



PLANNING AND BUILDING DEPARTMENT PLANNING DIVISION

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https://www.eldoradocounty.ca.gov/Land-Use/Planning-and-Building/Planning-Division

MAY 21 2026

EL DORADO COUNTY
PLANNING AND BUILDING DEPARTMENT

APPEAL FORM

File Number: TM-A26-0002

Receipt Number: R66670

Date Received: 5-21-26

Amount: \$494.00

Appeals must be submitted to the Planning Division with the applicable fees as established by the Planning and Building Department fee schedule. Please contact the Planning Division at (530) 621-5355 with any questions.

Appellant Name: Gary Kinghorn

Appellant Address: [REDACTED], El Dorado Hills, CA 95762

Appellant Phone Number: [REDACTED]

A Letter of Authorization form signed by the Appellant authorizing the Agent to act on their behalf must be submitted with this appeal, if necessary.

Agent Name: _____

Agent Address: _____

Agent Phone Number: _____

Appeal being made to: Board of Supervisors Planning Commission Agricultural Commission

Action being appealed (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach a copy of the conditions and specify appeal):

This is a protest and appeal regarding the May 14, 2026 approval by the El Dorado County Planning Commission of Tentative Subdivision Map TM25-0003 and Planned Development Permit PD25-0005 for Serrano Village M5.
This appeal is based upon procedural defects, inadequate environmental review, unresolved development agreement compliance issues, and improper modification of mitigation and traffic conditions during the hearing process.

Date of action being appealed: May 14, 2026

[Signature]
Appellant/Agent Signature

May 21, 2026
Date

Section 130.52.090 – Appeals

Any decision by the review authority of original jurisdiction may be appealed by the applicant or any other affected party, as follows:

- A. An appeal must be filed within 10 working days from the decision by the review authority by completing the appeal form and submitting said form together with the applicable fee, as established by resolution of the Board, to the Department. The Department shall forward the appeal to the Clerk of the Board. The appellant shall clearly identify on the appeal form the specific reasons for the appeal and the relief requested.
- B. The hearing body for the appeal shall consider all issues raised by the appellant and may consider other relevant issues related to the project being appealed. The hearing body for the appeal shall be as follows:
 1. All decisions of the Director are appealable to the Commission and then to the Board.
 2. All decisions of the Zoning Administrator and the Commission are appealable to the Board.
 3. All decisions of the Agricultural Commissioner are appealable to the Ag Commission and then to the Board.
 4. All decisions of the Board are final.
- C. The hearing on an appeal should be set no more than 60 days from receipt of a completed appeal form and fee. If the Board meeting is canceled for any reason on the date on which the appeal would normally be heard, the appeal shall be heard on the first available regularly-scheduled meeting following the canceled meeting date. The 60-day time limitation may be extended by mutual consent of the appellant(s), and the applicant, if different from the appellant. Once the date and time for the hearing is established the hearing may be continued only by such mutual consent.
- D. In any appeal action brought in compliance with this Section, the appellant(s) may withdraw the appeal, with prejudice, at any time prior to the commencement of the public hearing. For the purposes of this Section, the public hearing shall be deemed commenced upon the taking of any evidence, including reports from staff.
- E. Upon the filing of an appeal, the Commission, the Ag Commission, or the Board shall render its decision on the appeal at the conclusion of the hearing or rendered at a subsequent meeting of the Board of Supervisors within 45 days of the hearing, unless it is stipulated by the parties that the matter may be submitted for a later decision upon a certain date. The decision shall be in the form of written findings.
- F. No person shall seek judicial review of a County decision on a planning permit or other matter in compliance with this Title until all appeals to the Commission and Board or to the Ag Commission and the Board as applicable have been first exhausted in compliance with this Section.

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EL DORADO COUNTY
PLANNING AND BUILDING DEPARTMENT

El Dorado County Planning and Building Department
2850 Fairlane Court
Placerville, CA 95667

RE: Protest and Appeal of Planning Commission Approval
TM25-0003 / PD25-0005 – Serrano Village M5

Honorable Members, Board of Supervisors:

The undersigned submit this formal protest and appeal regarding the May 14, 2026 approval by the El Dorado County Planning Commission of Tentative Subdivision Map TM25-0003 and Planned Development Permit PD25-0005 for Serrano Village M5.

This appeal is based upon procedural defects, inadequate environmental review, unresolved development agreement compliance issues, and improper modification of mitigation and traffic conditions during the hearing process.

The undersigned respectfully request that the Board of Supervisors stay implementation of the approval, grant this appeal, reverse and deny the Planning Commission approval of Tentative Subdivision Map TM25-0003 and Planned Development Permit PD25-0005; and remand the project back to the Planning Commission. The following five issues are offered in support of the appeal:

I. FAILURE TO ENSURE COMPLIANCE WITH THE EL DORADO HILLS SPECIFIC PLAN AND DEVELOPMENT AGREEMENT

The El Dorado Hills Specific Plan ("EDHSP") was approved in 1988, predating the EDC General Plan. Planning staff and the applicant, Serrano Associates, rely on the outdated EDHSP, together with the expired Development Agreement to justify waiving environmental studies and traffic analysis. It is not a valid assumption that environmental issues and traffic patterns have not changed for four decades.

The EDHSP contemplated Village M as a low-density rural estate area consisting of approximately 37 dwelling units intended to preserve wildlife habitat, tree cover, and rural character. The staff report acknowledges that Village M has now increased to approximately 166 dwelling units. The justification is based on a provision that Serrano Associates could relocate lot assignments at its discretion, without consideration of the regional environmental or traffic impacts.

The County Planning staff's report dedicates significant discussion on parkland compliance to support the additional M5 lots and the Tentative Subdivision Map. The Planning Commission's approval relies heavily upon assumptions that all parkland dedication and public facility obligations under the EDHSP and related Development Agreement have been fully satisfied. However, there is substantial evidence that required parkland obligations — including a 12.5-acre park obligation at Village J Lot H associated with Serrano development approvals — have not

been completed in the manner originally contemplated by the Specific Plan and associated mitigation framework.

The staff report references a 2020 agreement purporting to satisfy these obligations. However, the County has never established a meaningful compliance monitoring system for the EDHSP Development Agreement or Public Facilities Financing Plan obligations over nearly four decades of project buildout.

Additionally, the County was a party to that 2020 agreement that alleviated the developer from the obligation to complete the 12.5-acre park, but the County failed to ensure that itself, or any other party, were in a position to fulfill that obligation. It is the County's responsibility to ensure developer agreement obligations are met. In this case, the obligation "to use best efforts to build the park as soon as practical" was handed to the CSD that did not have the resources to deliver. Other deficiencies in the staff analysis include failure to address the following:

- required park acreage,
- timing obligations,
- improvement obligations,
- fee offsets and credits,
- parkland substitutions, and
- mitigation implementation.

The Planning Commission lacked substantial evidence to conclude that the developer remains in compliance with all applicable obligations tied to continued density transfers and subdivision approvals. However, significant community concern remains regarding whether the anticipated recreational infrastructure has been delivered proportionately to the scale and density of development ultimately approved within Serrano, particularly given:

- substantial increases in residential density over time;
- continued phased expansion of Village M and other Serrano villages;
- ongoing community concerns regarding incomplete park development;
- and continuing fiscal strain upon the El Dorado Hills Community Services District in funding and constructing regional recreational facilities intended to serve the growing population.

These concerns are directly relevant to the County's findings because the continued reliance upon historical density-transfer provisions, parkland assumptions, and CEQA exemptions depends upon the premise that the overall Specific Plan infrastructure financing and mitigation framework remains valid and substantially implemented.

These issues are directly relevant to cumulative impact analysis, public facility planning, and the County's obligation to ensure that infrastructure and recreational service obligations associated with the Specific Plan remain reasonably supportable as development continues.

II. FLAWED FEE MITIGATION ACT REGULATIONS

Additional concerns exist regarding infrastructure financing, Park Impact Fee (PIF) disparities, and ongoing maintenance contributions. For decades, Serrano Associates has benefited from substantially reduced park impact fee obligations relative to other residential development within El Dorado Hills, based upon assumptions that Serrano would directly provide or fund substantial park and recreational infrastructure itself, including the above-mentioned and undeveloped 12.5-acre park

The Board of Supervisors should examine the actions of the Planning Commission in light of potential additional fee mitigation liability. El Dorado County is paying significant damages arising from the Austin Case. The liabilities associated with the recent U.S. Supreme Court decision in the Sheetz case and California Appeal Court findings on the Getz litigation are reminders that the County could be further exposed if mitigation fees are determined to not be proportionate, justified or fulfilled. The reduced Serrano PIF are shown in the table below.

Applicant Serrano Associates and the EDH Community Services District (CSD) confirmed that the new lots would continue to be subject to a 50% discount in Park Impact Fees. Testimony provided by applicant representative Kirk Bone and the Interim EDH CSD General Manager tried to justify the significantly lower fees compared to any other developer in El Dorado Hills based on historical precedents. However, the Court mandates are now in place for equitable and proportionate mitigation fees. The applicant and CSD naively contend historical relationships should override Court rulings.

Type of Dwelling	Non-Serrano PIF	Serrano Discounted PIF
Single Family Unit	\$13,496	\$7,215
Multifamily Unit	\$8,907	\$4,761
Age Restricted Unit	\$7,886	\$4,186

Source: EDH CSD Annual PIF Report, 2023-2024

California land use law and the Mitigation Fee Act require that development exactions and infrastructure financing mechanisms bear a reasonable relationship to the impacts created by development. Where a development framework relies upon reduced fee obligations in exchange for provision of public infrastructure, the County must maintain adequate evidence demonstrating that the anticipated public benefits and mitigation obligations have in fact been substantially fulfilled.

The County has not demonstrated through current evidence that the cumulative effect of reduced developer fee contributions, modified parkland obligations, and increased residential density continues to satisfy the proportionality, nexus, and public-facility assumptions underlying the original Specific Plan approvals.

The cumulative infrastructure funding concerns are further compounded by the fact that the proposed subdivision would be added to an EDH CSD Landscape and Lighting Assessment District ("LLAD 17") area that is presently inactive and generating no ongoing maintenance revenue for park and recreational facilities serving the community.

While the status and future administration of LLAD 17 may be subject to separate policy determinations, the County cannot reasonably ignore the long-term operational and maintenance implications associated with continued residential expansion in areas lacking stable, dedicated maintenance funding mechanisms. To counter the claim that the Serrano HOA is currently funding park maintenance, that assumes that only private Serrano HOA parks are mitigating the impacts of further Serrano development, not other park amenities throughout the CSD. Public parks within Serrano now have to be maintained out of the CSD General Fund, impacting other services and programs.

The Board of Supervisors has a responsibility to not compound and promulgate this disproportionate arrangement that is only benefiting a single developer.

III. IMPROPER RELIANCE ON CEQA STATUTORY EXEMPTION

The County approved the project as statutorily exempt from further environmental review pursuant to CEQA Guidelines §15182 ("Projects Pursuant to a Specific Plan").

However, the circumstances surrounding the Serrano Specific Plan and Village M development have materially changed since certification of the original environmental review associated with the El Dorado Hills Specific Plan nearly four decades ago.

As previously noted, the staff report acknowledges that Village M was originally contemplated as a low-density rural estate area consisting of approximately 37 dwelling units intended to preserve dense tree cover, wildlife habitat, and rural character, but is now projected to contain approximately 166 dwelling units.

Additionally, further inconsistencies are acknowledged by the staff report that the surrounding land use assumptions underlying the original Specific Plan no longer exist, including:

- the loss of surrounding rural estate conditions,
- changes to adjacent parcel development patterns,
- and the elimination of agricultural preserve conditions originally contemplated by the Specific Plan.

These substantial changes raise serious questions regarding whether the current project remains within the scope of impacts previously analyzed under the original EIR and whether reliance upon a statutory exemption remains appropriate.

Further, the County has not demonstrated that cumulative impacts associated with decades of density transfers, phased subdivision approvals, altered circulation patterns, changing traffic

conditions, and modified recreational and parkland implementation have been fully evaluated under current environmental standards and conditions.

The County's reliance upon a nearly 40-year-old environmental framework without updated analysis is particularly concerning, where:

- Village M densities have increased dramatically;
- infrastructure and traffic conditions in El Dorado Hills have materially changed;
- community park obligations and implementation remain disputed;
- and project approvals continue incrementally through successive tentative map revisions and reapprovals.

Under CEQA, statutory exemptions must be narrowly construed, and substantial evidence must support the conclusion that the approved project remains consistent with the environmental assumptions and mitigation framework of the underlying Specific Plan EIR.

The record presently available does not demonstrate that the County adequately evaluated whether the current project, under current conditions, remains fully within the scope of impacts previously analyzed.

Accordingly, the County's reliance upon CEQA Guidelines §15182 was improper and unsupported by substantial evidence.

IV. IMPROPER MODIFICATION OF TRAFFIC AND CIRCULATION CONDITIONS DURING DELIBERATIONS

During the public hearing, the Planning Commission modified or removed a proposed four-way stop-control condition at an intersection serving the subdivision after nearby residents objected to the traffic-control measure.

Based upon public testimony and hearing discussion, the stop-control requirement appears to have been included as part of the project's reviewed circulation and traffic-safety framework. However, the Planning Commission altered that condition during deliberations without returning the matter for additional traffic analysis, engineering review, or environmental evaluation.

A quasi-judicial body may not materially alter analyzed project conditions or circulation assumptions without substantial evidence supporting the modification. Where a traffic-control feature forms part of the project design, circulation analysis, or operational assumptions reviewed during entitlement processing, removal or modification of that feature may alter traffic flow, safety conditions, intersection operations, neighborhood impacts, and project consistency findings.

If the approved project differs materially from the project reviewed by staff, analyzed by traffic engineers, or presented to the public, additional review is required before approval may lawfully occur.

The Planning Commission's action appears procedurally defective because:

1. no additional engineering or traffic analysis was presented supporting the removal of the stop-control condition;
2. no revised circulation analysis was prepared;
3. no substantial evidence was entered into the record demonstrating that the modified circulation design would maintain equivalent safety and operational performance; and
4. the modified approval was not recirculated for appropriate review.

Accordingly, the approval should be vacated and remanded for further traffic analysis and public review prior to reconsideration of the project.

V. POTENTIAL CONFLICT OF INTEREST AND FAILURE TO CONSIDER RECUSAL

The motion to approve the project was made by a Planning Commissioner who resides adjacent to the larger Serrano development area and would be specifically impacted by the traffic circulation patterns outlined in the County's proposal. The commissioner indicated a personal bias during comments that his wife is president of the adjacent HOA and has been pressured by her to eliminate the planning staff's proposed traffic mitigation measures, a 4-way stop sign on Appian Way at the entrance to the subdivision on the main route to Silva Valley Parkway from the Highland View neighborhood.

Where a public official resides sufficiently close to a proposed project such that the decision may reasonably have a material effect upon the official's real property interests distinct from the public generally, recusal obligations may arise.

California conflict-of-interest law requires disqualification where a governmental decision may have a reasonably foreseeable material financial effect on an official's real property interest, including effects relating to:

- traffic and circulation,
- neighborhood character,
- noise,
- aesthetics,
- access,
- safety conditions,
- or property values.

The issue is particularly significant here because:

1. modifications to traffic-control conditions were made during deliberations in response to the Commissioner's localized neighborhood concerns; and were specifically included in the motion to approve beyond the planning staff's recommended motion;
2. the Commissioner made the motion to approve the Tentative Plan with the traffic control modifications included; and
3. the Commissioner's proximity to the project area may create at minimum an appearance that the decision was influenced by neighborhood-specific interests rather than countywide planning considerations.

The record presently available to the public does not demonstrate whether the Commissioner:

- evaluated potential disqualification obligations,
- consulted County Counsel regarding recusal,
- disclosed relevant economic interests,
- or determined whether the effect on their property interests was distinguishable from the public generally.

VI. CONCLUSION AND REQUESTED ACTIONS

For the reasons set forth herein, the Planning Commission's approval of TM25-0003 / PD25-0005 was not supported by substantial evidence and was procedurally deficient in several material respects, including:

- reliance upon outdated and incomplete environmental assumptions;
- unresolved questions concerning Specific Plan and infrastructure compliance;
- insufficient evidence regarding cumulative parkland and recreational obligations;
- procedural irregularities relating to traffic and circulation condition modifications during deliberations;
- and unresolved concerns regarding impartiality and conflict-of-interest review.

The cumulative effect of these deficiencies undermines the integrity of the approval process and warrants further review before additional density and subdivision entitlements are authorized within Village M.

Accordingly, the undersigned respectfully requests that the El Dorado County Board of Supervisors:

1. Grant this appeal and accept this protest as timely filed;
2. Reverse and deny the Planning Commission approval of Tentative Subdivision Map TM25-0003 and Planned Development Permit PD25-0005;
3. Remand the project to the Planning Commission for further proceedings consistent with the concerns identified herein;
4. Direct staff to prepare additional analysis and findings addressing:
 - the adequacy of continued reliance on CEQA Guidelines §15182;
 - cumulative impacts associated with increased Village M density and phased Serrano buildout;
 - compliance with Specific Plan, Development Agreement, parkland dedication, and infrastructure financing obligations;
 - the legal and evidentiary basis for any modifications to traffic-control or circulation conditions;
 - and any required conflict-of-interest or recusal review;
5. Require any materially modified circulation, traffic-control, or project design elements to undergo appropriate engineering, environmental, and public review prior to reconsideration of the project; and

6. Ensure that any future consideration of the project is supported by substantial evidence demonstrating consistency with current environmental conditions, infrastructure capacity, and public facility obligations.

The public is entitled to confidence that approvals of this magnitude are based upon complete analysis, transparent compliance review, and procedurally sound decision-making. Given the age and complexity of the Serrano Specific Plan framework, careful reconsideration by the County is both appropriate and necessary before additional subdivision approvals proceed.

Respectfully,



Gary Kinghorn

Serrano/El Dorado County Resident, Member of the El Dorado Hills CSD Board of Directors
(acting as an individual)

Co-signatories:

Johannes van Dooren
El Dorado County resident

Steve Gutierrez
El Dorado County resident

William and Betty Blaylock
El Dorado County Residents

Stephen Ferry
El Dorado County Resident, Member of the EDH CSD Board of Directors (acting as individual)

Linda Campbell
El Dorado Hills Resident



Cash Register Receipt

County of El Dorado

Receipt Number
R66670

DESCRIPTION	ACCOUNT	QTY	PAID
ProjectTRAK			\$494.00
TM-A26-0002 Address: APN:			\$494.00
APPEALS FEES			\$494.00
ALL APPEALS	3720200 0240	0	\$494.00
TOTAL FEES PAID BY RECEIPT: R66670			\$494.00

RECEIVED

MAY 21 2026

EL DORADO COUNTY
PLANNING AND BUILDING DEPARTMENT

Date Paid: Thursday, May 21, 2026

Paid By: Gary Kinghorn

Cashier: SCO

Pay Method: EMV visa



You can check status of your Permit/Project/Case using e-TRAKit at <https://edc-trk.aspgov.com/etrakit/> or using the above QR code. You must create an account to see reviews and inspections.

Your local Fire District may have its' own series of inspection requirements for your permit/project. Please contact them for further information. Fire District inspections (where required) must be approved prior to calling for a frame and final inspection through the building department.

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