or other hazards.

C. The proposed Findings are not supported by substantial evidence

Generally speaking, the Proposed Findings fall short of the requirement that an agency's findings must be supported by substantial evidence in the record *and* that the County's analytical pathway be revealed in the findings. This lack of substantial evidence is discussed in great detail in many of the comment letters submitted on the DEIR, and this discussion is meant to highlight a few of the most troublesome conclusions.

With respect to traffic, the County relies upon claims that things are not really going to change much as a result of the Project, and so, for example, there will be no safety impact. (FEIR, p. 17.) It is hard to imagine what the analytical pathway is with respect to this issue when the Project will result in a 40% increase in traffic.

Of note, there is a Master response in the FEIR for dealing with "traffic safety" on Green Valley Road, but the proposed Findings do not make any conclusions regarding traffic safety. The Findings deal strictly with levels of service, and there is ample evidence in the record that the Project will have traffic impacts that go far beyond the to significant impacts identified in the proposed CEQA Findings and Statement of Overriding Considerations. (Findings, pp. 7-10.)

Water supply is an area where the Board of Supervisors should take particular care in making findings and conclusions, particularly in light of the fact that the FEIR had to be amended to include an acknowledgement that the long-term water supply for the area served by El Dorado Irrigation District is uncertain. The first error in the Findings on water supply is the confusion about what it means to have uncertain long-term supplies. Impact UTL-1 states the impact as one where the uncertain water supply "could result in the need to construct new or expand existing water facilities." (Findings, p. 20.) What the Impact statement leaves out is the question of whether or not there will be new supplies to "expand" into. Where will EID obtain new water supplies when

Lillian MacLeod, Principal Planner

March 3, 2016

Page 5 of 5

nearly every water agency in the State is scrambling to ensure future supplies? In addition to the logical failure of the Findings, the water supply analysis fails to meet the standards of *Vineyard Area Citizens for Responsible Growth v. Rancho Cordova* (2007) 40 Cal.4th 412. An EIR may not simply assume that a solution to potential supply issues will be found. Instead, uncertainties regarding future water supplies must be fully examined in order to satisfy CEQA's informational purposes.

Future water supplies must bear a "likelihood of actually proving available" and the EIR must discuss the circumstances affecting the likelihood of the water's availability. The California Supreme Court has spoken directly to this issue, and El Dorado County may not simply say that it will prohibit future development from going forward if anticipated water supplies do not materialize, particularly where alternative sources have not been analyzed. The proposed Findings for the Project read as though taken directly from the *Vineyard* opinion discussing what a lead agency may *not* do with respect to water supply analysis.

Other Project impacts to air quality, including greenhouse gas emissions, are a concern for Project neighbors, and for the rest of the community as well.

D. The Project is inconsistent with the General Plan

The General Plan provides a vision of development in the County, and the citizens of the County did not approve or anticipate development of the density proposed by the Project in the rural area where the Project will be constructed. California Land Use Planning law requires that a Project be consistent with a General Plan. While it has been the habit of El Dorado County to simply amend its General Plan to accommodate projects that would otherwise be inconsistent; that is a violation of the law.

Because of the issues raised above, we believe that the FEIR fails to meet the requirements of the California Environmental Quality Act. For these reasons, and because the necessary findings cannot be made by the County, we believe the proposal should be denied, pending appropriate environmental review and a revised Project consistent with the General Plan.

Sincerely,

// Marsha A. Burch //

Marsha A. Burch
Attorney

cc: Eleni Morgan
El Dorado County Board of Supervisors, Clerk of the Board
(edc.cob@edcgov.us)

Dear Supervisors,

I urge you to vote NO on the proposed Dixon Ranch project. This high density development would be a HUGE loss for the community, resulting in loss of open space and oak trees, and would cause serious traffic, noise, air quality, and night sky impacts. The development would continue to degrade Green Valley Road by requiring more stoplights and would ruin the lifestyle currently enjoyed by the existing residents who live in that area.

A vast majority of the families who live in El Dorado County on rural properties are transplants from a more congested, smog and crime filled area. Like our family, they worked hard and saved their money to buy their property and enjoy the peace this county offers with its rural environment. Now, the developers want to bring all of the things we thought we escaped from right back to us!

We are definitely NOT against growth. Growth is necessary to maintain a healthy, financially viable county, but growth has to be SENSIBLE and protects what we've all come here to enjoy - our RURAL environment. If one developer is allowed to build high density housing in a rural area, it opens the door for many other developers to want to come here and do the same thing. What's fair for one, is fair for all, right? Let the developers hone down their greedy prospects to a sensible development that won't have so much of a detrimental impact to the surrounding community and this county as a whole.

Again, we respectfully ask that you uphold your election promises to FAITHFULLY REPRESENT YOUR CONSTITUANTS by listening to our voices and not taking away all that we've worked for to live here by allowing the developers to build thousands of homes, make their wads of money, take away our peaceful environment, and leave us with the chaos of heavy traffic, smog, and crime.

Thank you.

David A. White
Thelma R. White
Matthew D. White
Tony A. White
Mary W. White
Joan Fasnacht
(Residents of Shingle Springs)