

6/22/2017

Edcgov.us Mail - Piedmont oaks



(Distributed at hearing) #3  
PC 6/22/17  
Charlene Tim <charlene.tim@edcgov.us>  
2 pages

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## Piedmont oaks

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**Brian Mendenhall** <sierrafoothillconstruction@yahoo.com>  
To: "charlene.tim@edcgov.us" <charlene.tim@edcgov.us>  
Cc: "james.williams@edcgov.us" <james.williams@edcgov.us>

Wed, Jun 21, 2017 at 8:07 PM

Good evening,

I understand that the hearing for this project is tomorrow morning. Unfortunately Lisa and I are unable to attend. Please read attached latest letter from Jim Davies spelling out the promises he made to us. We would like for these topics to be brought up during the hearing to be made public record. If this attached letter can be read by somebody on our behalf that would be great!

We are concerned that the agreement to pave April Lane from Black Rice Rd to our house may not be binding if it is not part of the conditions of approval for this project.

I spoke with James Williams this evening. He understood our concerns and said he would bring this topic up during the hearing if he is able to attend.

Thank you,

Brian Mendenhall  
Lisa Starr  
530-363-2740

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**letter to Brian and Lisa.pdf**  
412K

Dear Brian and Lisa,

Terri and I appreciate very much your understanding of the project that we have proposed for Piedmont Oak Estates as TM12-1510 scheduled for a public hearing on June 22, 2017 at Eldorado County Planning Commissioner's office.

As a condition of approval, the terms set up by the County of El Dorado have included, but not limited to, the following conditions which we've agreed to and incorporated into our plans:

Move the proposed setback between your property and ours from the initial setback to no less than 30 feet. At that point, we will build a masonry wall to be no less than 6 feet tall the entire 638 feet of the line of houses that will be along that line. The houses will then be 10 feet from the wall on our side of the wall. Additionally, the plans also indicate that we are to plant redwood trees in front of the wall between your property and ours but inside our property which will be in the open space area. This area is being rezoned as open space and will not be allowed any development at all after the rezoning.

Aside from the requirements of our project, we are also in agreement to funding the resurfacing of April Lane. The actual permitting and construction will need to be handled through yourselves and Black Rice Road Committee, as the road is not part of our project. Since the road is not part of our project, it is impossible to include this as a condition of approval, because we don't have any environmental work established for the road. I simply am willing to cover the cost of the paving once you and the road committee approve of it. We can have the construction crew that will be working on our roads include yours to hold the costs down if that is agreeable with you. REST ASSURED, WE AGREE TO PAYING THE COST OF THE RESURFACING OF YOUR ROAD KNOWN AS APRIL LANE.

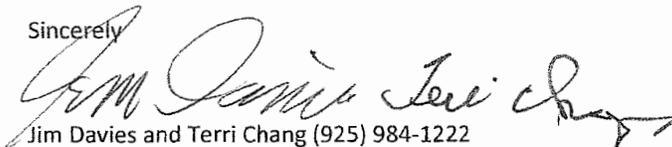
We also have committed to providing a turnaround area on Black Rice Road in the event the Black Rice Road Committee decides to put in a gated entry. We also grant pedestrian access for you into the open space.

I've also communicated with Garth Irvin and he is in agreement. He felt that the road committee should be responsible for the road being resurfaced, but I told him that I will cover the cost regardless as to who takes on the responsibility.

In the event the property is consequently sold to another party after the approval of the project, then this agreement shall be binding upon the party or entity who purchases the property and/or project mentioned above.

This agreement is conditional of the approval of our plans that we have submitted to the county planning department. In the event the project does not get an approval, then of course, we won't be able to go forward with the agreement and this agreement shall be null and void. I've included a copy of the plans so that you will have it for your records as well.

Sincerely



Jim Davies and Terri Chang (925) 984-1222

854 Diablo Rd. Danville, Ca. 94526

(Distributed at hearing)

PC 6/22/17  
#3

Katie Elder 5 pages  
P.O. Box 985  
Placerville, CA 95667  
June 22, 2017

Planning Commission  
County of El Dorado  
Building C Hearing Room  
2850 Fairlane Court  
Placerville, CA 95667

Re: Rezone Z12-0010/Planned Development PD12-0002/Tentative Subdivision Map TM12-1510/Piedmont Oak Estates

Commissioners:

The objective of Environmental review is to discover the impact a project will have on the existing community and its environment. We find the current review of this project to be inadequate. The following is a discussion of our concerns with this project that must be addressed prior to approval.

### Aesthetics

In the environmental analysis it states, "Would the project substantially degrade the existing visual character quality of the site and its surroundings?" The answer to this is yes. As pointed out many times, the surrounding community is homes on acreage. This project will dramatically change the quality and nature of the views in this area. This impact must be mitigated. We suggest a wall around the entire development with a planted vegetation buffer to offset the effect of the wall. This will also aid in alleviating our concerns that this development will increase our problems with trespassers trying to access Weber Creek (which is privately owned in this area) through our properties.

### Traffic

In the analysis of transportation concerns there is no mention of the impact along Highway 49 between the project and Placerville. At times it is already difficult to get on to 49. Because of the winding nature of 49, there are many points with a limited view of oncoming traffic. We are concerned that traffic safety will be at risk until signaling is constructed 5 or more years from now. As previously stated, a project can not rely on future improvements to mitigate a current project.

The cluster home approach was intended to create self-contained communities i.e., communities where everyday services are within walking distance. This is not the case with this development. Most everyday services are on the other side of town, almost 2 miles away. All this project does create is a great deal of traffic entering 49 at one point, without signals. El Dorado County has the highest per capita vehicle ownership in the State, 821 vehicles per 1,000. Based on this, with a total of 75 residential units and an average occupancy rate of 2.64 per household, this project will generate approximately 162 vehicles new vehicles accessing 49 at one point with no controls. This must be mitigated with more than paying fees.

### **General Plan**

General Plan Goal 2.5, Community Identity states, "carefully planned communities incorporating visual elements which enhance and maintain the rural character and promote a sense of community." Policies 2.5.1.1 through 2.5.1.3 deal with the physical and visual separation in order to comply with Goal 2.5 of the General Plan. The proposed development is almost completely surrounded by homes on acreage, most 5 acres or more. How does a high density community comply with the stated Goal and Policies? There must be some transition from low density to high density to reach the goals and intent of the General Plan.

The project analysis states that the project is "compatible with existing residential development in the area." This is completely untrue. As stated above, the adjacent "existing residential development" is single family homes on acreage.

### **Water and Drainage**

The project area is documented as a former placer mining site. The initial Cultural Resources report, dated February 2006, which identified this property as a historic site, included photographs of old rusting mining equipment laying about on the ground. So it is safe to assume that, until the "weed clearing" this site had not been disturbed since the Gold Rush. It was placer mining practice, during the Gold Rush, to use many chemicals to extract gold, among them mercury, nitric acid, sulfuric acid and cyanide. Most of these chemicals are listed on the OEHHA list of toxic chemicals. Mercury is known to cause developmental problems. Nitric acid is highly corrosive. Sulfuric acid causes cancer. Cyanide causes male reproductive issues. This is very concerning for a number of reasons. First, all the neighboring properties are on wells. The methods for drainage proposed in this development will concentrate the ground water recharge which could affect our well water. Secondly, the dense nature of this development and the percentage of impervious surfaces will dramatically change drainage from this property potentially resulting in contaminated soils being washed onto our properties. Finally, an estimated 48,000 cubic yards of dirt will be disturbed during the construction, again creating the potential to contaminate our

environment and properties. Significant soils testing must be performed to identify any risks and insure that our properties and water will not be poisoned by this development.

The project proposes to drain all surface/storm water to a detention pond and from there down the existing drainage swale. This swale runs into a seasonal creek/pond on Icenogle's property, from there overflows through a small culvert under the Finch Court roadway to a seasonal creek on my property and the Cosens' property. Given the high level of impervious surfaces and the fact that the surface/storm drainage for most of the 25.86 acres will be taken to one point, this project will dramatically increase the outfall through our properties. We see no evidence that impact to our existing properties/facilities has been addressed. We are concerned that this increased demand will cause flooding and potentially damage our road, septic systems and properties. The courts have established the following general principles when considering this kind of development.

- *The downstream property owner is obligated to accept and make provisions for those waters that are the **natural flow** from the land above. (emphasis added)* If you look at the elevations on the map, you can see that the property naturally drains to all sides with a great deal actually being absorbed in place due to the relatively flat nature of part of the property. Draining the majority of 25.86 acres to one point in no way complies with this.
- *The upstream property owner shall not concentrate water where it was not concentrated before without making proper provision for its disposal without damage to the downstream property owner.* The detention pond by definition concentrates this water to one point. Again, this issue has not been addressed.

Using the proposed drainage system is problematic. In two places along the proposed course the elevation drops more than 100' in less than an acre. Increased flows from this project will inundate our properties consequently affecting our septic system and possibly wells. For this reason the proposed drainage system would have to be constructed in a culvert. Due to the elevation changes this would be extremely hard and costly to build to say nothing of the damage it would do to our properties.

The environmental review process must identify and mitigate drainage issues. This has not been done. Saying that the issues will be addressed in some future part of the planning and design process completely misses the point of doing an environmental review. What if the impacts can't be mitigated as pointed out above? We believe not addressing this is a disservice to both the community and the developer.

## Fire

The project continues to ignore the Fire Safe set backs. The Fire Safe Plan includes in part, "Fuel Hazard Reduction Zones (FHRZ) of at least 20' in width shall be installed around the perimeter of the project." This is 20' from the property line not 20' from an existing structure. This is 20' clear area for fire fighting access and fuel reduction. This isn't an area with sound walls or trees. The cluster housing proposed along the southeast side of the project completely ignores this requirement as does the lot on the north and the lots along the western side. Given the nature of the existing community, most of the surrounding properties remain in their natural state, wild. It is not the responsibility of the existing community to provide fire safety set backs for this development. We believe that the County is taking on enormous liability by not enforcing these fire safety standards.

As we stated in our last communication on this project, Finch Rd/Crt dead-ends into Weber Creek which is in a 100' deep gorge at this point. Our only means of egress, should we not be able to access Highway 49 from our road, is through the project site. The developer has rearranged the project such that we will have this access. Lest this be lost in some future iteration of this project, we are requesting that an easement be granted for emergency ingress/egress as part the conditions for approval of this project along with construction of a "secondary access" in conformance with Diamond Springs/El Dorado Fire Protection District. This access point should be gated allowing egress only from Finch Crt.

### Utilities

A letter from EID dated May 23, 2016, states that there are not adequate sewer facilities to support this project. Will the developer be required to provide the upgraded facilities to serve the project or will it fall to the region? The analysis remains unclear.

### Affordable Housing

Part of the requirement for the project is the provision that 10% of the constructed units be "affordable housing." Based on El Dorado County Housing Element "affordable housing" would sell between \$54,000 and \$200,000. By Mr. Davies own admission the houses he is proposing will sell between \$250,000 and \$300,000. This obviously does not meet the requirement.

### Zoning

Given the nature of the surrounding community we question why this HDR zoning exists in the middle of LDR zoning. We could perhaps understand this if this property abutted other HDR property. It does not. Several acres separate this property from existing HDR property.

### Measure E

The project analysis states that Measure E does not apply to this project because the application was considered complete prior to its enactment. Measure E went into affect July of 2016. We don't understand how the current application was considered complete when the actual project has been a moving target to this date nearly a year after Measure E was enacted. An explanation of this is required.

We are terribly disappointed that so few of our prior comments on this project have been addressed. Please help us. We are only trying to protect our homes and community.

We are asking the Planning Commission to deny Rezone Z12-0010/Planned Development PD12-0002/Tentative Subdivision Map TM12-1510/Piedmont Oak Estates until adequate environmental review has been completed.