



Public Comment #29
County of El Dorado Clerk of the Board <edc.cob@edcgov.us>
BOS RCUD. 9-28-21

Re: 9-28-21 Agenda, Item #29, File # 21-1529 Appeal

Sue Taylor <sue-taylor@comcast.net>

Tue, Sep 28, 2021 at 1:09 PM

To: John Hidahl <bosone@edcgov.us>, Sue Novasel <bosfive@edcgov.us>, "Parlin, Lori" <bosfour@edcgov.us>, "Thomas, Wendy" <bosthree@edcgov.us>, "Turnboo, George" <bostwo@edcgov.us>, Clerk of the Board <edc.cob@edcgov.us>

RE: 9-28-21 Agenda, Item #29, File # 21-1529 appeal of the Planning Commission's approval of Planned Development PD08-0004 and Tentative Subdivision Map TM08-1464 (Serrano Village A14).

Dear Board of Supervisors,

Since we are only being given a few minutes as the appellant I am submitting Save Our County Comments in case I am not able to read through them in time and in case I am disconnected due to some internet interruption.

Thank you,

Sue Taylor and

[Quoted text hidden]

 **Comments for the BOS from SOC_9-28-21.pdf**
213K

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DATE 9-28-21

9-28-2021

AGENDA ITEM #29 on the September 28, 2021 Board of Supervisors meeting

Legistar # 21-1529

Save Our County is asking that the Board of Supervisors approve our appeal and deny the approval of the requests for Serrano Village A14 project (Planned Development PD08-0004/Tentative Subdivision Map TM08-1464) based on the following reasons:

This project was denied with findings by the Planning Commission on July 22 in a 3-2 vote.

It needs to be made very clear to this Board that there has been a misunderstanding that the motion taken on July 22nd was not a "conditional denial" as recorded by staff.

After going over the 3 days of planning commission videos it is without a doubt that Commissioner Bly-Chester's original motion and intent was to deny this project. She stated, **"I would like to make a motion for denial based on the findings as we outlined for the staff to fill out the actual language of it for the future."**

Then after some wrangling by County Council and the Director of Planning and Building Services to have Commissioner Bly-Chester change her motion to "conditionally" deny the project, Bly-Chester instead made this final motion which was approved with the 3-2 vote: **"Deny the conceptual design based on the design waiver not meeting at least three of the four required findings that we need to make and that we continue the hearing returning on date certain to the August 12, 2021 meeting."**

The minutes report were not recorded correctly. The minutes stated, **"A motion was made by Commissioner Bly-Chester, seconded by Commissioner Williams, to conceptually deny the project and direct staff to return to the August 12, 2021 Planning Commission meeting with Findings for Denial as outlined by the Commission. Votes were by roll call."**

I asked Ms. Bly-Chester why she did not object to the minutes. She said that at the April 22 Planning Meeting she wanted something pulled from the Consent Calendar and was prevented from doing so by County Council and other members of the Commission. She complained that the action was a violation of the Brown Act. For that she was disciplined by County Council and others in authority in which she was told to let the small things go and don't make any more waves. The staff changing her motion was not justified

I can say this with confidence since I spent four days listening to the hearings in order to verify that the wording was correct. Ms. Bly-Chester was very clear to her

wishes that the project be denied and that numerous times she gave staff the findings to be used for the denial.

So over three hearing days Commissioner Bly-Chester's original motion was progressively manipulated into a final action that was desired by the developer.

So again I will repeat Ms. Bly-Chester's motion that was approved with a 3-2 vote.

Deny the conceptual design based on the design waiver not meeting at least three of the four required findings that we need to make and that we continue the hearing returning on date certain to the August 12, 2021 meeting."

After the findings were approved at the next meeting (which could have been done in the minutes) the applicant should have been given 10 days to appeal the decision or moved on and revised the plans to match the current conditions.

Instead of this taking place, after the July 22nd hearing the members of the Planning Commission meet with the Applicant meet outside of a closed hearing and made agreements to amended conditions and one member returned and requested to change his vote.

These were ex-parte discussions after the hearing had closed between the applicant and the commissioners that should have been addressed and thrown out by County Counsel. These actions and others make the County ripe for litigation in which can be avoided by returning to the process that was required after the motion and reverting back to the decision for denial that had been approved at the July 22nd hearing.

Per the league of California Cities, "Ex Parte Communications After a Quasi-Judicial Hearing Must Be Prohibited If the Decision is Not Final. A corollary to the due process protection provided by pre-hearing disclosure of ex parte communications is that there must be no ex parte communications during the interstitial period between closure of a hearing and a final decision. This arises most often when a city decisionmaker closes a quasi-judicial hearing and directs the preparation of written findings by staff. "Lobbying" by parties to the matter or other persons must be rejected."

(League of California Cities, Let's Ex Parte! The Limits and Disclosure Requirements of Ex Parte Contacts in the Public Hearing Context.

Per the State of California Government Code:

ARTICLE 7. Ex Parte Communications [11430.10 - 11430.80]

(Article 7 added by Stats. 1995, Ch. 938, Sec. 21.)

11430.10.

(a) While the proceeding is pending there shall be no communication, direct or indirect, regarding any issue in the proceeding, to the presiding officer from an

employee or representative of an agency that is a party or from an interested person outside the agency, without notice and opportunity for all parties to participate in the communication.

(b) Nothing in this section precludes a communication, including a communication from an employee or representative of an agency that is a party, made on the record at the hearing.

(c) For the purpose of this section, a proceeding is pending from the issuance of the agency's pleading, or from an application for an agency decision, whichever is earlier.

(Added by Stats. 1995, Ch. 938, Sec. 21. Effective January 1, 1996. Operative July 1, 1997, by Sec. 98 of Ch. 938 and Section 11400.10.)

ARTICLE 7. Ex Parte Communications [11430.10 - 11430.80]

(Article 7 added by Stats. 1995, Ch. 938, Sec. 21.)

11430.80.

(a) There shall be no communication, direct or indirect, while a proceeding is pending regarding the merits of any issue in the proceeding, between the presiding officer and the agency head or other person or body to which the power to hear or decide in the proceeding is delegated.

(b) This section does not apply where the agency head or other person or body to which the power to hear or decide in the proceeding is delegated serves as both presiding officer and agency head, or where the presiding officer does not issue a decision in the proceeding.

(Added by Stats. 1995, Ch. 938, Sec. 21. Effective January 1, 1996. Operative July 1, 1997, by Sec. 98 of Ch. 938 and Section 11400.10.)

ARTICLE 7. Ex Parte Communications [11430.10 - 11430.80]

(Article 7 added by Stats. 1995, Ch. 938, Sec. 21.)

11430.50.

(a) If a presiding officer receives a communication in violation of this article, the presiding officer shall make all of the following a part of the record in the proceeding:

(1) If the communication is written, the writing and any written response of the presiding officer to the communication.

(2) If the communication is oral, a memorandum stating the substance of the communication, any response made by the presiding officer, and the identity of each person from whom the presiding officer received the communication.

(b) The presiding officer shall notify all parties that a communication described in this section has been made a part of the record.

(c) If a party requests an opportunity to address the communication within 10 days after receipt of notice of the communication:

(1) The party shall be allowed to comment on the communication.

(2) The presiding officer has discretion to allow the party to present evidence concerning the subject of the communication, including discretion to reopen a hearing that has been concluded.

(Added by Stats. 1995, Ch. 938, Sec. 21. Effective January 1, 1996. Operative July 1, 1997, by Sec. 98 of Ch. 938 and Section 11400.10.)

Per ARTICLE 7. Ex Parte Communications 11430.10 - 11430.50 and 11430.50 of the California Government Code the County must correct their procedure, which has not been done.

We are appealing based on the grounds that the project approval violated the Brown Act which has not been corrected, that the project violates California Environmental Quality Act (CEQA), the project violates the applicable General Plan policies and zoning laws, that the project may violate voter approved Measure E, and the comments voiced and submitted to the Planning Commission contained accurate statements of significant legal violations that were not addressed by the Planning Commission at the hearing.

We have put in the record Mountain Democrat articles showing where the public was led to believe that this project was denied on July 22, 2021. Given that the public and some of the Commissioners had assumed this was a closed hearing that had been denied, notice was not fairly given to the public. This is one of the violations of the Brown Act. Others would be how the motion was handled and how the agenda was not clear.

We have put in the record how the County itself has stated that this project is not consistent with the General Plan or the Specific Plan. The plan violates Measure E by not even mentioning how this project would either need to comply or would not need to comply in order for the public to make an informed decision as to whether or not the County complied to the Measure. This is also a Brown Act violation.

These actions and others make the County ripe for litigation in which can be avoided by returning to the process that was required after the motion and reverting back to the decision for denial with the findings that had been approved at the July 22nd hearing.

Thank you for your attention,

Sue Taylor

And Sue Taylor, also representing Save Our County



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County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

BoS Rcvd. 9-28-21

9-28-21 Agenda, Item #29, File # 21-1529 Appeal

Sue Taylor <sue-taylor@comcast.net>

Tue, Sep 28, 2021 at 7:31 AM

To: John Hidahl <bosone@edcgov.us>, Sue Novasel <bosfive@edcgov.us>, "Parlin, Lori" <bosfour@edcgov.us>, "Thomas, Wendy" <bosthree@edcgov.us>, "Turnboo, George" <bostwo@edcgov.us>, Clerk of the Board <edc.cob@edcgov.us>

RE: 9-28-21 Agenda, Item #29, File # 21-1529 appeal of the Planning Commission's approval of Planned Development PD08-0004 and Tentative Subdivision Map TM08-1464 (Serrano Village A14).

Dear Board of Supervisors,

Please add this letters that were submitted to the Planning Commission regarding this project to the record for this appeal:

<https://eldorado.legistar.com/View.ashx?M=F&ID=9760342&GUID=16BC4AA9-42E5-44FA-A283-739265343DDE>

<https://eldorado.legistar.com/View.ashx?M=F&ID=9725433&GUID=E122CF54-31E4-4BE9-92C5-069C42564937>

Thank you,
Sue Taylor and
for Save Our County

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Public Comment # 29
 County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

Bos RCVD 9-28-21

9-28-21 Agenda, Item #29, File # 21-1529 Appeal

Sue Taylor <sue-taylor@comcast.net>

Tue, Sep 28, 2021 at 8:32 AM

To: John Hidahl <bosone@edcgov.us>, Sue Novasel <bosfive@edcgov.us>, "Parlin, Lori" <bosfour@edcgov.us>, "Thomas, Wendy" <bosthree@edcgov.us>, "Turnboo, George" <bostwo@edcgov.us>, Clerk of the Board <edc.cob@edcgov.us>

RE: 9-28-21 Agenda, Item #29, File # 21-1529 appeal of the Planning Commission's approval of Planned Development PD08-0004 and Tentative Subdivision Map TM08-1464 (Serrano Village A14).

Dear Supervisors,

In reference to the project not complying to the County's General Plan and Specific Plan, the County drafted the reasons that the project does not comply with the County's General Plan and the El Dorado Hills Specific Plan as was submitted on the staff memo of August 6, 2021:

"At its scheduled July 22, 2021 public hearing, the Planning Commission voted to conceptually [the project was actually denied, not "conceptually denied"] deny the Serrano Village A-14 project, continue the item to the August 12, 2021 Planning Commission meeting, directing staff to bring back draft findings for denial of the project based on the deliberation and motion during the July 22, 2021 public hearing for further review by the Commission. Below are the draft findings for denial involving the Design Waivers, Zoning/Planned Development, and Subdivision Ordinance.

1. Design Waivers

The Serrano Village A-14 project includes three Design Waivers of specific road standards in accordance with County of El Dorado Design and Improvement Standards Manual (DISM), subject to specific Findings under subsection 2a-d. below.

Sec. 120.08.020. - Design waivers.

The Planning Commission may grant a design waiver of any of the design or improvement requirements of this subpart with respect to a particular subdivision at the time it approves the tentative map of the subdivision.

A waiver shall not be granted unless:

1. The subdivider has submitted a written application therefore with the Planning Division more than 20 days prior to the hearing before the Commission to consider the tentative map; and
2. To approve a design waiver the Planning Commission or Board on appeal must find that each of the following conditions exist:
 - a. There are special conditions or circumstances peculiar to the property proposed to be subdivided which would justify the waiver;
 - b. Strict application of the design or improvement requirements of this subpart would cause extraordinary and unnecessary hardship in developing the property;

- c. The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public;
- d. The waiver would not have the effect of nullifying the objectives of this subpart or any other law or ordinance applicable to the subdivision.

The requested Design Waivers for Serrano Village A-14 and corresponding Planning Commission findings are shown below:

Design Waiver 1: Modification of road improvements under Standard Plan 101 B including the reduction of right-of-way width from 50 feet to 46 for Russi Ranch Drive and from 50 feet to 42 feet for A Street and B Street, reduction and construction of road pavement width from 36 feet to 31 feet; construction of 4-foot wide sidewalks along one side of Russi Ranch Drive and on both sides of A and B Streets, and construction of modified rolled curb and gutter;

Planning Commission Finding for Design Waiver 1: The Planning Commission finds that conditions under subsections 128.08.020.a through c, as noted above, do not exist or are not sufficiently corroborated as submitted, and therefore, cannot support Design Waiver 1 for the Serrano Village A-14 Tentative Map.

Design Waiver 2: Reduction of minimum 100-foot centerline curve radius length to reduced lengths identified on the map;
Planning Commission

Finding for Design Waiver 2: The Planning Commission finds that conditions under subsections 128.08.020.a through c, as noted above, do not exist or are not sufficiently corroborated as submitted, and therefore, cannot support Design Waiver 2 for the Serrano Village A-14 Tentative Map.

Design Waiver 3: Modification of standard road encroachment under Standard Plan 110 with Serrano encroachment design.

Planning Commission Finding for Design Waiver 3: The Planning Commission finds that conditions under subsections 128.08.020.a through c, as noted above, do not exist or are not sufficiently corroborated as submitted, and therefore, cannot support Design Waiver 3 for the Serrano Village A-14 Tentative Map.

Based on the above Findings for the Design Waivers, the Planning Commission hereby denies the requested Design Waivers 1, 2, and 3 for the Serrano Village A-14 Tentative Map.

2. Zoning/Planned Development Serrano Village A-14 is a residential development contemplated by the El Dorado Hills Specific Plan, which is consistent with the El Dorado County General Plan. The project includes modification to specific residential development standards under the authority of the Planned Development Permit in Section 130.52.040 of the El Dorado County Zoning Ordinance (Development Plan Permit).

These modified minimum standards include reduction to front yard setback of 8 feet, lot width of 47 feet, and lot size of 3,760 square feet that would accommodate the design and improvement of the proposed subdivision.

However, with the Planning Commission's denial of the requested Design Waivers (see above), this action could also result in the denial of the planned development permit for the tentative map as these modified standards may be rendered inapplicable and ineffective. Consequently, a new planned development permit application that retain compliance with existing residential development standards or proposed new modified standards would need to be filed.

Additionally, the Planning Commission discussed the merits of the proposed modified development standards, in that, despite these similar modified standards being established in other existing Serrano villages, the Planning Commission has determined that Serrano Village A-14 does not sufficiently provide diverse options for housing type, as contemplated in the Specific Plan, and, **therefore, does not meet the applicable specific plan and General Plan policies involving housing diversity and affordability.**

Based on the above Findings of inconsistency with the Planned Development provisions, the Planning Commission hereby denies the Serrano Village A-14 Tentative Map.

3. Subdivision Ordinance The Subdivision Ordinance Section 120.44.030 (Findings Requiring Disapproval) requires the approving authority not approve a tentative map if the approving authority makes any of the following findings:

1. That the proposed map is not consistent with applicable general and specific plans;
2. That the design or improvement of the proposed division is not consistent with applicable general and specific plans;
3. That the site is not physically suitable for the type of development;
4. That the site is not physically suitable for the proposed density of development;
5. That the design of the division or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat;
6. That the design of the division or the type of improvements is likely to cause serious public health hazards;
7. That the design of the division or the improvements are not suitable to allow for compliance of the requirements of section 4291 of the Public Resources Code.

With the Planning Commission's denial of the Design Waivers for Serrano Village A-14 Tentative Map, specific finding under subsection 120.44.030.2 involving consistency of the proposed map road design and improvement with the General Plan and Specific Plan could not be met. Consequently, a new tentative map for the development that retains compliance with existing residential development standards or proposed new modified standards would need to be filed.

Additionally, the Planning Commission discussed the merits of the proposed modified development standards, in that, despite these similar modified standards being established in other existing Serrano villages, the Planning Commission has determined that Serrano Village A-14 does not sufficiently provide diverse options for

housing type, as contemplated in the Specific Plan, and, therefore, does not meet the applicable specific plan and General Plan policies involving housing diversity and affordability.

Based on the above Findings of Inconsistency, the Planning Commission hereby denies the Serrano Village A-14 Tentative Map."

Thank you,

[Quoted text hidden]



Public Comment #29
County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

Bos RCUW. 9-28-21

Re: 9-28-21 Agenda, Item #29, File # 21-1529 Appeal

Sue Taylor <sue-taylor@comcast.net>

Tue, Sep 28, 2021 at 8:44 AM

To: John Hidahl <bosone@edcgov.us>, Sue Novasel <bosfive@edcgov.us>, "Parlin, Lori" <bosfour@edcgov.us>, "Thomas, Wendy" <bosthree@edcgov.us>, "Turnboo, George" <bostwo@edcgov.us>, Clerk of the Board <edc.cob@edcgov.us>

RE: 9-28-21 Agenda, Item #29, File # 21-1529 appeal of the Planning Commission's approval of Planned Development PD08-0004 and Tentative Subdivision Map TM08-1464 (Serrano Village A14).

Dear Board of Supervisors,

Please add these two Mountain Democrat Articles to the record for this appeal. The on attached here shows that the reporter watching the meeting, and therefore the information that was passed out to the community, shared the belief that this project had been denied. The public was lead to believe that the project was denied and that the Planning Commission would only be returning to hear the official findings. Therefore the public was detached from following or engaging in the project. (due to size the articles will be sent in 2 separate emails).

Per the Article:

"Ultimately, the decision came down to the requested design waivers. "The design waivers proposed do not meet the design waiver requirements as specified in the staff report," insisted Bly-Chester.

The project was recommended for denial with Commissioners Vegna and John Clerici voting in favor of the project and Amanda Ross, James Williams and Bly-Chester voting against. Further discussion of the project has been continued to Aug. 12, when the commission will hear official findings. Additional language was also added regarding noise attenuation based on recommendations from the included noise study."

Thank you,

Sue Taylor
for Save Our County

Mt. Demo_ New Serrano subdivision's fate up in the air.pdf
19086K

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DATE 9-28-21

Mountain Democrat

PLACERVILLE, CALIFORNIA

News

New Serrano subdivision's fate up in the air

By Sel Richard

Parker Development's proposed residential subdivision on the east side of Silva Valley Parkway between Russi Ranch Drive and Tong Road was met with a recommendation for denial from the El Dorado County Planning Commission due to requests for modifications to minimum lot size, minimum lot dimensions and building setbacks.

The Serrano Village A-14 35.78-acre parcel houses 51 single-family residential lots ranging from 3,760 to 10,362 square feet, five landscape lots, one open space lot, three remainder lots and one 20.25-acre lot for the approved Serrano Village C, Phase 2.

The proposed design waivers modify improvement standards including roadway rights-of-way and improvement widths for sidewalks and curbs; reduce a 100-foot centerline curve radii in two areas; modify the standard road encroachment to allow for an entry gate and landscaping median at Russi Ranch Drive and future Country Club Drive; and reduce the standard lot frontage width of 60 feet to 47 feet.

Despite these modification requests, county planner Tom Purciel assured that the waivers are typical of virtually all of the previous Serrano villages. "My understanding is that this planned development village is very much cookie cutter to many of the other villages that have been successful as part of recent approvals," he said.

"Every single tentative map, frankly, has been a modification," said Serrano Associates Principal Planner Andrea Howard. "Every time we come in with these kinds of requests, they are reviewed by your DOT and the fire department. They've been supported on every project so far."

The site will be served by a private internal road network accessible via a primary entrance off Russi Ranch Road. Regarding water access, Purciel maintained that El Dorado Irrigation District has deemed facilities sufficient to fully serve the project.

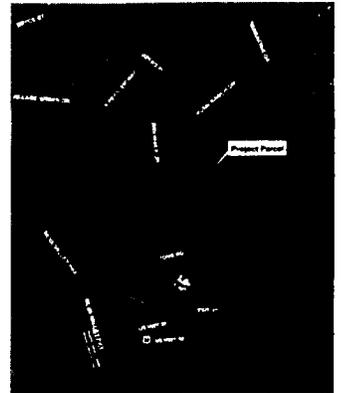
Due to the requirements of the specific plan and other county noise requirements, a sound wall is planned along the west, south and southeast edges of the project.

And as the project falls within the El Dorado Hills Specific Plan EIR, the project is statutorily exempt from the requirements of CEQA. "No impacts have been identified which were not previously analyzed and mitigated in the Specific Plan EIR," Purciel said. "This project is consistent with the El Dorado Hills Specific Plan."

Much discussion centered around the area's dearth of affordable housing, which several commissioners felt was an issue left unanswered by the developer. Serrano Associates Director of Government Relations Kirk Bone responded with frustration at being questioned on smaller lot sizes and driveways yet reprimanded for the project's lack of affordable housing.

"Clearly the added density does give us an opportunity to provide less expensive homes than your traditional production home," Bone pointed out. "These will be smaller homes on smaller lots, which will provide some opportunity for folks who can't afford the fancy production homes that are still available in Serrano."

But Commissioner Cheryl Bly-Chester was dissatisfied with the effort. "Where we have high-density housing, we would want to also know that people of lesser means can maybe get into them," she said. "Serrano is known as an exclusive community and exclusive can also be read as exclusionary."



Parker Development's newest addition to the Serrano subdivision proposes 51 single-family residential lots near Highway 50. Courtesy graphic

Commission Chair Jon Vegna noted that affordable housing is not a project requirement and therefore presents no basis for denial.

Ultimately, the decision came down to the requested design waivers. “The design waivers proposed do not meet the design waiver requirements as specified in the staff report,” insisted Bly-Chester.

The project was recommended for denial with Commissioners Vegna and John Clerici voting in favor of the project and Amanda Ross, James Williams and Bly-Chester voting against. Further discussion of the project has been continued to Aug. 12, when the commission will hear official findings. Additional language was also added regarding noise attenuation based on recommendations from the included noise study.

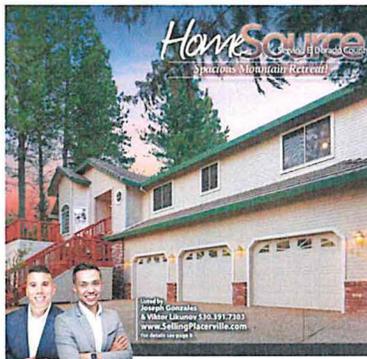
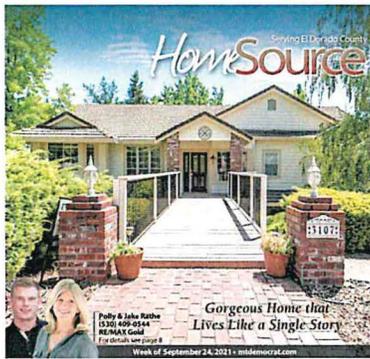
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Last Modified on July 31, 2021 at 4:16 pm

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Bos RCVd. 9-28-21

9-28-21 Agenda, Item #29, File # 21-1529 Appeal

Sue Taylor <sue-taylor@comcast.net>

Tue, Sep 28, 2021 at 8:53 AM

To: John Hidahl <bosone@edcgov.us>, Sue Novasel <bosfive@edcgov.us>, "Parlin, Lori" <bosfour@edcgov.us>, "Thomas, Wendy" <bosthree@edcgov.us>, "Turnboo, George" <bostwo@edcgov.us>, Clerk of the Board <edc.cob@edcgov.us>

RE: 9-28-21 Agenda, Item #29, File # 21-1529 appeal of the Planning Commission's approval of Planned Development PD08-0004 and Tentative Subdivision Map TM08-1464 (Serrano Village A14).

Dear Supervisors,

Here is Mountain Democrat's second article referring to this project which again confirms that this project was originally denied. There is also pertinent information in the article that also establishes flaws in the process that lead to this project being approved.

Thank you,

[Quoted text hidden]

Mt. Demo_Third time's a charm for new Serrano Village.pdf
19214K

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DATE 9-28-21

Mountain Democrat

PLACERVILLE, CALIFORNIA



Caldor 'still presents a threat' as high winds roll in

News

Third time's a charm for new Serrano Village

By Sel Richard

Parker Development's proposed Serrano Village A14 was approved by the El Dorado County Planning Commission Aug. 26. It was the third meeting on the new 35.78-acre residential subdivision with 51 single-unit residential lots ranging from 3,760 to 10,362 square feet, located east of Silva Valley Parkway between Russi Ranch Drive and Tong Road.

The project was initially denied pending official findings to be drafted by staff. In the interim, Parker Development changed the project's development standards to match Serrano Village J7, a previously approved project, after meeting with District 4 Commissioner James Williams.

Edits integrate the inclusion of all applicable measures as discussed in a project noise study. Design standards were modified to remove an 8-foot front yard setback and a 5-foot rear yard setback, bringing both setbacks to 10 feet. Findings were subsequently denied in a 3-1 vote and the project was opened back up for public comment.

The most recent session launched with Commissioner Cheryl Bly-Chester again insisting that the original denial should stand and the conversation between Williams and the applicant was improper.

County legal counsel Kayann Markham affirmed that the denied findings from the previous meeting, in effect, negated the project's denial.

"Basically there's been no action taken on this matter," clarified Markham, adding that the conversation in question was properly disclosed. "The public hearing had closed. But the deliberations amongst the commissioners had not closed."

Bly-Chester was bolstered by several community members, including Karen Davis, who recommended Williams resign due to a violation of public trust.

"She's a refreshing change from the politics as usual approach and I'm in full support of Dr. Bly-Chester because she acts and votes for what she believes is in the best interest of this district," opined Timothy Hamilton during public comment.

Bly-Chester conveyed gratitude for her defenders, then proceeded to accuse legal counsel of ignorance and her fellow commissioners of maltreatment. "The bullying that I've received from my fellow commissioners is inappropriate," she said.

Commissioner Amanda Ross expressed shock at her charges. "I'm not sure that there's intentional bullying happening here," she posited.

"I believe we've been getting very poor advice from our attorneys," asserted Bly-Chester. "When our attorneys condone effectively stepping off the dais and kibitzing with the applicant to negotiate different terms after the full commission has deliberated ... I think it's a breach of public trust."

Williams assured that the commission only conditionally denied the project pending the findings, which he called weak. "There were definitely no backdoor meetings or anything of that nature. I respectfully request that you please stop framing it that way," he said. "It's very disrespectful, very attacking and very misleading to the public."

Commissioner John Clerici also spoke in defense of Williams and Markham. "Just because somebody says something with a lot of authority and expression doesn't make it true or factual, it just means they're very convicted with an idea," he stated, pointing out that bullying can take multiple forms. "The way that person has approached staff on a number of occasions has been demeaning and belittling and would fit the definition of bullying.

"I support the advice we've been getting," Clerici declared. "It fits in with my experience, which is significant when it comes to the Brown Act and open meeting laws."

"I've never seen this in all of my 20 years of doing this," exclaimed community member Sue Taylor, who agreed with Bly-Chester's claims and asked the commission to deny the project on the grounds that it fails to meet county standards. "That's my plea with this commission — that for once you stand up and do what the public's asked and not let Parker Development continue to run this county."

Upon closing of public comment, Ross reiterated her stance on the project, referring to specific plan requirements for diversity of housing. "If the developer is not willing to provide some sort of affordable housing for us, I don't see why we are granting these design waivers."

Williams noted that the project's density is actually lower than the density entitled in the vested tentative map. "With these changes that the applicant is proposing, it doesn't violate the specific plan anymore," he explained. "It's consistent with all of the prior approvals. We really need to stick with what legally can stand up in court."

He went on to suggest that the El Dorado County Board of Supervisors clearly define the meaning of diverse housing, calling for an emergency inclusionary housing ordinance. Williams revealed that all multi-family zoned land in El Dorado Hills is controlled by specific plans. "These specific plans need to start incorporating some affordable or missing-middle housing in order to address the issue, otherwise we're going to end up having to rezone other land," he warned.

The motion to approve the project was passed 3-1 with Ross voting against and Bly-Chester abstaining on what she deemed an out-of-order process. The decision is appealable to the board within 10 working days.

Bly-Chester loses seat

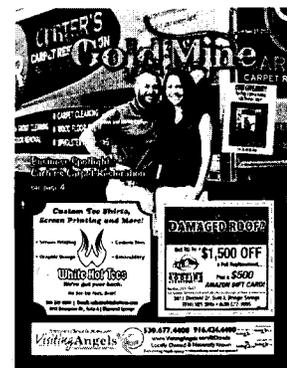
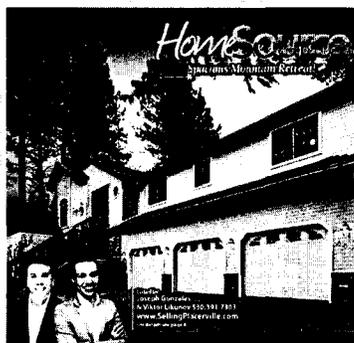
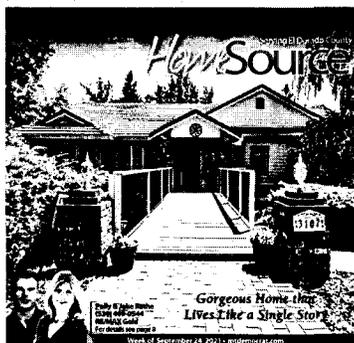
At the Aug. 31 Board of Supervisors meeting, on a 3-2 vote, Bly-Chester was removed from the Planning Commission. District 1 Supervisor John Hidahl, District 3 Supervisor Wendy Thomas and District 5 Supervisor Sue Novasel voted in favor of the action with District 2 Supervisor George Turnbo and District 4 Supervisor Lori Parlin voting against it.

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Public Comment #29
Bos RCUD 9-28-21

9/28/2021

COMMENTS ON BOARD OF SUPERVISORS' AGENDA ITEM NO. 29:
APPEAL OF AUGUST 26, 2021, PLANNING COMMISSION APPROVAL OF
PLANNED DEVELOPMENT PDO8-0004 AND TENTATIVE SUBDIVISION MAP
TM08-1464

Board of Supervisors:

Today, you are being asked to find the above project statutorily exempt from the California Environmental Quality Act (CEQA) under Title 14, Section 15182 of the California Code of Regulations.

Section 15182 applies to residential projects "undertaken pursuant to and in conformity to" a specific plan for which an EIR has been prepared.

The EIR on the previously approved Serrano Specific Plan was based on the assumption that subsequent development projects under the Specific Plan would comply with applicable county development standards and requirements, yet this project requests exceptions to those county standards and requirements for lot area (and, by implication, project density), lot dimensions, street frontage, roadway width, sidewalk width, and more.

The proposed project is therefore not in "conformity" with the Specific Plan. Section 15182 does not apply, a statutory exemption is not appropriate, and a supplemental or subsequent EIR is required under Section 15182.

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DATE 9-28-21