

PC 3/26/09

#8

Robert and Susan DeBruin
1430 Salmon Falls Rd.
El Dorado Hills, CA 95762
916-933-1573
killrbiker@sbcglobal.net

March 22, 2009

Re:

8. REZONE/TENTATIVE SUBDIVISION MAP

Z07-0043/TM07-1458/Miginella submitted by SHAN NEJATIAN and MARIE MITCHELL (Agent: Gene Thorne and Associates, Inc.) to rezone from Estate Residential Ten-Acre (RE-10) to Three-Acre Residential (R3A); and tentative subdivision map to create eight residential parcels, ranging in size from 3 to 3.5 acres, with the following two Design Waivers: (1) Allow the on-site roads to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within a 50 foot right-of-way; and (2) Allow the off-site improvements to Wolf Creek Road to be improved to a Modified 101B standard with a 20-foot travel lane width and 2-foot shoulders within the existing 50-foot right-of-way. The property, identified by Assessor's Parcel Numbers 110-020-30 and -32, consisting of 25.04 acres, is located on the west side of Kaila Way, approximately 600 feet north of the intersection with Salmon Falls Road in the El Dorado Hills area, Supervisorial District I. (Mitigated negative declaration prepared)*
Staff: Jonathan Fong Recommendation: Recommend approval

Dear Mr. Fong,

I am a long time resident on Salmon Falls Road. Having just become aware of the above proposed Rezone I am writing to oppose this rezoning. I oppose because of concerns regarding the impacts of additional traffic on Salmon Fall Rd. and the environmental impacts of the multiple new septic systems not meeting CEQA 5.3.1.7 abutting the New York Creek which shortly downstream becomes Folsom Lake a major source of local water supplies along with lack of county adherence to policy set down to protect public health and safety.

Salmon Falls Road has sustained huge increases in traffic in the last several years without much mitigation to insure safety; ie increased signage, turn lanes, adjusted and posted speed limits etc. The intersection at Salmon Falls and Lake Hills drive is awkward and has become dangerous with the greatly increased traffic that uses this intersection resulting in increasing numbers of accidents and even resulting in several fatalities. What studies have been done/completed that demonstrate the impacts of the additional traffic from this development on the roads and intersections involved? A cumulative traffic study for the effects and mitigation of such on Lake Hills, Malcom Dixon, and Salmon Falls Road and those intersections should be completed before even considering further impacting this very busy and complex section of road(s). What studies have been completed that show the traffic impacts of this development along with the other both concurrently proposed and approved developments in the immediate vicinity that will be utilizing these same complex roads and intersections?

I again oppose particularly in this environmentally sensitive area the Planning Commission granting waiver to CEQA policy 5.3.1.7 because developers plea "financial burden " and not enforcing Policy and Guidelines that have been set up to protect the public's and neighbors health & safety. Policy 5.3.1.7 states In Community Regions, all new development shall connect to public wastewater treatment facilities. In Community Regions where public wastewater collection facilities do not exist project applicants must demonstrate that the proposed wastewater disposal system can accommodate the highest possible demand of the project. Access to Public wastewater treatment facilities are available yet In Oct. 08 waiver allowed development to include 22 new septic systems on Lomita Way (in the same vicinity) while earlier development and developers have respected and had to adhere to the very policies set up to protect the environment, area, and lifestyle of humans and the animals which reside in the vast State Park with Folsom Lake that borders this area. Not holding developers to policy endangers this environmentally sensitive area and could have ramification on untold numbers of people and animals and water quality downstream. What studies have been done to show the environmental impacts of the cumulative numbers of new septic systems not demonstrating meeting the highest demand capability in this particularly environmentally sensitive watershed to water supply area?

Please re-evaluate your recommendation to approve this sub-policy rezone which needs to be looking out for everyone's interest and not just the developers. This is not right, they need to follow Policy.

Sincerely,
Robert and Susan DeBruin

March 19, 2008

Addendum to neighborhood letter, from Fletcher's, Green's, Christensen's

Dear Planning Commission, after turning in our letter yesterday we've heard that several ideas' are being discussed that might be proposed, to allow Miginella to have a turn-around at the end of the Miginella Development, (directly connecting to Wolf Creek Rd.) Even though this is to be a "closed gate" status and to be used in the case of an emergency - what would stop the developers from proposing to later make it a connecting Rd when neighboring parcel (15) develops giving Miginella full access to Wolf Creek Rd.?

It also could become a thoroughfare connecting Salmon Falls Rd to Lake Hills Rd?

Allowing a turn-around in a temporary capacity could give way to unlimited access and would (could) result in permanent and unlimited access. We are very concerned that if this is approved, it will in time violate our Vehicle Access Restriction.

No one is taking in to account that only 3 parcels have access to Wolf Creek Rd. Parcel's (13, 14 & 15). Our (VAR) strictly limits the nature and amount of vehicle traffic permitted to pass in this area. If all three of these parcels were to re-zone it would create 9 new parcels accessing Wolf Creek Rd. DOT standards use two cars per house X 10. That could be 90 cars trips a day.

To the south of parcel 15, there is another 19 acres for sale. Parcel's 16, 17 & 18. This project sets forth the example for these projects to the South to develop and use this secondary access allowing even more traffic to Wolf Creek Rd.

The environmental review check list doesn't acknowledge Wolf Creek Rd being a secondary access, because it was not on the original map submitted to the county for approval or the undeveloped parcels to the South that might propose to use Wolf Creek Rd. If Miginella is allowed to have full access when parcel (15) develops it does not analyze the full impacts of traffic mitigation to Wolf Creek Rd.

Please look at the over all concerns not just road issues. We rely on well water for our water source. If developer's hooked up to the wastewater collection facilities off Lake hill's Ct together they could share in the costs, ("thereby reducing the financial burden") and the proposed development would be within the legal guidelines of policy 5.3.1.7 and it would not violate our Vehicle Access Restriction and set forth the example for these projects to the South to develop and use this secondary access allowing even more traffic to Wolf Creek Rd or future septic systems that could contaminate our well's.

(Exhibit 1 Equestrian Village parcel map) & (Exhibit 2, Chicago Title Company page 6, # 17)

Thank you again for your time and consideration



Chicago Title Company

ISSUING OFFICE: 3075 Prospect Park Drive • Suite 130
Rancho Cordova, CA 95670
916 853-7600 • FAX 916 638-1312

FOR SETTLEMENT INQUIRIES, CONTACT: Chicago Title Company - Sacramento Fair Oaks
2410 Fair Oaks Blvd., Suite 110 • Sacramento, CA 95825
916 481-0393 • FAX 916 482-6770

PRELIMINARY REPORT

Title Officer: Ramon Veloz
Escrow Officer: Nancy J. Pearson
Escrow No.: 07-60306202-NP

Title No.: 07-60306202-RV
Locate No.: CACTI7734-7734-4603-0060306202

TO: Shan S. Nejatian
601 Blue Oak Court
El Dorado Hills, CA 95762

SHORT TERM RATE: Yes

PROPERTY ADDRESS: 2020 Kaila Way, El Dorado Hills, California

EFFECTIVE DATE: September 13, 2007, 07:30 A.M.

The form of policy or policies of title insurance contemplated by this report is:

Subdivisions

1. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A FEE as to Parcel(s) One;
AN EASEMENT more fully described below as to Parcel(s) Two
2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Marie Mitchell, an unmarried woman
3. THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

BO\BO 09/21/2007

16. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract.

Purpose: Road and Public utilities
Affects: a strip of land 25 feet in with over an Easterly portion, and shown as Kaila Way on said map

Purpose: Road Slope Easement
Affects: Easterly portion adjacent to Kaila Way, as shown on said map



17. **The fact** that the ownership of said land does not include rights of access to or from the street, highway, or freeway abutting said land, such rights having been relinquished by the map of said Tract.

Affects: Southwesterly corner bordering Wolf Creek Road

18. **Matters** contained in that certain document entitled "Notice of Restriction" dated November 12, 2001, executed by Marie Mitchell recorded January 16, 2002, Instrument No. 2002-004577, of Official Records.

Reference is hereby made to said document for full particulars.

Said document was also dated January 16, 2002, and executed by Shan Nejatian, recorded January 16, 2002, Instrument No. 2002-004578, of Official Records.

19. **A deed of trust** to secure an indebtedness in the amount shown below, and any other obligations secured thereby

Amount: \$1,800,000.00
Dated: May 11, 2004
Trustor: Marie Mitchell, An Unmarried Woman
Trustee: California Reconveyance Company
Beneficiary: Washington Mutual Bank, F.A., a Federal Association
Loan No.:
Recorded: May 11, 2004, Instrument No. 2004-0037051, of Official Records

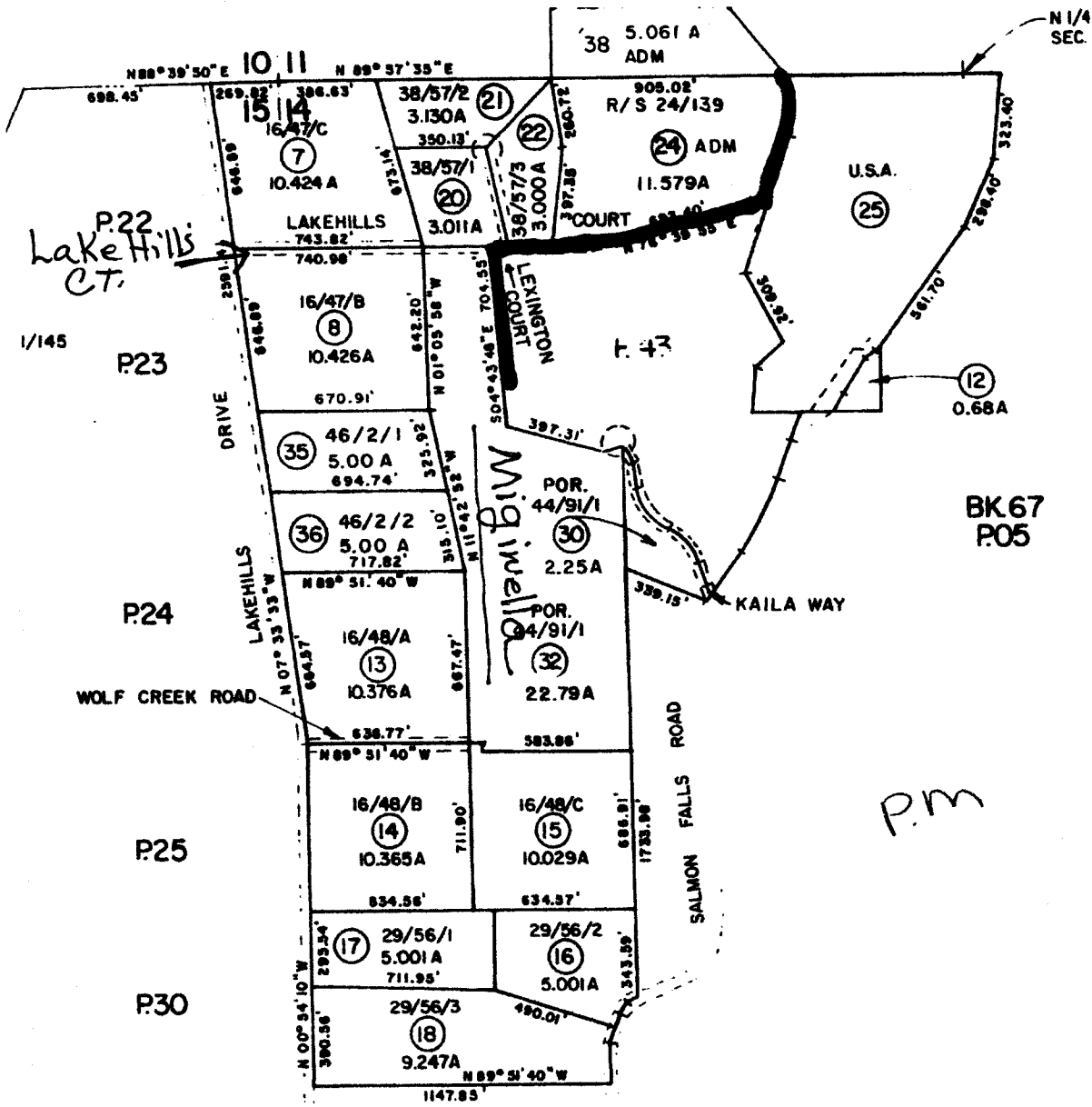
20. **A deed of trust** to secure an indebtedness in the amount shown below, and any other obligations secured thereby

Amount: \$500,000.00
Dated: August 25, 2005
Trustor: Marie Mitchell
Trustee: Chicago Title Company
Beneficiary: Mortgage Electronic Registration Systems, Inc. as nominee for The CIT Group/Consumer Finance, Inc., a Delaware Corporation
Loan No.:
Recorded: September 6, 2005, Instrument No. 2005-0074410, of Official Records

I., R.8E., M.D.M.

Tax Area Code

1



BK.67
P.31

(Exhibit-1)

PC 3/26/09
#8

Planning Commission
El Dorado County
2850 Fairlane Court
Placerville, CA 95667

Subject: Support of Z07-0043/TM07-1458/Miginella

My name is Chamy Lee. I am writing in support of the request to rezone and tentative subdivision map Z07-0043/TM07-1458/Miginella requested by Shan Nejatian and Marie Mitchell. This application will be on the Planning Commission Agenda of March 26, 2009 at 9:00 a.m.

I am writing as a property owner and neighbor of Lake Hills Drive lands that are now and historically have been designated for Medium Density Residential uses. The project follows the General Plan Guidelines for medium density and the CC&R's for 3 acre minimum lots. It has EID water and DOT doesn't anticipate any traffic problems. The rules of El Dorado County General Plan Guideline are followed, all the County requirements are met and the General Plan Guidelines are met.

In addition to the above, my Rezone Project Z06-007 and Parcel Map P06-0017 adjacent to the subject project were approved by the planning commission and the Board of Supervisors back in 2008. For all these reasons and since our CC&R's will expire by the year 2012 and the 3 acre minimum lots restriction will be removed, I strongly support and recommend that the rezoning and parcel map split as proposed be approved.

If you have any questions, don't hesitate to call me at (916)532-3401.

Thank You,

Chamy Lee

Chamy Lee (916)532-3401
Chamy1234@hotmail.com
Lake Hills Drive Property Owner

09 MAR 16 PM 1:11
RECEIVED
PLANNING DEPARTMENT

PC 3/26/09
#8

Jonathan Fong
Project Planner
El Dorado County Development Services

RE: Miginella Project (within Equestrian Village) and
Wastewater General Plan Policy

Dear Jonathan:

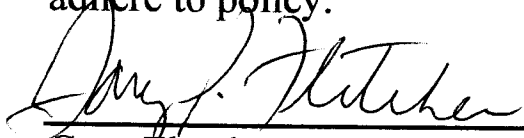
We are residents in Equestrian Village and oppose the above project's request to use septic tanks and leach fields rather than connect to EID sewer services for the many homes proposed.

This project is within the El Dorado Hills Community Region and as such falls under the following policy:


Policy 5.3.1.7 In Community Regions, all new development shall connect to public wastewater treatment facilities. In Community Regions where public wastewater collection facilities do not exist, project applicants must demonstrate that the proposed wastewater disposal system can accommodate the highest possible demand of the project.

Most of the Equestrian Village residents depend on well water as their drinking water source. Miginella adds several homes to our area and numerous septic tanks/leach fields would jeopardize the quality of our drinking water.

EID wastewater exists in the area and this development should adhere to policy.



Gary Fletcher



Nancy Fletcher

PC 3/26/09
#8



<arras1108@sbcglobal.net>
02/12/2009 09:07 AM

To <bosone@co.el-dorado.ca.us>

cc

bcc

Subject Letter from Ken & Peggy Christensen

Dear Mr. Fong;

Well contamination from sewer runoff.

Policy 5.3.1.7 In Community Regions, all new development shall connect to public wastewater treatment facilities. In Community Regions where public wastewater collection facilities do not exist project applicants must demonstrate that the proposed wastewater disposal system can accommodate the highest possible demand of the project. The Miginella project is in the El Dorado Hills Community Region which would require the connection to EID sewer services. However, the applicant is proposing septic due to the financial burden.

Our address is 2030 Salmon Falls Road and we are located directly downhill and east of the proposed Miginella project. We have owned our property for over 40 years and are very concerned about a number of very relevant issues that are going to have a severe impact on the land, environment, and the existing homeowners. The latest trend of density housing and the lack of proper investigation as to the accumulative effects of all the proposed projects in our area pertaining to water usage, sewer, and traffic congestion have all of us concerned. Our beautiful rural lifestyle is in danger of being permanently damaged beyond repair---for the land, environment, and homeowners. Please consider the accumulative effect of all the proposed projects on the immediate environment, to the land itself, and to all the neighbors.

In the proposed lot maps of the Miginella project the leach fields are located directly above our 2 surface wells. A surface well is less than 200' deep and receives its water from the "surface". This is our ONLY source of using water for our house and animals. We would not be able to live in our home without water. Please do not take the chance that our well could be contaminated from the runoff of an uphill leach field. It is a steep slope and the percolation is poor. Sewer as is mandated in Policy 5.3.1.7. Signed,
Peggy and Ken Christensen

PC 3/26/09
#8

RE: Tentative Subdivision Map for Miginella Development

Dear Planning Commission:

We are very concerned about the development before you and its effect on the current residents and our quality of Life. On March 26, 2009 you will be making a very important decision that will not only affect the developer but current residents who are being asked to bare some of the burdens of the developer. Please take time to read and consider our concerns before approving this tentative subdivision map- Miginella.

Miginella is a 25 acre parcel situated in the middle of Equestrian Village. It sits between Lakehills Rd. & Salmon Falls Rd. and borders New York Creek. We have one of the best locations in El Dorado Hills.

We feel some of the requests that the developer is requesting are not in accordance with some of the established rules and guidelines that are outlined in the community policies. We have outlined four concerns below and appreciate your consideration before approving the tentative subdivision map for this development.

1. Developer's request to not adhere to CEQA policy 5.3.1.7

Policy 5.3.1.7 states: In Community Regions, all new development shall connect to public wastewater treatment facilities. In Community Regions where public wastewater collection facilities do not exist project applicants must demonstrate that the proposed wastewater disposal system can accommodate the highest possible demand for the project.

The Miginella project is in the El Dorado Hills Community Region which would require the connection to EID sewer services. However, the applicant is proposing septic due to financial burden.

Please define financial burden? What is the cost difference between septic systems v. connecting to EID wastewater? The adjoining parcel on the west boundary line of Miginella is also being developed and is required to connect to wastewater treatment facilities because it is in the Community Region CEQA policy 5.3.1.7. If both of the developers hooked up to the wastewater collection facilities together, they could share in costs, (thereby reducing the "financial burden"), and the proposed development would be within the legal guidelines of CEQA Policy 5.3.1.7 (Exhibit 1, Map)

There are two very important considerations that need to be brought to light with regard to having leach fields on property that typically has extremely poor percolation scores.

A. This increases the length of the leach field that is required for each home because the sewer waste has a tendency not to percolate into the ground and be filtered by the soil. The sewer waste would tend to run down hill on a steep slope. One of the parcels has such a steep slope that it is considered "unbuildable" on the NE corner of the lot.

There is a surface well located directly down slope of the leach field near one of Miginella's proposed lots. A surface well is 200' feet deep or less and this type of well uses ground water as its water source. This well is located at the base of a steep slope, directly below one of the proposed leach fields.

We are extremely worried that the leach field would percolate downhill and contaminate the existing well. This well was drilled pre 1965 and does not fall within the guidelines of the Environmental Management. The septic systems uphill from this well could easily contaminate it. The owner of the surface well has drilled six additional wells (all dry or unusable) and this surface well is their only source of water.

B. Environmental Management's criteria requires 100 ft from leach field to well and did not consider that there is a pre 1965 surface well that is directly down-slope from the proposed septic systems. (Environmental Management does not have to consider slope in their criteria) Please take time to consider this when making this very important decision before you.

2. Wolf Creek Road

Developer proposes Wolf Creek as a secondary access. However, it appears that the prior owners of the affected parcels created a Vehicle Access Restriction (VAR) easement by way of deed recorded November 29, 1993. The VAR strictly limits the amount of vehicle traffic permitted to pass on this road. (Exhibit 2)

Residents are concerned that Wolf Creek would, in time become the primary entrance to Miginella development. Wolf Creek Road also floods and it has an Ephemeral Channel which could require state and federal permits. Even if they box the channel this would be very costly.

Alternatively, Lakehills Court could provide secondary access. Lakehills Ct. has already been approved by El Dorado County Road standard 101 C, and it's already a paved road. It is my understanding that all the fees have been paid by the developer on the adjoining parcel. Lakehills Ct road has been approved for development. If both developers shared in these costs it would be a financial benefit to both of them.

3. Setbacks

Equestrian Village is governed by CC&Rs Required setbacks are 30' on sides and 60' front and back. Please confirm the project is adhering to the CC&R's. (Exhibit 3).

4. Equestrian Trail

The original concept for Equestrian Village was an Equestrian neighborhood with a horse trail system so residents could have access to Folsom Lake Equestrian Trail. In 1993 the

first parcel in Equestrian Village that had access to the trail was developed and required to have a trail easement (Exhibit 4)

If Miginella is approved without having an easement for residents to access Kailia Court or Salmon Falls Rd., then they will be completely land locked and unable to ride anywhere to get to a trail. (Exhibit 5) (Exhibit 6, page 3, #7 Trails)

We are only asking for an easement to allow us to get to Kailia Ct or Salmon Falls Rd. From there we can access the trail with out allowing the public access to our trail or neighborhood.

Mr. Art Marinaccio contacted one of the neighbors and suggested we all get together with maps showing the best possible location for a trail. We've had numerous talks for a connecting trail-after all it is "Equestrian Village" We were scheduled to meet in March 2008, and that has yet to happen.

Please read attachments that support a trail easement for residents. (Exhibit 7, page 2)

Thank you for your time.
Sincerely,

Gary & Nancy Fletcher
Peggy & Ken Christensen
Jim & Linda Green

WARNING
NO ACCURACY OF MAP IMPLIED
UNTIL FIELD CHECKED BY EID
AT THE EXPENSE OF CUSTOMER

Sewer + Water line
Hook-up

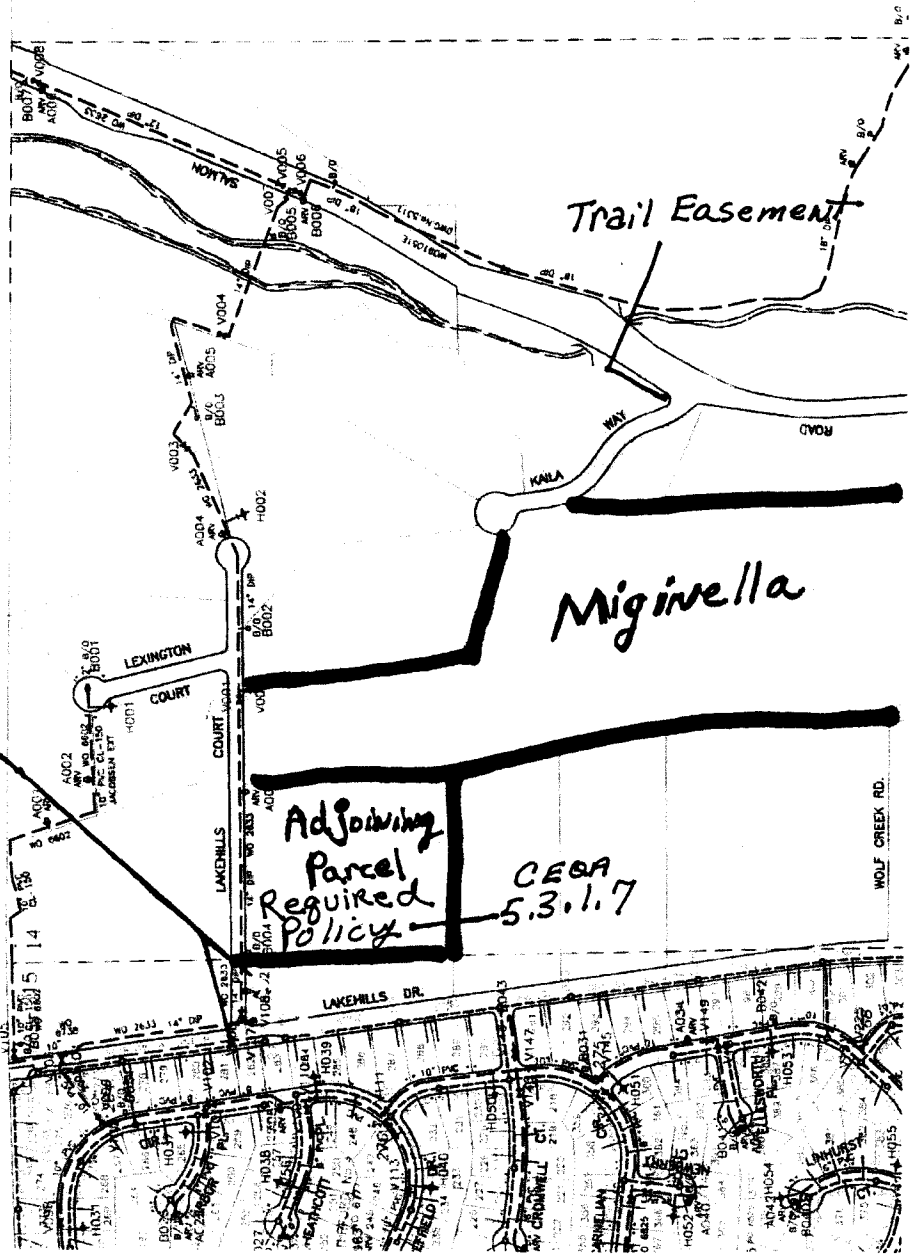


Exhibit 1

September 8, 2008

PLEASE REPLY TO:
EL DORADO HILLS OFFICE

El Dorado County Planning Commission
2850 Fairlane Court, Building "C"
Placerville, CA 95667

Re: Miginella (Class I Subdivision and Rezone Request)
Parcel Nos. 110-020-30 & 110-020-32

Dear Planning Commissioners:

Linda and Jim Green are neighboring land-owners to the proposed subdivision and rezone in this matter. The Green(s) have asked that I write your commission regarding the proposed alteration of a recorded Vehicle Access Restriction (easement) at or near the location of the proposed subdivision and rezone.

In reviewing title, it appears that the prior owners of the affected parcels, Leon and Ellyn Naef created a Vehicle Access Restriction (easement) ("VAR") by way of deed recorded in the El Dorado County Recorder's Office on November 29, 1993.

This VAR strictly limits the nature and amount of vehicle traffic load permitted to pass in this area.

We understand that the commission is being asked to "rezone" the area so as to substantially or significantly increase the nature and volume of traffic in this area.

It appears from the record (both factually and legally) that the commission lacks the authority to enact such a rezone, when by doing so, it would purport to alter the recorded VAR. For this reason (and as explained in further detail below) we are asking that the commission deny the applicants request to rezone the affected parcels inasmuch as it will unlawfully impact and alter the existing VAR.

An easement can be created by a recorded covenant that becomes a covenant "running with the land", or an equitable servitude between two or more parcels of land upon the conveyance of a parcel that is benefited or burdened by the easement. Bryan v. Grosse (1909) 155 Cal. 132, 135.

Exhibit 2

Once the location of an easement has been established, regardless of how it was created, neither the owner of the easement nor the court can make any material change in its location without the consent of the owner of the servient tenement. Edgar v. Pensinger (1946) 73 Cal. App. 2d 405, 414. Change is prohibited even though the proposed new location would be more beneficial to the servient owner and would impose a lesser burden on the servient tenement. White v. Walsh (3rd Dist.), 105 Cal. App. 2d 828, 831.

The owner of an easement cannot change or increase the use of the easement in any manner that imposes a new or greater burden on the servient tenement without the consent of the servient owner. Bartholomew v. Staheli (3rd Dist.) 86 Cal. App. 2d 844, 850.

An unreasonable increase of the burden may ripen into a prescriptive right and is a nuisance that can be enjoined. White v. Walsh (supra at page 832).

In a similar case to the one presented here, an easement was extended to connect to a public road to make it available for use with other property owned by the easement owner and for the public in general. In that case, the court held that the additional use was excessive and imposed a surcharge. Crimmins v. Gould, 149 Cal. App. 2d 383, 390.

Courts have also held that a material increase in the use of an easement as a result of the subdivision of property is a prohibited surcharge. 10 A.L.R. 3d 960; Miller & Starr, Cali. Real Estate Law 3rd, Section 15.60, page 15-207.

The VAR is a private land use restriction. Public and private land use restrictions provide a dual system of use controls and are usually held to operate independently, with the more restrictive limitation on public control of use. Generally, therefore *the interpretation and enforcement of privately created restrictions are not affected by the*

El Dorado County Planning Commission
September 8, 2008
Page 3

zoning laws even if they are inconsistent. Barret v. Lipscomb (3rd Dist., 1987) 194 Cal. App. 3d. 1524, 1530.

The right to enforce a covenant, such as the VAR in this case, passes with transfer of the property. Chandler v. Smith (3rd Dist., 1959) 170 Cal. App. 2d 118, 119. Thus, the current owner of property imposed with a covenant may not alter it as it "runs with the land" and is also a right which belongs to future owners, i.e. successors in interest in the property.

A governmental agency's purported alteration of such a right is a taking and the affected owners are entitled to compensation for damages caused by alteration or construction of an improvement in violation of the restriction. Southern Cal. Edison Co. v. Bourgerie (1973) 9 Cal. 3d 169, 172-173.

In summary, even a court does not have the power to alter the location of such a right as is presented here. As such, the commission also lacks the power to alter the nature and use of the VAR in this matter.

Accordingly, I am respectfully requesting that in light of the foregoing, that the above-referenced application for subdivision and re-zone be denied to the extent that it affects, alters or changes the VAR in any manner.

Thank you for your kind attention in these regards.

Very truly yours,
Law Offices of David M. Trapani

By: _____
David M. Trapani

cc: Clients

EL DORADO COUNTY

FIRST AMERICAN TITLE COMPANY OF TAHOE
ESCROW #42946-JP
RECORDING REQUESTED BY, AND WHEN
RECORDED SEND TO:
Mr. & Mrs. Edward Chenoweth
1740 Salmon Falls Road
Folsom, California
MAIL TAX STATEMENTS TO:

same as above

FIRST AMERICAN TITLE CO.
JAN 13 3 14 PM 1977

EL DORADO COUNTY
RECORDER

DOCUMENTARY TRANSFER TAX \$183.70
COMPUTED ON THE VALUE OF THE PROPERTY
BY COUNTY OF EL DORADO
ENCLOSURE
First American Title
Signature of Deedmaker or Agent (Submitting Tax Form Name)

THIS SPACE FOR RECORDERS USE

GRANT DEED SUBJECT TO RESTRICTIONS

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY, a corporation, ("Grantor"), hereby GRANTS to Edward D. Chenoweth and Betty M. Chenoweth, Husband and Wife, as community property (all are hereafter "Grantees") the following described real property in the County of El Dorado, State of California:

PARCEL 1:

All that portion of Section 14, Township 10 North, Range 8 East, M.D.B.&M., described as follows:

BEGINNING at the Northwest corner of said Section 14 as shown on the Record of Survey entitled "Portion of Section 14, Township 10 North, Range 8 East, M.D.B.&M.", recorded in the office of said Recorder in Book 1 of Surveys, Map No. 158; thence along the boundary of said Record of Survey the following ten (10) courses and distances: (1) Along the North line of said Section 14, North 89° 57' 35" East 1969.72 feet to the Northeast corner of said Record of Survey, (2) South 02° 12' 00" East 4.12 feet to a U.S.B.R. Monument, (3) South 02° 12' 00" East 231.00 feet to U.S.B.R. Monument, (4) South 18° 26' 00" West 562.09 feet to a U.S.B.R. Monument, (5) South 27° 52' 00" East 309.92 feet to a 1-1/4 inch iron pipe monument tagged "L.S. 2651", (6) South 47° 06' 00" West 147.30 feet to a similar iron pipe monument, (7) South 04° 45' 00" West 201.15 feet to a similar iron pipe monument, (8) South 89° 59' 00" West 493.18 feet to a 1-1/2 inch iron pipe monument, (9) South 00° 41' 16" East 2645.51 feet to a 1 inch iron pipe monument

MAIL TAX STATEMENTS AS INDICATED ABOVE

Handicap but does not discriminate against handicapped persons.
*Covenants and restrictions, if any, based on race, color, religion, sex, handicap, familial status, or national origin are deemed deleted unless and only to the extent that said covenants (a) is exempt under Title 42, Section 3607 of the United States Code or (b) relates to

1593

BOOK 1463 PAGE 426

Exhibit 3

1. Maintenance

The land and all improvements shall be maintained by the owner in good condition and repair.

j. Trees

No trees over 8" in diameter shall be removed without written consent of the Architectural Control Committee.

5. Completion and Occupancy of Dwellings

When the erection of any dwelling is once commenced, the work thereon must be prosecuted diligently and must be completed within a reasonable time. The exterior finish, including finished painting, shall be in any event completed within twelve months after the commencement of construction. No dwelling shall be occupied prior to its completion and permanent affixation to the land, except as incidental to and during the period of construction of a dwelling on any lot. No dwelling shall be inhabited or used for any residential purposes during such period of construction.

→ (6. Set-Back Lines) ←

No portion of any structure shall be nearer than 60 feet from the front lot line, 30 feet from a side lot line or 60 feet from the rear lot line.

7. Cross Visibility of Vehicular Traffic

No trees or shrubbery shall be planted on any lot within 25 feet of any public road unless the foliage line is maintained to prevent obstruction of safe cross visibility of vehicular traffic approaching and/or using said street. The Architectural Control Committee may order the removal of trees or shrubbery further than 25 feet from any road if they determine such trees or shrubbery constitute a visual hazard.

8. Signs

No sign of any kind shall be displayed to the

DEPARTMENT OF TRANSPORTATION

INTEROFFICE COMMUNICATION

Date: March 31, 1993

To: Tim McSorely, Senior Civil Engineer
Development Services Unit/D.O.T.

From: Marie Kitzmiller/Parks Project Coordinator *MK*
Parks & Recreations Division/D.O.T.

Subject: Application No.: P93-01
Owner/Applicant Name: Naef, Leon & Ellyn

As requested, we have reviewed the above subject tentative parcel map with regard to trails as designated in the El Dorado County Hiking & Equestrian Trails Plan (Master Plan).

With reference to the Master Plan and as Salmon Falls Trail is designated to be along Salmon Falls Road, we make the following recommendation:

We recommend that an irrevocable offer to dedicate an easement, to be shown on the final parcel map for "trail, non-motorized" purposes and be conditioned on these maps 15 feet in width including sufficient easement to accommodate slope as shown on enclosure in yellow.

Please contact me if you have any questions as to intent.

cc: Craven Alcott/Parks & Recreation Manager, DOT
Dick Clark, Project Planner, Planning Department
Judy Muetz, Chairperson, TAC
file

mk

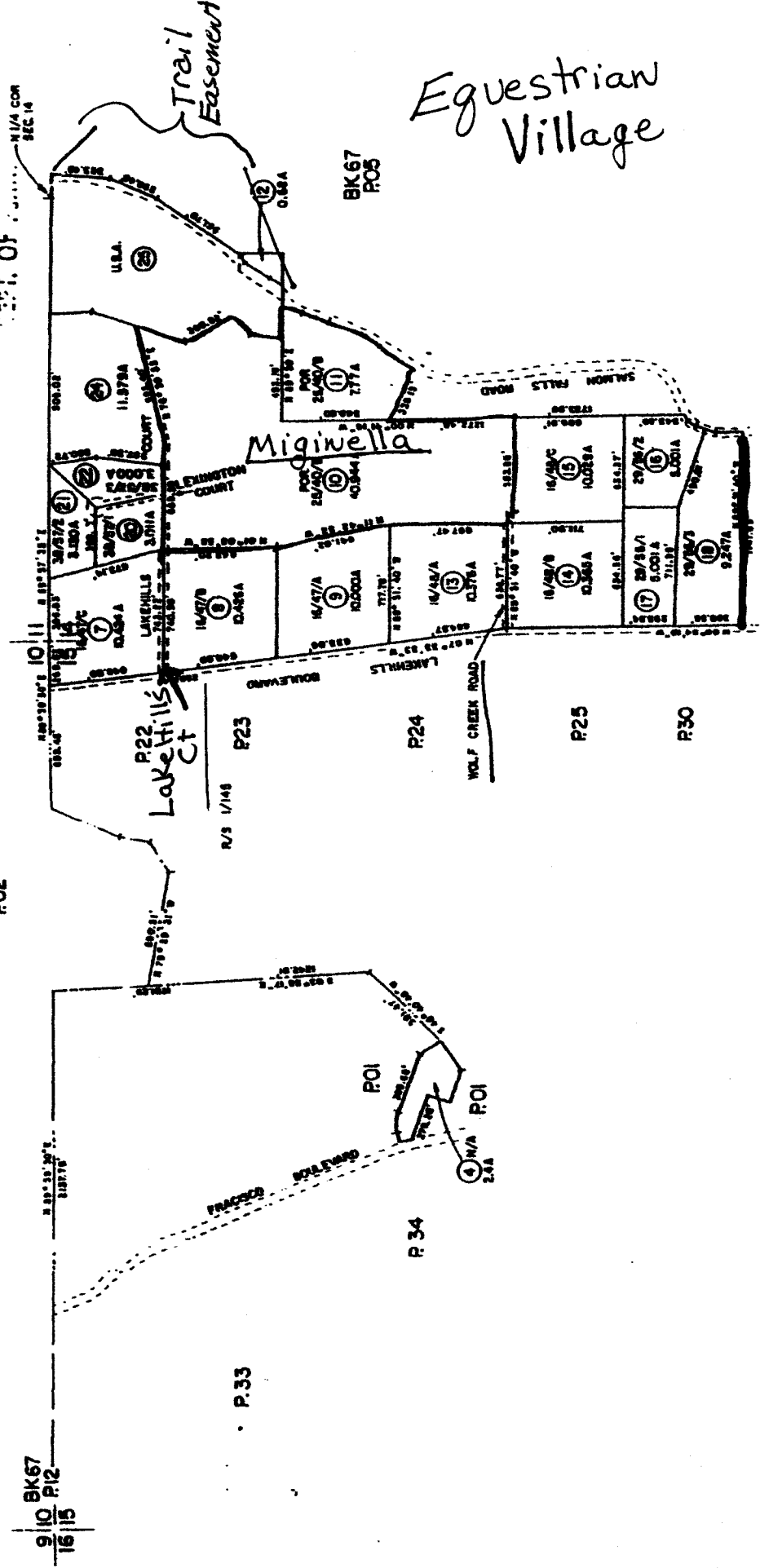
Exhibit 4

DEPARTMENT OF REVENUE

JAN 14 1993

DEPT. OF

N 1/4 COR SEC 14



BK67 P02

9 10 BK67 P12 16 15

P.33

P.34

BK67 P05

BK67 P.31

Equestrian Village

P93 01

Assessor's Map Bk. 10 - Pg. 01

Memo

To: Jonathan Fong, Project Planner
From: Rusty Dupray, Supervisor
District I
CC: John Knight, Planning Commissioner District 1
Date: 10/30/2007
Re: Z 07-0043 & TM 07-1458 Miginella

Jonathan,

I request there be consideration of creating a trail through this subdivision in keeping with the desire to re-establish and maintain connectivity to the State trail through this area known as Equestrian Village.

Please feel free to contact me if you have any questions.

RD:lf



**EL DORADO HILLS
COMMUNITY SERVICES DISTRICT**

Post-Net Fax Note	7571	Date	11/26/07	# of pages	4
To	Rusty Dupray	From	K. M. / 10/20/07		
Co./Dept	San. DIST. #1	Co.	EDHCS D		
Phone #		Phone #			
Fax #		Fax #			

November 26, 2007

Jonathan Fong, Project Planner
El Dorado County Planning Department
4950 Hillsdale Circle, Ste 100
El Dorado Hills, CA 95762

RE: **Z07-0043/TM07-1458 - MIGINELLA (Class 1 Subdivision) (Marie Mitchell/Shan Nejatian/Gene Thorne & Associates)**

Dear Mr. Pabalinas:

The El Dorado Hills Community Services District ("District") appreciates this opportunity to respond to the request for comments on the above reference project. The CSD has a mission to *"improve the quality of life for El Dorado Hills residents through responsible leadership and by providing superior service and facilities"*. The District has purview over parks, recreation facilities and programs, street lighting, cable television, solid waste management, CC&R's and design review, under grounding utilities, Landscaping and Lighting Assessment District creation and administration, bicycle and pedestrian trails and open space management. In addition to the above, the District comments on community issues including traffic circulation, lighting, and noise impacts from new development.

The District has reviewed and supports the applicant's request to rezone property from RE-10 to R3A and to develop a tentative map creating 8 parcels ranging in size from 3 to 3.5 acres. The District would like the following conditions considered during the development of this project:

- CC&R's 1. ✓ The developer/owner should ensure that all HOA CC&R's in place at the time of the subdivision of the land be fully complied with. Particular attention should be given to minimum lot sizes allowed and setback requirements.

Jonathan Fong
November 21, 2007

Z07-0043 p2

2. Construction of new residences will be subject to payment of Park Impact Fees in place at time of building permit issuance. Park Impact fees are to be paid at time of building permit issuance
3. The subdivided lots will be subject to payment of Quimby fees prior to the release of the final map for the subdivision. The Quimby factor for this project is .132 and is to be multiplied by the Fair Market value of one acre of land in the vicinity of the project to arrive at fee value. This fee is paid directly to El Dorado Hills CSD before the final map is released to the Project Owner, or Owner's representative.

The District's Quimby in-lieu fee calculation for this project is illustrated as follows:

Factors

- 8 Lots
- 3.3 average population density per future dwelling
- 5 acres (AC) dedicated parkland per 1000 population
- \$200,000/acre estimated Fair Market Value (FMV) of land in the vicinity of project.

Formula

- $3.3 \times 8 \text{ Lots} \times 5 \text{ AC}/1000(\text{population}) = .132$
- $.132 \times \text{FMV} (\$200,000/\text{AC}) = \$26,400$

Total Estimated In-Lieu fee to be paid to El Dorado Hills CSD: \$26,400

The above illustration is for informational purposes only; the actual In-lieu fee is based on the appraised FMV at time of the release of the final map. This fee **MUST** be paid to El Dorado Hills CSD prior to release of FINAL map

4. The District requests to be provided a copy of the landscape and streetscape designs for District records.
5. It is requested by the District that the applicant review the current version of the Streetscape Master Plan to become familiar with the District's objectives regarding Streetscapes i.e. landscape material, wall and/or fence material, irrigation components, sidewalk connectivity, etc. The current version of the El Dorado Hills CSD Streetscape Master Plan can be viewed at www.edhcsd.org
6. No interruption of bike trails is allowed. Bike trails should be linked with existing bike trails in the vicinity.

Jonathan Fong
November 21, 2007

Z07-0043 p3

Trails
Exhibit 6

⑦ ✓

All trails that may be adjacent to property should be connected. No interruption of trail system is allowed.

8. All efforts should be made to preserve any existing Oak Trees. In the event that Oak Trees are removed, the standard Oak Tree Mitigation guidelines should be followed.
9. Streetlights should be limited to all major intersections for safety purposes; however, they should be shielded so that the night skies can be preserved.
10. Guidelines for construction, landscape, and entry lighting to be implemented include:
 - a. Light beams shall not trespass adjacent areas.
 - b. Lighting shall not be angled to create glare for passing traffic.
 - c. Lighting fixtures shall be hidden from view through plantings.
11. Each residence will have its own cable television hookup service available which must be provided by current cable television franchisor.
12. Trenching to be provided for cable lines; Electrical and cable to be under grounded and in common trenches.
13. The El Dorado Hills CSD requires mandatory waste management services for each new residence, including recycling services. Waste management services required to be provided by current waste collection provider.
14. In consideration of the mandatory waste management service required by El Dorado Hills CSD, each residential lot should be developed with accommodations to store a minimum of three waste and recycle material containers provided by the current waste management contractor. These containers are to be in an area not visible from the street.
15. All construction debris resulting from any new construction should be disposed of in a manner consistent with the solid waste diversion plan practiced by El Dorado Hills CSD and as mandated by AB939, and in compliance with El Dorado County Construction and Demolition Debris Recycling Ordinance, Section 1, Chapter 8.43 of Title 8 of the El Dorado County Ordinance Code.

In summary, the District supports approval of the rezoning request and the parcel map to create two (8) new lots ranging in size from 3 to 3.5 acres. Please keep me informed of

Jonathan Fong
November 21, 2007

Z07-0043 p4

the progress of this project and provide the District with copies of staff reports and conditions of approval prior to the Planning Commission Hearing and consideration by the Board of Supervisors. If you have any questions or need additional information, please feel free to contact me directly at (916) 643-4362

Sincerely,



Kent Malonson
Associate Planner

Cc:

Rusty Dupray, EDC Supervisor District 1
EDH CSD APAC
Shan Nejatian, Applicant Agent
Marie Mitchell, Property Owner
Gene E. Thorne & Associates, Inc.

DEVELOPMENT SERVICES DEPARTMENT

County of
EL DORADO

<http://www.co.el-dorado.ca.us/devservices>

PLANNING
SERVICES



PLACERVILLE OFFICE:

2850 FAIRLANE COURT
PLACERVILLE, CA. 95667
(530) 621-5355
(530) 642-0508 Fax

Counter Hours: 8:00 AM to 4:00 PM
planning@co.el-dorado.ca.us

LAKE TAHOE OFFICE:

3368 LAKE TAHOE BLVD., SUITE 302
SOUTH LAKE TAHOE, CA 96150
(530) 573-3330
(530) 542-9082 Fax

Counter Hours: 8:00 AM to 4:00 PM
tahoebuild@co.el-dorado.ca.us

EL DORADO HILLS OFFICE:

4950 HILLSDALE CIRCLE, SUITE 100
EL DORADO HILLS, CA 95762
(916) 941-4967 and (530) 621-5582
(916) 941-0269 Fax

Counter Hours: 8:00 AM to 4:00 PM
planning@co.el-dorado.ca.us

November 21, 2007

Shan Nejatian
601 Blue Oak Court
El Dorado Hills, CA 95762

Marie Mitchell
2020 Kaila Way
El Dorado Hills, CA 95762

RE: Application: Miginella Z07-0043/ TM07-1458
Assessor's Parcel Number (APN) 110-020-30/ 110-020-32

Dear Mr. Nejatian:

Planning Services staff has reviewed your project for consistency with applicable General Plan Policies and Zoning Ordinance Sections. The following clarification and/or revisions will be required in order to complete CEQA review of your project:

- 1) **Building Envelopes for Oak Canopy Retention.** As evidenced by the submitted Arborist Report, your project site is heavily wooded with Oak Woodland Habitat. In order to comply with the retention and replacement provisions of General Plan Policy 7.4.4.4, building envelopes will be required for each of the undeveloped lots. These envelopes should be of sufficient size to accommodate development of the site and should correspond to the conceptual building pads and driveways shown on your submitted maps.
- 2) **Oak Woodland Habitat Impacts.** The submitted Arborist Report does not take into account the full extent of Oak Woodland Habitat Impacts associated with your project. As shown on the Grading Plan, the limits of grading extent beyond what the Arborist Report has taken into account. Please submit a revised Tree Preservation and Replacement Map utilizing the Preliminary Grading and Drainage Report as the basis of determining Oak Woodland Habitat Impacts.

Exhibit 7 pg-1

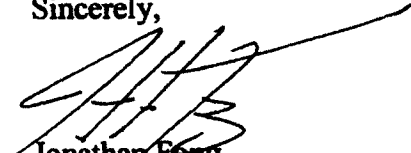
3) **Preliminary Grading and Drainage Report.** The submitted Preliminary Grading and Drainage Report does not show grading required for the construction of the driveways. Please submit a revised Report showing the full extent of grading impacts.

✓ 4) **Equestrian Easements.** Recent projects in the area have been conditioned to provide equestrian easements across their properties. The Board of Supervisors have expressed interest in connecting those easements through your project to Kaila Court. Please submit a revised Tentative Map connecting equestrian trail easements from the northwest corner of your project along Lake Hills Court to Kaila Way.

5) **Biological Resources Evaluation.** As indicated in the submitted Biological Resources Evaluation, the study was prepared outside of the blooming period. The study was not able to confirm that special status species are not present on the site. The blooming period is March 15 through August 15. You may be required to submit a Biological Study that has been prepared during the blooming period.

Other agencies may required revisions and/or additional studies to complete their review of your project. Any revisions required must be submitted to Planning Services for review and approval. Should you have any questions regarding the project or this notice, please feel free to contact me at (916) 358-3611.

Sincerely,



Jonathan Feng
Project Planner

cc: Gene Thorne and Associates
4080 Plaza Goldorado Circle
Cameron Park, CA 95682